VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

|  |  |
| --- | --- |
| planning and environment LIST | vcat reference No. P1208/2019Permit Application no. TPA/49999 |
| CATCHWORDS |
| Section 77 *Planning and Environment Act 1987* – Residential Growth Zone – four dwellings – Glen Waverley Activity Centre – underdevelopment – visual bulk – impact on neighbouring properties |

|  |  |
| --- | --- |
| APPLICANT | New Bee Pty Ltd |
| responsible authority | Monash City Council |
| SUBJECT LAND | 12 O’Sullivan RoadGLEN WAVERLEY VIC 3150 |
| WHERE HELD | Melbourne |
| BEFORE | Jeanette G Rickards, Senior Member |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 12 November 2019 |
| DATE OF ORDER | 11 December 2019 |
| CITATION | New Bee Pty Ltd v Monash CC [2019] VCAT 1971 |

# Order

### Amend permit application

1. Pursuant to clause 64 of Schedule 1 of the *Victorian Civil & 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:
 | Jesse Ant Architects |
| * Drawing numbers:
 | TP00-TP16  |
| * Dated:
 | 25.09.2019 |

### Permit granted

1. In application P1208/2019 the decision of the responsible authority is set aside.
2. In planning permit application TPA/49999 a permit is granted and directed to be issued for the land at 12 O’Sullivan Road, Glen Waverley in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
* Construction of four (4) dwellings (two (2) x three storey and two (2) double storey dwellings) with car parking basement.

|  |  |  |
| --- | --- | --- |
| **Jeanette G Rickards, Senior Member** |  |  |

# Appearances

|  |  |
| --- | --- |
| For applicant | Mr A Clarke, Town Planner, Clarke Planning |
| For responsible authority | Mr J Turner, Town Planner |

# Information

|  |  |
| --- | --- |
| Description of proposal | Construction of four (4) dwellings (two (2) x three storey and two (2) double storey dwellings) with car parking basement |
| Nature of proceeding | Application under section 77 of the *Planning and Environment Act 1987* – to review the refusal to grant a permit.  |
| Planning scheme | Monash |
| Zone and overlays | Residential Growth Zone Schedule 4 (Glen Waverley Major Activity Centre) |
| Permit requirements | Clause 32.07-5 – to construct two or more dwellings on a lot |
| Relevant scheme policies and provisions | Clauses 11, 15, 16, 18, 21.01, 21.04, 22.01, 22.05, 22.14, 55 and 65 |
| Land description | The subject site is located on the southern side of O’Sullivan Road, approximately 35 metres to the west of the junction with Railway Parade on the western side of the Glen Waverly Major Activity Centre.The land comprises an overall site area of 726 square metres. A 2.4 metre easement along the southern (rear) boundary and a slight fall from north to south. The immediate area surrounding the site predominately comprises established residential properties developed with single and double storey detached dwellings originally constructed in the 1960s and 1970s along with some newer replacement dwellings and multi-unit townhouses.To the east are two townhouses on the corner of Railway Parade North. The north unit is single storey and the southern unit double storey. To the west are two single storey townhouses. To the south is the rear of 2 Railway Parade and to the south west the rear of 42 Myers Avenue. To the north opposite the site is zoned General Residential Schedule 7.  |
| Tribunal inspection | Unaccompanied site and surrounds in November 2019 |

# Reasons[[1]](#footnote-1)

1. New Bee Pty Ltd (New Bee), the applicant, is seeking review of the decision of the Monash City Council (the council) to refuse to grant a permit for the construction of four dwellings over a basement car park on land at 12 O’Sullivan Road, Glen Waverley.
2. The council refused the application on grounds that the proposed development is an underdevelopment and an inappropriate design response to the Glen Waverly Activity Centre Policy; is inconsistent with the Residential Development Policy; does not satisfy the objectives of clause 55, particularly in relation to neighbourhood character and visual bulk; and has a detrimental impact on adjoining properties.
3. New Bee disputes these grounds. The issues for the Tribunal’s consideration are therefore:
* What is the strategic context?
* Is the built form appropriate?
* Are there any internal or external amenity impacts?

