

# VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P769/2022  
PERMIT APPLICATION NO.TPA/53307

### CATCHWORDS

Section 77 *Planning and Environment Act 1987*; Monash Planning Scheme; Neighbourhood Residential Zone; Two dwellings; Side by side configuration; Neighbourhood Character; Street tree

<b>APPLICANT</b>	Rajkumar Yogalingam
<b>RESPONSIBLE AUTHORITY</b>	Monash City Council
<b>RESPONDENT</b>	Andrew Barker
<b>SUBJECT LAND</b>	24 St Johns Wood Road MOUNT WAVERLEY VIC 3149
<b>HEARING TYPE</b>	Hearing
<b>DATE OF HEARING</b>	14 February 2023
<b>DATE OF ORDER</b>	2 March 2023
<b>CITATION</b>	Yogalingam v Monash CC [2023] VCAT 214

### ORDER

#### Amend application

1 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

- Prepared by: Christopher Vaughan Architects
- Drawing numbers: Revision D
- Dated: 21 December 2022

#### Permit granted

- 2 In application P769/2022 the decision of the responsible authority is set aside.
- 3 In planning permit application TPA/53307 a permit is granted and directed to be issued for the land at 24 St Johns Wood Road Mount Waverley VIC 3149 in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
  - Construction of two (2) double storey dwellings in a side-by-side configuration.



Megan Carew  
**Member**

### **APPEARANCES**

For applicant

P Nickas, Solicitor, Nickas Legal

He called the following witnesses:

- R Thomson, Landscape architect
- R Galbraith, Arborist

For responsible authority

S Moser, Town Planner

For respondent

A Barker

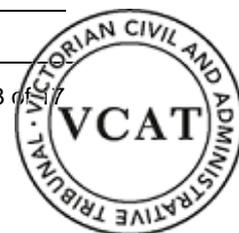


## INFORMATION

Description of proposal	To construct two dwellings in a side-by-side arrangement.
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Monash Planning Scheme
Zone and overlays	Neighbourhood Residential Zone- Schedule 3 <b>(NRZ3)</b> Vegetation Protection Overlay- Schedule 1 <b>(VPO1)</b>
Permit requirements	Clause 32.09-6 To construct two or more dwellings on a lot in the NRZ3. Clause 42.02-1 to remove tree 6D <i>Grevilla Robusta</i> in the VPO1 <sup>1</sup>
Relevant scheme policies and provisions	Clauses 10, 11, 15, 16, 18, 21, 22.01, 22.04, 22.05, 22.13, 32.08, 42.02, 52.06, 53.18, 55, 65 and 71.02.
Land description	<p>The review site is located on the south side of St Johns Wood Road. It has a frontage of 18.29m and a total site area of 847m<sup>2</sup>. It is presently developed with a single dwelling. The site has a significant fall from the street to the rear, together with a crossfall along the street from north to south.</p> <p>The surrounding area is residential in nature. There is a dual occupancy located to the south and a single dwelling to the north. To the rear, the site abuts the Damper Creek Reserve.</p>
Tribunal inspection	I inspected the review site and its environs following the hearing.

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<sup>1</sup> Tree to be retained in the permit conditions.



## REASONS<sup>2</sup>

### WHAT IS THIS PROCEEDING ABOUT?

- 1 The permit applicant seeks a review of Council's decision to refuse a permit to construct two, double storey dwellings on the land in a side-by-side configuration. The permit applicant says the proposal is an acceptable design response, will sit comfortably within this street and will respect the amenity of the adjoining properties.
- 2 Council considers the proposal will not respect the preferred neighbourhood character of the area. Council submits that the side-by-side configuration provides a poor response to the streetscape and will result in the potential removal of a significant street tree. Council says that the proposal asks too much of the site and that there is insufficient room for tree protection and new landscaping.
- 3 Mr Barker supports the Council's position. In addition, he raised concerns about overlooking to the south.
- 4 I must decide if a permit should be granted and if so, what conditions should apply. Having considered the submissions and material before me and the applicable policies and provisions of the Monash Planning Scheme, I have determined to set aside the decision of the Responsible Authority and grant a permit subject to conditions. These conditions require adjustment of the garaging and access arrangements at the front of the site and a reduction in built form to the rear. My reasons follow.

