

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P361/2024

APPLICANT	Melissa Greve
RESPONSIBLE AUTHORITY	Monash City Council
SUBJECT LAND	27 Charlton Street MOUNT WAVERLEY VIC 3149
HEARING TYPE	No Hearing
DATE OF ORDER	14 November 2024

ORDER

- 1 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic), the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:
 - Prepared by: MJ
 - Drawing numbers: A01 to A10
 - Dated: 10 October 2024
- 2 In application P361/2024 the decision of the responsible authority is set aside.
- 3 In planning permit application TPA 55119 a permit is granted and directed to be issued for the land at 27 Charlton Street Mount Waverley in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
 - Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings.
- 4 The hearing scheduled at 10:00am on 26 November 2024 is vacated. No attendance is required.
- 5 There is no order as to costs.

Michael Deidun
Member



REMARKS

- 1 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:
 - the responsible authority is of the opinion that the permit is appropriate having regard to the matters it is required to consider under section 60 of the *Planning and Environment Act 1987* (Act), including the balanced application of the strategies and policies of the Monash Planning Scheme (Planning Scheme) and is otherwise in conformity with the provisions of the Planning Scheme and the Act;
 - the proposed orders will not result in any change to the proposed 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 give effect to the settlement reached by the parties pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*.

Michael Deidun
Member



APPENDIX A

PERMIT APPLICATION NO:	TPA 55119
LAND:	27 Charlton Street MOUNT WAVERLEY VIC 3149
WHAT THE PERMIT ALLOWS: <ul style="list-style-type: none">• Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, in accordance with the endorsed plans.	

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 submitted to Council dated 10/10/2024, but modified to show:
 - (a) The provision of a north point on the ground and upper-level plans.
 - (b) The 3 metre dimension of the Dwelling 1 crossover on the upper level plan deleted or repositioned to line up with the ground level plan.
 - (c) The common accessway at the entry to the site no greater than 3 metres in width and the crossover reduced in width to reflect the change.
 - (d) The upper floor of the dwellings indicated on the ground floor plan.
 - (e) Materials and finishes clearly annotated on all elevations.
 - (f) The ground level of Dwelling 1 to be constructed in face brick.
 - (g) A decorative horizontal brick band (differentiated brick colour) or similar to visually break up and provide interest to the west facing wall of Dwelling 1 to the common driveway.
 - (h) The Dwelling 1 entry porch to be in contrasting materials.
 - (i) All upper floor habitable room windows provided with obscure glazing up to a minimum sill height of 1.7 metres above finished floor level to be clearly labelled as being 'fixed obscure glazing to 1.7m' in compliance with Standard B22.
 - (j) Boundary fence heights (including any changes in height) on all elevations and plans.
 - (k) The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at or behind



the setback alignment of buildings on the site, or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash".

- (l) Where practicable, a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road (where practicable). The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

- (m) A Landscape Plan in accordance with condition 4 of this Permit.

all to the satisfaction of the Responsible Authority.

Layout not to be Altered

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

Compliance with Documents Approved under this Permit

- 3 At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Landscape Plan

- 4 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, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The Landscape Plan must show:
 - (a) A survey and location of all existing trees, using botanical names to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;
 - (b) A planting schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), pot / planting size, location, botanical names and quantities;
 - (c) A minimum of four canopy trees (minimum 1.5 metres tall when planted). The canopy trees must have a minimum height of 8 metres and must have a spreading crown with a minimum width of 4 metres at maturity, or as otherwise agreed by the Responsible Authority;
 - (d) the location of any fencing internal to the site;
 - (e) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development;



- (f) planting to soften the appearance of hard surface areas such as driveways and other paved areas;
- (g) Canopy Trees / Significant Planting on adjoining properties within 3 metres of the site;
- (h) the location of any retaining walls associated with the landscape treatment of the site;
- (i) details of all proposed surface finishes including pathways, accessways, patio or decked areas;
- (j) 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;
- (k) The location of external lighting (if any);
- (l) Planting required by any other condition of this permit; and
- (m) Landscaping and planting within all open areas of the site.

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

- 5 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.

Tree Protection

- 6 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). 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.
- 7 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.

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 No polluted and/or sediment laden 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.



- 10 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.
- 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.

Vehicle Crossovers

- 12 All 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 Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority. All 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.

Privacy Screens

- 15 Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained ongoing to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Boundary Walls

- 16 The 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.

Time for Starting and Completion

- 18 In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - (a) The development is not started before 2 years from the date of issue.

- (b) 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

- i. within six (6) months afterwards if the development has not commenced; or
- ii. 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 ---