## strategic context

1. Underpinning the council’s refusal is that the proposed development of four dwellings within a single built form consisting of two, three storey dwellings fronting O’Sullivan Road and two double storey dwellings to the rear on a site with an overall area of 726m² is an underdevelopment.
2. The council referred to and emphasised the policies within the Monash Planning Scheme that encourage increased housing densities in buildings up to and including four storeys. In this respect, the council submits the provision of only four dwellings on the subject site is an underdevelopment.
3. The site is zoned Residential Growth (RGZ), as are the dwellings immediately abutting and to the rear. The RGZ forms part of the Glen Waverly Major Activity Centre. It is noted that dwellings opposite the subject site on the other side of O’Sullivan Road are zoned General Residential (GRZ).
4. Under the Glen Waverley Activity Centre Structure Plan[[2]](#footnote-2) the site is identified as being within an area of residential intensification:

The surrounding residential precinct provides a key role in supporting the growth of the centre by delivering a diverse range of housing that is located in close proximity to shops and services, public transport and open space.

1. The site is well located being approximately 100m from Glen Waverley High School as well as 100m from commercially zoned land. The train station is approximately 250m to the east.
2. To the immediate west of the site are a pair of single storey side by side dwellings each with a double garage facing the street. A side service yard abuts the subject site. To the east is a corner lot with a single storey dwelling facing O’Sullivan Road. This dwelling has its garage constructed on the common boundary with the subject site. A double storey dwelling faces Railway Parade. Both have areas of private open space that abuts the common boundary.
3. Opposite and further to the east on the other side of Railway Parade, a permit has recently been issued for a four storey apartment building to be located at 16 O’Sullivan Road and 1 Railway Parade.
4. The private open space of two lots abut the rear of the site, one containing a single storey dwelling fronting Railway Parade, and one containing a single storey dwelling fronting Myers Avenue.
5. The council submits ‘it is critical that housing opportunities within the Glen Waverly Activity Centre are realised to accommodate a predicted housing growth within the municipality’. Such opportunities should not be squandered. As such, housing yield should be at the forefront of any assessment[[3]](#footnote-3).
6. I do not disagree; however, consideration must also be given to the context of the site. In this instance, it has a total area of 726m², abuts single storey dwellings and sits opposite an area zoned to allow for a maximum of three storeys in height.
7. The proposal for four dwellings on the site in three and two storey built form is in my view, meeting the council’s policy of increasing residential intensification. Of relevance, the purposes of the RGZ are:
* To implement the Municipal Planning Strategy and the Planning Policy Framework.
* To provide housing at increased densities in buildings up to and including four storey buildings.
* To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
* To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
* To ensure residential development achieves design objectives specified in a schedule to this zone.
1. Council relied heavily on its recent decision in relation to nearby land at 16 O’Sullivan Road and1 Railway Parade where it has allowed a four storey apartment building containing 23 apartments above a basement car park. I note that according to the plans the site consists of two parcels of land providing a total land area of 1435m² in contrast to the subject site of a mere 726m². The two parcels provide frontages to both O’Sullivan Road and Railway Parade which allows the proposal to address both street frontages, whereas the subject site only addresses O’Sullivan Road and is mid-block. The 23 apartments are made up of 8 single bed dwellings, 13 two bedroom dwellings and 2 three bedroom dwellings. In contrast, the subject proposal is to consist of four dwellings each containing 4 bedrooms.
2. The proposal for the subject site meets the policy objectives of providing an intensification and diversity of dwellings within the Glen Waverley Activity Centre with four bedroom dwellings providing for potential future family accommodation, whereas the single and two bedroom dwellings within the apartment building provide for accommodation for potentially single or more elderly members of the population. As noted in clause 21.04 in relation to residential development, ‘there is an increasing demand for a variety of different housing styles to cater for changing household sizes and structures’.
3. The council in refusing the proposal on the subject site because it only provides four dwellings, is taking a very narrow view of the policy to provide for residential intensification. In my view, the proposal in terms of providing four dwellings with four bedrooms each will contribute to the range of housing types to meet diverse needs and varying densities that offer more choice in housing within the Glen Waverley Activity Centre.