### WHAT ARE MY FINDINGS?

- 5 The parties agreed that the review site was suitable for limited medium density development<sup>3</sup> subject to an acceptable design response to the preferred neighbourhood character and amenity. Council submitted that:
  - 37 Council agrees that the site is suitable for redevelopment for multi units, however, the proposal presents with significant issues that directly impact on its ability to produce a response that is satisfactory for the location notwithstanding the changes made to the plans.
- 6 The design response must address the specific characteristics of the review site. The location of the site backing onto Damper Creek Reserve is recognised in the inclusion of the land within a creek environs area<sup>4</sup>. The planning scheme includes a preferred character at Clause 22.01 that applies to both creek abuttal and creek environs areas. The policy states that 'the

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<sup>2</sup> The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

<sup>3</sup> The review site is identified as having 'limited development potential' at Clause 21.04.

<sup>4</sup> Clause 21.04.



neighbourhood character of this area will be defined by its spacious garden settings, tall canopy trees and consistent built form. New development will be designed to complement the established planting patterns and topography’.

- 7 The preferred character is recognised in the application of the Neighbourhood Residential Zone- Schedule 3 which specifically relates to the ‘creek environs area.’ The schedule identifies the following neighbourhood character objectives:
  - To ensure new development transitions down in scale towards the creeks, respecting and reinforcing the natural topography.
  - To ensure development is defined by its spacious and generous garden settings, tall canopy trees and consistent built form and setbacks.
- 8 The schedule to the zone provides modified Clause 55 requirements including a 7.6m front setback, a 5m rear setback, side setbacks, 50 percent site coverage, 30 percent permeability, larger areas of open space and front fence heights.
- 9 The decision guidelines in the schedule are detailed and include:
  - Whether the proposed development incorporates a well considered landscape scheme that contributes to the ‘buildings in bushland setting’ which is preferred future character for the creek interface areas...
  - Whether the built form complements the landscape setting...
  - How vehicle crossovers are located and minimised in number to prevent traffic disruption, and preserve nature strips and street trees.
- 10 It is important to note that the land on the west side of St Johns Wood Road and along Armstrong Street is treated differently within the planning scheme. It is identified for ‘incremental change’ at Clause 21.04 and included within the Garden City Areas at Clause 22.01. The applicable zone reflects this strategic difference with the land included within the General Residential Zone- Schedule 3.
- 11 While ‘on the ground’ a casual observer would not necessarily identify a distinction between the two areas, the planning scheme has different objectives for each side of the street. The scheme identifies that there is an expectation of a lesser extent of development on the west side of the street.
- 12 There are examples of dual occupancy development within this area, such as that adjoining at 26 St Johns Wood Road. I agree with Council that there is a predominance of older single dwellings on large lots, however the housing stock is varied within the street. The key characteristics of the west side of the street include the overhead power lines, the slope of the land and the presence of established gardens and large trees.



- 13 The applicant referred to the side-by-side development at 10 Armstrong Street as an example of housing in the area. I place limited weight on this development given the different planning scheme objectives applicable to the review site but accept that it forms part of the character of the broader area.

