

# VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1598/2022  
PERMIT APPLICATION NO. TPA/53251

**APPLICANT** Pai Property Consultant Pty Ltd  
**RESPONSIBLE AUTHORITY** Monash City Council  
**SUBJECT LAND** 60 Jaguar Drive  
CLAYTON VIC 3168  
**DATE OF ORDER** 31 May 2023

### ORDER

#### Vacate hearing

- 1 The hearing scheduled at **10.00 am on 6 June 2023** is vacated. No attendance is required.

#### Amend permit application

- 2 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: Pai Property Consultants Pty Ltd
  - Drawing numbers: TP1-TP10 inclusive Revision VCAT
  - Dated: April 2023.

#### Permit granted

- 3 In application P1598/2022, the decision of the responsible authority is set aside.
- 4 In planning permit application TPA/53251 a permit is granted and directed to be issued for land at 60 Jaguar Drive Clayton Vic 3168 in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

Construction of three (3) double storey dwellings.

#### Costs

- 5 No order as to costs.



Katherine Paterson  
**Member**

### REMARKS

- 1 Pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*, this order is made at the request of the parties and with their consent.
- 2 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
  - a the responsible authority is of the opinion that the permit or amended permit is appropriate having regard to the matters it is required to consider under section 60 of the Act, including the balanced application of the strategies and policies of the relevant planning scheme and is otherwise in conformity with the provisions of the planning scheme and the *Planning and Environment Act 1987*;
  - b the proposed orders will not result in any change to the proposed use or development which would materially affect any person other than the parties to the proceeding.
- 3 Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

Katherine Paterson  
**Member**



## APPENDIX A – PERMIT CONDITIONS

<b>PERMIT APPLICATION NO</b>	TPA/53251
<b>LAND</b>	60 Jaguar Drive CLAYTON VIC 3168

### WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Construction of three (3) double storey dwellings.

## CONDITIONS

### Amended Plans

- 1 Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans substituted by VCAT TP1-TP10 dated April 2023 Revision VCAT, but modified to show:
  - (a) The setback of Bedroom 2 of Dwelling 1 (upper level) from the street increased to 8.545 metres with eaves provided at ground and upper level.
  - (b) The setback of the southern wall of Bedroom 2 of Dwelling 1 (upper level) increased to 4.7 metres from the southern boundary.
  - (c) The setback of the upper level of Dwelling 1 (where the ensuites are located) from the southern boundary increased to 4.2 metres.
  - (d) The setback of the southern wall of Bedroom 1, of Dwelling 1 (upper level), increased to 4.7 metres.
  - (e) Deletion of the ground level shower for Dwelling 1 to be replaced with a pantry opening to the north.
  - (f) Landscaping provided on the south side of the Dwelling 1 private secluded open space fence with a minimum dimension of 450mm. This can be achieved by adjusting the boundary location dividing the two private secluded open space areas of Dwelling 1 and Dwelling 2 ensuring a minimum provision of 35 square metres of secluded private open space to each dwelling.
  - (g) The provision of a landscaping bed no less than 250mm on the south side of the Dwelling 1 living/dining area. The common driveway width may be reduced to 2.8 metres in this location if required.



- (h) The landscaping bed on the north side of the Dwelling 2 tandem space depicted on the plans, is to be increased to 1.0 metre in width to ensure garden area requirements are met.
- (i) The setback of the crossover/s from the Council street tree in the nature strip noting a minimum setback of 2.5 metres is required from the closest point including the splay needs to be achieved.
- (j) Water tank locations.
- (k) Freestanding clotheslines.
- (l) Letter boxes with a maximum height not exceeding 900mm.
- (m) Any front fencing along the street alignment or within the front setback is not to exceed 1.2 metres in height and have a high level of transparency and be constructed of black metal picket fencing or similar.
- (n) The height of the common electricity box inside the southern boundary.
- (o) A Landscape Plan in accordance with condition 4 of this Permit.

#### **Layout not to be Altered**

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

#### **Environmentally Sustainable Design (ESD)**

- 3 Concurrent with the endorsement of plans requested pursuant to Condition 1, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit.

Upon approval the Sustainable Design Assessment will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the Sustainable Design Assessment to the satisfaction of the Responsible Authority.

#### **Landscape Plan**

- 4 Concurrent with the endorsement of the development plans, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, generally in accordance with Arcadia sustainable design, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-

- (a) the location of all existing trees and other vegetation to be retained on site



- (b) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development. A canopy tree is to be provided in the front setback forward of each of Dwellings 1 and 2 and is to be a minimum of 1.5 metres in height at the time of planting. The species selected must grow to at least the height of the buildings. A canopy tree is to be provided in each of the private secluded open space areas outside of any easement locations;
- (c) the landscaping plan is to incorporate screen plantings that will grow to a height of at least a metre above the fence along the northern boundary secluded open space areas (unless housing infrastructure such as water tanks or other);
- (d) planting to soften the appearance of hard surface areas such as driveways and other paved areas
- (e) a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity) at the time of planting (tube stock unacceptable), their location, botanical names and the areas to be covered by grass, lawn, mulch or other surface material;
- (f) the location and details of all fencing;
- (g) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site;
- (h) An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority;
- (i) the location of external lighting (if any);
- (j) details of all proposed hard surface materials including pathways, patio or decked areas.

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

### **Tree Protection**

- 5 Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained, or are located within or adjacent to any works area (including trees on adjacent land and the nature strip). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.
- 6 No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.



## Landscaping Prior to Occupation

- 7 Before the occupation of any 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 thereafter maintained to the satisfaction of the Responsible Authority.

## Drainage

- 8 The site must be drained to the satisfaction of the Responsible Authority. Stormwater must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.
- 9 Stormwater 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 any stormwater drainage works commencing.
- 10 No polluted and/or sediment laden stormwater runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
- 11 A plan detailing the stormwater drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of any works. The plans are to show sufficient information to determine that the drainage and civil works will meet all drainage requirements of this permit. Refer to Engineering Plan Checking on [www.monash.vic.gov.au](http://www.monash.vic.gov.au).

## Vehicle Crossovers

- 12 Any disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.
- 13 Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
- 14 All new vehicle crossings are to be no closer 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.
- 15 The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metres long x 2.5 metres deep ( within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road.



## Urban Design

- 16 Any walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

## Satisfactory Continuation and Completion

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

## Permit Expiry

- 18 This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
- The development has not started before 2 years from the date of issue.
  - The development is not completed before 4 years from the date of issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or

- within six (6) months afterwards if the development has not commenced; or
- within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

– End of conditions –