## built form

1. The council whilst seeking additional dwellings in a higher built form is critical of the proposed development, submitting it provides inadequate landscaping and presents a visually bulky built form that results in external and internal impacts.
2. I agree with the applicant that it is ‘unusual to be accused of exhibiting too much bulk and not respecting character numerous times in the grounds of refusal but then also be accused of being an underdevelopment in other grounds of refusal’.
3. Whilst the council considers the proposal is not respecting the existing neighbourhood character, it is noted that under the RGZ, there is no requirement to respect the existing neighbourhood character as found under many other zones, such as the GRZ. The three and two storey built form of the proposal will provide for a transition to the three storey built form encouraged opposite the site.
4. The RGZ encourages growth and change. It is expected therefore that new built form will be different from what is currently seen within the immediate area.
5. The site is located within Precinct 7 – Surrounding Residential under clause 22.14 (Glen Waverley Major Activity Centre Structure Plan) which provides:

The surrounding residential precinct provides a key role in supporting the growth of the centre by delivering a diverse range of housing that is located in close proximity to shops and services, public transport and open space. A number of streets will be enhanced as key walking and cycling routes connecting into the town centre.

It is policy to:

Encourage the intensification of housing in identified areas on High Street Road, Snedden Drive, Coleman Parade, Myrtle Street, Bogong Avenue and Springvale Road.

Improve pedestrian and cycle links between the precinct and GWAC commercial area.

1. Clause 22.14 also provides the following relevant built form objectives:
* Ensure that the form and scale of buildings meet the requirements of Clause 43.02 (Schedule 12) and Clause 32.07, Schedule 3, as applicable.
* Encourage excellence in building design within both commercial and residential areas so that development responds to the characteristics of the site and its context.
* Ensure new development is designed to minimise overshadowing to footpaths and public spaces.
* Ensure buildings integrate with and contribute positively to street life, and provide surveillance of the public realm, including laneways.
* Ensure new development creates human scaled places that promote visual and pedestrian amenity to enable informal interaction including between neighbours.
* Ensure that all development with sensitive interfaces to residential areas and open space is designed to respect valuable qualities of those adjacent places.
* Avoid large high massing buildings that dominate streetscapes and open spaces.
* Design buildings to address the future amenity of the occupants, visitors and those using public streets by maximising accessibility, passive surveillance and internal amenity.
* Ensure that buildings provide wind and weather protection to reduce the impact of wind and rain on key public spaces and provide adequate shade for pedestrians.
* Ensure that developments contribute to the ‘buildings-in-landscape’ character of the existing residential areas surrounding the GWAC commercial centre.
* Encourage development that incorporates high Environmentally Sustainable Design (ESD) standards, including energy efficiency, indoor environment quality, water management, urban ecology and use of low embodied energy materials.
* Ensure car parking areas, loading bays and utilities/service areas are concealed from the street and minimise paved surfaces and vehicle crossovers to maximise visual amenity and opportunities for landscaping.
* Design developments, including residential developments, to maximise safety, comfort and accessibility for people with all levels of mobility to better provide for changing circumstances, aging in place, and to limit restrictions for visitors.
1. The council submits the proposed development will be visually dominating and obtrusive to its neighbours and notes decision guidelines require consideration of:
* Whether development contributes to the ‘buildings-in-landscape’ character of the existing residential areas surrounding the Glen Waverley Major Activity Centre commercial area.
* Whether the building retains human scale and, by the inclusion of significant breaks and recesses in building massing, is designed to avoid large block like structures dominating the streetscape.
1. The council refers to what it says is the boxy design of the proposal which presents with little variation in the built form. In council’s view, the built form response is of poor architectural quality and one which fails to integrate with surrounding and established residential precincts.
2. The proposal meets the front setback requirement of 5m. It presents to O’Sullivan Road as two storeys with the upper third storey being setback 5.5m to the front of the 2m deep balconies. The eastern edge is setback 6.7m from the frontage and 4.7m from the eastern boundary. The western edge is similarly setback 6.7m but also further steps back 7.9m and varies in side setback from 4.7m to 6.4m at the front.
3. The sheer two storey wall presentation to O’Sullivan Street is in my view an acknowledgement of the expectation of a more robust built form outcome expected within the RGZ. Given the side setbacks with no part of the building located on the boundary, the built form presentation to O’Sullivan Road is well tempered, leaving separation between the built form on properties either side of the subject site.
4. A view to the upper or third level will be available from the area of private open space of the single storey dwelling immediately to the east. This area of private open space is partially covered and contains a large tree. The upper level will be setback 4.3m from the common boundary which in my view is adequate, with only a small section of the upper level built form being potentially visible.
5. Where the rear of the proposal sits opposite an area of private open space to the east and to the west, the built form is only two storeys and sits between 3m and 3.5m off the common boundary and between 3m and 3.5m off the rear boundary. Views of two storey built form from either the eastern or western areas of private open space is not uncommon and the built form in this location will not be visually dominating.
6. Some comment was made in relation to the Neo-Georgian style of architecture used for the proposal. Whilst this may not be considered by some to be high quality architecture, given the variety of architectural styles within the area and with the expectation there will be more into the future, I do not judge the style.