### **Streetscape Response**

- 14 Council submits that the two dwellings will be dominant in the streetscape due to the proposed garages, lack of windows at ground level and the extent of built form. Council says that the extent of hard paving will limit opportunities for landscaping within the frontage and that the second crossover will impact on a significant street tree.
- 15 The planning scheme has clear policies that are directed to minimising crossovers, encouraging the retention of front garden areas and nature strips. In the NRZ3 the decision guidelines specifically require consideration of ‘how vehicle crossovers are located and minimised in number to prevent traffic disruption and preserve nature strips and street trees.’
- 16 The permit applicant submits that the built form is acceptable, that there is sufficient space in the front setback for landscaping and that the lot is of a width that can accommodate the two crossovers and driveways. The permit applicant relied on a the landscape plan prepared by Mr Thomson that included a new planting regime for the site. In addition, the evidence of Mr Galbraith is that the street tree and Tree 2 within the front setback can be retained in the design.

### **Street Tree**

- 17 Side-by-side proposals are not uncommon and can offer some benefit to neighbours, particularly in the form of contiguous open space within rear setbacks. The provision of larger open space areas within the rear setback is a good outcome here given the park interface.
- 18 This needs to be balanced against the impact of the provision of two crossovers to the street. The site is of sufficient width to accommodate the crossovers proposed and to maintain an on-street car space.
- 19 However, there is a fundamental question about the suitability of a side-by-side configuration for this site given the location of the street tree. The tree is a *Melaleuca armilaris* (Bracelet Honey Myrtle) of about 8-10m in height and in reasonable condition. The tree is heavily pruned to accommodate the overhead powerlines resulting in a wide spread across the footpath and into the review site (refer to Figure 1).
- 20 The policy at 22.05 seeks to retain and protect street trees and this is a specific consideration for this zone.





Figure 1: Street Tree and branches extending into review site (Photo: Tribunal's own)

- 21 While the tree is proposed to be retained, the proposed new northern crossover will be constructed within the Structural Root Zone and Tree Protection Zone of this tree. Two larger lateral branches of this tree will require pruning to accommodate the driveway clearances (subject to further Council approval). Council's arborist considered that the driveway was too close to the tree and that the pruning may result in the need for the tree to be removed.
- 22 Mr Galbraith in his evidence considered the tree 'over mature, structurally unsound and has a short safe useful life expectancy, arguably zero'. However, he considered that it could be retained subject to a Tree Management Plan. Given the encroachment into the Tree Protection Zone he undertook an exploratory root investigation in accordance with the Australian Standard 4970:2009 'Protection of trees on development sites'. His findings were:
- Only two tree roots were found which were over 8mm thickness. One root is 55mm thick and located at 120mm below ground level at 1450mm from the back of kerb and 500mm from the footpath. The other root is 40mm thick at 750mm from the kerb and 1200mm from the path at 150mm depth. Both roots are of low significance and could be severed with little to no effect on base of the trunk. It appears the severance took place some 5 or so years ago. Its cross-sectional area is at least twice as great as that of the two roots combined.
- 23 The evidence of Mr Galbraith confirmed that two larger branches of the tree would need to be pruned (approximately 20% of the canopy) to accommodate the accessway and he found that this would be acceptable.

- 24 Council's arborist considered that the tree was structurally sound with some useful life expectancy and should be retained. The Council arborist did not take issue with results of the exploratory root investigation but noted that the proximity of the crossover to the tree could result in the tree acting as a visual obstruction to traffic. In addition, the arborist raised concerns about the extent of pruning required.

While I may not be in total disagreement with Mr. Galbraith about the possible root tolerance to the close proposed incursion, the fact still stands that two major limbs will need to be removed, which we find unacceptable for this mature specimen and the amenity street contribution of this tree. And there will be a crossover within close proximity to the specimen which could be expected to contribute to visual issues entering the street.