### Landscaping

1. The council highlighted the core value of the municipality is its garden city character particularly found at clause 22.01-3 to preserve and enhance the treed character of Monash:

The City of Monash is known for its garden city character, consisting of leafy, low-rise suburbs with well vegetated private gardens and wide streets with street trees. This characteristic is highly valued by the community and visitors to the municipality. High canopy trees are a dominant feature, particularly towards the east of the municipality. This garden city characteristic is predominant in residential areas and the higher quality commercial areas, especially the planned business parks. Industrial areas are clearly designated and buffered precincts that incorporate wide streets, large, well landscaped setbacks and provide an overall high quality environment.

1. A design objective under RGZ4 is:
* To provide for diverse housing development with appropriate setbacks to allow for landscaping and canopy trees.
1. RGZ4 incorporates a variation to Standard B13 and requires:

Retention or provision of at least three canopy trees (two located within the front setback) with a minimum mature height equal to the height of the roof of the proposed building or 10 metres, whichever is greater.

1. The council considered the proposed landscaping to be an ‘afterthought’ with new landscaping generally limited to the front setback, with extensive hard paving located in the side and rear setback. The landscaping outcome will not in council’s view contribute to the ‘buildings-in-landscape’ character sought under RGZ4. It was council’s view that there were limited opportunities for landscaping along the side boundaries, ‘where the three storey form is most prominent’.
2. The landscaping plan provides for two canopy trees within the front setback with an expected height at maturity of 12m. In addition, two medium sized trees with an expected height at maturity of 7m are also proposed within the front setback as well as on the eastern boundary within the secluded private open space of unit 2, opposite the double storey dwelling to the east. A canopy tree is proposed within the rear south western corner opposite an area of secluded private open space of the dwelling to the west, although it is noted this dwelling has an outlook to a central area of secluded private open space.
3. I am unable to see how the council in seeking a more robust built form on the subject land can also criticise the proposed landscaping that in my view will adequately contribute to the “buildings-in-landscape’ character sought. The front setback of 5m equates with the variation in RGZ4 and will allow for a sufficient landscaped presentation to O’Sullivan Road. In the side locations, where there is secluded private open space on an abutting property, appropriate landscaping has been provided and where the abutting properties have built form either on or near the common boundary, the landscaping provided on the subject site will provide for aspects for the future residents from within the site.
4. I find the landscaping response to be acceptable.

## amenity impacts

1. The council submitted the degree of overshadowing to the secluded private open space of the two properties to the east is unreasonable.
2. I note additional shadowing to both areas of private open to the east will occur at 3pm, with additional shadowing to the west occurring at 9am. In both cases this does not result in my view, in an unreasonable outcome.
3. Clause 55.04-5 Standard B21 provides:

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

1. Whilst it is noted there is a small noncompliance of approximately 30cm to the private open space to the double storey dwelling to the east, generally Standard B21 will be met. This is also the case in relation to the single storey dwelling to the east where the impact at 2pm is 1m² within a 30cm wide area. I note this area is partially covered and has an existing tall tree within the area.
2. In relation to internal amenity, the council expressed the view that the area of open space for unit 3 is not compliant due to the location of four steps. Unit 3 is provided with 58m² at a width of 3m. Given this situation, I do not consider it necessary to require the steps to be moved.
3. I do not take issue with the provision of open space in the form of a balcony. Whilst council was of the view that unit 4 fails Standard B28 as it does not provide the required 40m² of private open space, 25m² of secluded private open space is provided with a 3m width at ground level directly accessed from the living area, with a 3.8m² balcony provided at the upper level.
4. Clause 55.05-4 provides adequate private open space is to be provided for the reasonable recreation and service needs of residents. Standard B28 provides:

A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

* An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
* A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
* A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

1. Another issue raised by the council was the extent of screening to bedroom windows. This is not uncommon and given the screening is to bedrooms at the upper levels, I have no issue with the screens. I note a number of the upper level bedroom windows facing the private open space of the properties to the rear are highlight windows.
2. I consider given the location on the abutting property to the west of buildings it is unnecessary to have screening on the western elevation windows of the first floor bedrooms. Screening to these windows could be removed.