- 25 This is not a street which has a consistent approach to the species, maturity or location of street trees. However, I agree with Council that the street tree contributes to the garden character and should be retained if possible (although this is ultimately a matter for the Council). I am satisfied on the evidence of Mr Galbraith and the exploratory root investigation that the crossover can be accommodated here without detrimental root disturbance.
- 26 The question of the extent of pruning is a matter for Council, noting that this will require separate approval. I noted on my inspection that several of the tree limbs overhang the footpath and extend into the review site, merging with the canopy of Tree 2. The potential loss of the two limbs identified by Mr Galbraith will significantly impact on the amenity value of the tree and will be a decision for Council as to whether this is acceptable and whether a replacement tree is a better long term outcome given the mix of species in this street. Council sought a permit condition that required any pruning to be undertaken by Council at the permit holder's expense. This was accepted by the permit applicant.
- 27 I note the concerns about visual obstruction but consider that the 2.9m setback together with the width of this street will be sufficient to address this.

### **Built form to the Street**

- 28 The proposal provides a generous front setback to both levels of the development that exceeds the 7.6m sought in the schedule to the zone. It also steps the built form both down the site and across the site, addressing the slope of the land and ensuring that the built form will not be visually prominent when looking down from the street (refer to Figure 2).

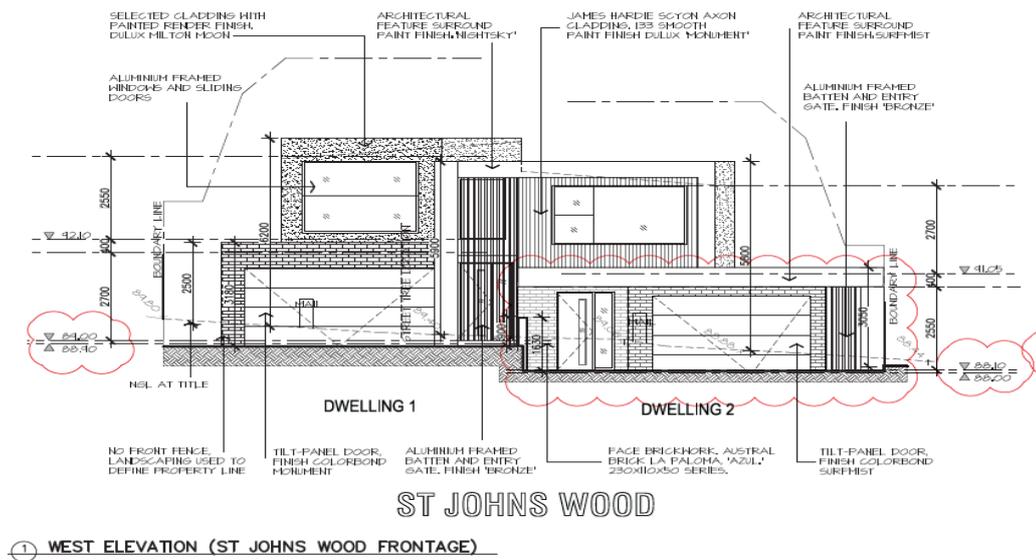


Figure 2: Front elevation

- 29 The evidence of Mr Galbraith is that the existing Tree 2 within the front setback can be retained and the landscape plan prepared by Mr Thomson has developed a complementary scheme which will provide for landscaping to the frontage consistent with the preferred character. I am generally satisfied that the landscape response to the street is acceptable, although note that there is a need to clarify the form and extent of retaining walls and fencing within the front setback through conditions.
- 30 However, I am not satisfied that the extent of hard paving and garages across the frontage has been adequately resolved. As I set out at the hearing, access to the southern car space of Dwelling 1's garage is very constrained and will require modification to ensure convenient access increasing the extent of paving. I will require that the garage be reduced in size to a single garage and that the additional ground floor space be converted to a habitable room. This will reduce the appearance of the garage from the street and the extent of hard surfacing.
- 31 In addition, I agree with Council that the extruded architectural feature above the garage for Dwelling 2 as it extends to the boundary removes any benefit of the side setback to the street and results in a more prominent garage. I have required that this be reduced by condition.
- 32 While passive surveillance of the street is available from the upper level, the ground level offers little by way of habitable space at ground level. The entry to Dwelling 1 is recessed and hidden behind a slatted feature, reducing its relationship to the street. The reduction in the extent of the garages together with the provision of a habitable space for dwelling 1 at ground level will satisfactorily address this issue.

33 I do not take issue with the contemporary appearance or lack of pitched roof forms for this development given the mix of housing provided in this street.

**Site layout and Built form to the rear**

34 Each elevation is reasonably articulated and there is sufficient distinction between the ground and first floors to the north and south with central ‘cut outs’ accommodating more substantial landscaping along the side elevations that will contribute to the future garden city character of the area (Figure 3). Council acknowledge the side landscaping but was concerned about the extent of built form to the rear, the appearance of the proposal from the parkland and the potential impact on Tree 5 which is proposed to be retained. Mr Barker was supportive of the retention of Tree 5.

35 As outlined above, the ability to provide open space to the rear of this site is a positive aspect of this proposal with the extent of built form not extending past the extent on the dual occupancy to the south and stepping towards the northern neighbour. The rear setback meets the varied standard within the Schedule to the zone (the pantry of dwelling 2 being at the 5m line). The site coverage and permeability requirements are met and the garden area requirement well exceeded.

36 The evidence of Mr Galbraith was that Tree 5 can be protected within this proposal. Mr Galbraith’s evidence identifies for this tree a Tree Protection Zone of 7.5m and Structure Root Zone of 2.9m. He considered it a hardy species and that the decks would be accommodated within the Tree Management Plan. Mr Thomson provided additional new planting within the landscape concept plan.

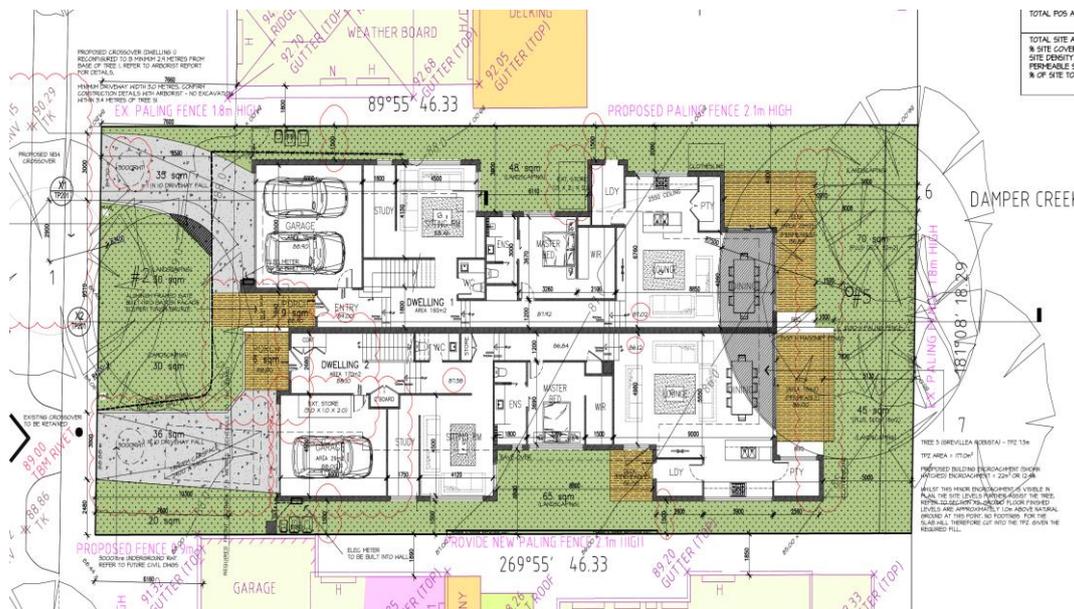
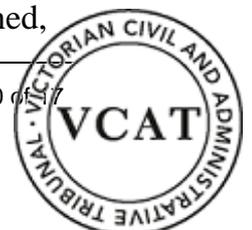


Figure 3: Ground Floor plan

37 Tree 6d is acknowledged in Mr Galbraith’s report as requiring approval for its removal under the VPO applying. His evidence is that it can be retained,



although Mr Thomson considered that a better landscape outcome would be achieved by its removal. Given the objectives of the zone to provide a transition to the adjoining parkland, I find that the tree should be retained to provide improved interface in this location.