## conditions

1. Several draft conditions have been included in relation to the car parking layout and access arrangements. New Bee provided a letter dated 8 November 2019 from O’Brien Traffic which made reference to the conditions. The correspondence indicated that the proposed car parking layout and access arrangements accorded with the requirements of the planning scheme. As a result of the information and comments provided it is considered that conditions 1(a), (b), (c), (e), (g) and (i) be deleted.
2. Condition 1(d) relating to a requirement for the provision of at least 2.1m of headroom beneath any overhead obstructions is to remain.
3. A minor discrepancy in relation to the ramp grade was identified and as such minor changes were recommended. These recommendations were contained in attachment B to the correspondence.
4. Condition 1(f) will remain in relation to the requirement for the ramp grades and also include a reference to the changes identified in attachment B.

## conclusion

1. For the reasons given above the decision of the responsible authority is set aside and a permit is directed to issue subject to conditions.

|  |  |  |
| --- | --- | --- |
| **Jeanette G Rickards, Senior Member** |  |  |

# Appendix A – Permit Conditions

|  |  |
| --- | --- |
| Permit Application No: | TPA/49999 |
| Land: | 12 O’Sullivan Road, Glen Waverley |

|  |
| --- |
| What the permit allows |
| In accordance with the endorsed plans:* Construction of four (4) dwellings (two (2) x three storey and two (2) double storey dwellings) with car parking basement.
 |

## Conditions:

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 submitted but modified to show:

(a) Driveway to provide at least 2.1m headroom beneath overhead obstructions.

(b) Ramp grades (except within 5 metres of the frontage) to be designed in accordance with attachment B to letter dated 8 November 2019 from O’Brien Traffic and provide the following:

 i Maximum grade of 1 in 4.

 ii Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).

 iii Grade changes greater than 18% or less than 3 metres apart are to be assessed for clearances in accordance with Appendix C of the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1.

(c) Tree protection details for Tree No. 12 as shown in the Arborist report prepared by Blue gum dated 10/18.

(d) Tree protection zones and tree protection measures for all trees to be retained including neighbouring trees.

(e) The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at a distance from the street which is 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”.

(f) Removal of screening to first floor bedrooms of units 3 and 4 on the western elevation.

**No Alteration or Changes**

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

**Common Boundary Fences**

1. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.

**Landscaping**

1. Before the commencement of buildings and works, 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 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;

(c) planting to soften the appearance of hard surface areas such as driveways and other paved areas;

(d) a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material;

(e) the location and details of all fencing;

(f) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site;

(g) 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**

1. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.
2. No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted
3. 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 maintained to the satisfaction of the Responsible Authority.

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

**Drainage**

1. 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.
2. 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. Further information regarding the design of the on-site detention system is provided in the notes section of this permit.
3. The nominated point of stormwater connection for the site is to the south- west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the rear easement to be constructed to Council Standards. (A new pit is to be constructed to Council Standards if a pit does not exist, is in poor condition or is not a Council standard pit). Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
4. Access (minimum width 1.8 metres) to be provided along west boundary to allow for drainage maintenance requests.

**Vehicle Crossing**

1. All new/altered vehicle crossings must be a minimum of 3.0 metres in width and constructed in accordance with Council standards.
2. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.
3. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of $1,000 is to be paid prior to the drainage works commencing.

**Expiry**

1. 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 is 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 months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

**- End of conditions -**

1. 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. [↑](#footnote-ref-1)
2. September 2014, Updated June 2016 [↑](#footnote-ref-2)
3. *FCAP Pty Ltd v Maroondah CC* [2018] VCAT 1362 (11 September 2018) [↑](#footnote-ref-3)