- 38 While there will be a change to the views of the site from the parkland, I consider that the retention of the trees will assist this. However, I am not satisfied that the proposal has provided a sufficient setback to the rear to allow for the full protection of the trees. I will require an additional setback at ground level of 0.5m, together with the replacement of the dividing masonry fence between the two decks with a light weight structure.
- 39 Council also raised concerns about the site layout and energy efficiency. I am satisfied that each dwelling will be able to achieve reasonable internal amenity, solar access, and energy efficiency due to the way in which the dwellings have been staggered.

### **AMENITY**

- 40 Given the way the proposed development steps with the topography of the land and the level of articulation provided, I am satisfied that visual bulk will be acceptable to neighbouring properties. I note that the rear deck area of 2/26 St Johns Wood Road incorporates screening to the northern elevation and maximises its view to the parkland.
- 41 Council did not identify any significant impacts on the amenity of the adjoining properties, although questioned the correctness of the shadow diagrams. I find that daylight access to windows and overshadowing comply with the relevant standards of Clause 55. Standard B20 as it relates to the north facing windows of 2/26 St Johns Wood Road has a marginal non-compliance with the standard. I have required this to be addressed by permit condition.
- 42 Mr Barker was concerned about overlooking from the above bench kitchen window of Dwelling 2. The permit applicant was prepared to screen this window with obscure glazing. This would comply with Standard B22 of Clause 55. I have included this agreement within the permit conditions. The height of the new common boundary fence was discussed. This is shown on the plans at 2.1m (presently 2.0m) and was acceptable to Mr Barker.
- 43 Mr Barker also raised concerns about the location and extent of any outdoor lighting. This can be addressed in the permit conditions.

### **WHAT CONDITIONS ARE APPROPRIATE?**

- 44 In determining the conditions of permit, I have had regard to the draft conditions discussed at the hearing and the submissions of the parties as well as the matters arising from my reasons above.

## **CONCLUSION**

45 For the reasons given above, the decision of the responsible authority is varied. A permit is granted subject to conditions.

Megan Carew  
**Member**



## APPENDIX A – PERMIT CONDITIONS

<b>PERMIT APPLICATION NO</b>	TPA/53307
<b>LAND</b>	24 St Johns Wood Road MOUNT WAVERLEY VIC 3149

### WHAT THE PERMIT ALLOWS

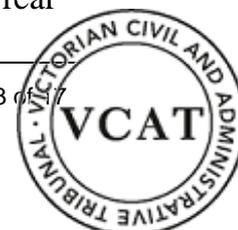
In accordance with the endorsed plans:

- Construction of two (2) double storey dwellings in a side-by-side configuration.

### CONDITIONS

#### Amended Plans

- 1 Before the development starts, plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by Christopher Vaughan Architects, VCAT Substitution Drawing Revision D, 21 December 2022 but modified to show:
  - (a) The south facing kitchen window of Dwelling 2 to be fully screened with obscure glazing or alternatively a fixed perforated panel or louvre screen with a maximum of 25 percent openings.
  - (b) Dwelling 2 to comply with Standard B20 of Clause 55.04 (North facing windows).
  - (c) The retention of Tree 6d.
  - (d) The southern car space to Dwelling 1 removed and the provision of a single car garage and a habitable room at ground level.
  - (e) The amount of hard stand forward of Dwelling 1 reduced and replaced with landscaping area in response to the requirements of Condition 1(d).
  - (f) The reduction in the length of the architectural feature extending across the top of the garage of Dwelling 2 and removal of the proposed pillar (so that the feature is set back 1.5m from the southern boundary).
  - (g) Details of any architectural features above the first floor of the dwellings.
  - (h) The setback from Tree No. 5 increased at the rear by increasing the ground levels setbacks (including pantry and deck areas) from the rear boundary by an additional 500mm.



- (i) Provision of a lightweight partition wall in lieu of the dividing masonry wall between the rear deck areas of the two dwellings.
- (j) A notation that any outdoor lighting must be appropriately baffled to minimise light spill to adjoining properties.
- (k) Removal of any front fencing or property boundary dividing retaining walls in the front setback area.
- (l) The location, height, and material of all retaining walls.
- (m) Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) both sides or from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
- (n) Gas/water and meter locations in unobtrusive locations.
- (o) A Tree Management Plan in accordance with Condition 3.
- (p) A large highly visible and prominent notation 'Tree Management Plan applies to site. Please refer to plan prior to any works commencing on the land including demolition and during construction'.
- (q) Key recommendations of the Tree Management Plan required in Condition 3 required to be observed during the development phase.
- (r) A landscape plan required in Condition 9.

### **No Alterations**

- 2 The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

### **Tree Management**

- 3 Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 1, 2, 5, 6(d) and 7 as identified in the report of Arborist Report submitted with the application, prepared by Rob Galbraith of Galbraith & Associates, January 2023).
- 4 The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible



Authority ensuring the trees to be retained remain healthy and viable during construction:

- (a) A Tree Protection Plan drawn to scale that shows:
  - (b) Tree protection zones and structural root zones of all trees to be retained,
  - (c) All tree protection fenced off areas and areas where ground protection systems will be used;
  - (d) The type of footings within any tree protection zones;
  - (e) Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
  - (f) A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
  - (g) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
  - (h) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
  - (i) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- 5 The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

**Contractors to be advised of trees to be protected**

- 6 The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of protected trees/large shrubs on abutting land and be advised of any obligations in relation to the protection of the trees.
- 7 No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained on-the site or adjoin land during the construction period of the development hereby permitted.



- 8 The Council street tree must be protected by temporary rectangular wire fencing as per Australian Standards to the edge of the Tree Protection Zone, erected prior to commencement of works until completion.
- 9 Any pruning of the Council street tree must be undertaken by Council at the permit holders expense to the satisfaction of the responsible authority.

### **Landscaping**

- 10 Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer generally in accordance with the plan prepared by Habitat Landscape and Environmental Design Consultants, of January 2023 Issue A, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The Landscape Plan must show:
  - (a) The retention of Tree 6d.
  - (b) The inclusion of the Plectranthus in the list of plants.
  - (c) Plant heights, including trees with a minimum of 1.5 metres at the time of planting.
  - (d) Any changes arising as a result of Condition 1.

When approved the plan will be endorsed and will then form part of the permit.

### **Landscaping Prior to Occupation and after completion**

- 11 Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then be maintained to the satisfaction of the Responsible Authority.

### **Drainage**

- 12 Drainage of the site is to be to the satisfaction of the Responsible Authority.
- 13 All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
- 14 The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve.
- 15 All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing and is to be to the satisfaction of the Responsible Authority.
- 16 The nominated point of stormwater connection for the site is to the south-east corner of the property where the entire site's stormwater must be



collected and free drained via a pipe to the 225 mm Council drain in the rear easement via a 900mm x 600 mm junction pit to be constructed to Council standards. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.

### **Road Infrastructure**

- 17 All new vehicle crossings are to be no close than 1.0 metre, measured at the kerb, to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process
- 18 Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.
- 19 Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department and be to Council's approval.

### **Completion of Buildings and Works**

- 20 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

### **Permit Expiry**

- 21 This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within two (2) years of the issue date of this permit.
  - (b) The development is not completed within four (4) years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

**– End of conditions –**

