VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | vcat reference No. P1977/2020 Permit Application no. TPA/51490 |

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| **Applicant** | Timothy Culpin |

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| **Responsible Authority** | Monash City Council |

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| SUBJECT LAND | 34 Cameron AveOAKLEIGH SOUTH VIC 3167 |

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| WHERE HELD | Melbourne |

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| BEFORE | Katherine Paterson |

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| HEARING TYPE |

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| --- |
| No Hearing |

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| DATE OF ORDER | 18 March 2021 |

# Order

1. The hearing scheduled at 9:30am on 26 March 2021is vacated. No attendance is required.

2 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil & Administrative Tribunal Act 1998*, the permit application is amended by including for the permit application plans, the following landscape plan filed with the Tribunal:

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| * Prepared by:
 | Monarch Garden Design |
| * Drawing numbers:
 | 21-983 Rev A |
| * Dated:
 | 4 February 2021 |

1. In application P1977/2020 the decision of the responsible authority is set aside.
2. In planning permit application TPA/51490 a permit is granted and directed to be issued for the land at 34 Cameron Ave OAKLEIGH SOUTH in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows the construction of a second dwelling at the rear of the existing dwelling on the land.

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| 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:
3. 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*;
4. 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.
5. Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

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| Katherine Paterson**Member** |  |  |

# Appendix A – Permit Conditions

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| Permit Application No | TPA/51490 |
| Land | 34 Cameron AveOAKLEIGH SOUTH VIC 3167 |

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| What the permit allowS |
| The permit allows the construction of a second dwelling at the rear of the existing dwelling on the land in accordance with the endorsed plans: |

## Conditions

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan s must be drawn to scale and dimensioned. When the plans are endorsed, they will then form part of the Permit. The plans must be generally in accordance with the amended plans submitted to Council but modified to show:
2. The western wall of Dwelling 2's upper floor northernmost bedroom recessed by 500mm from the ground floor footprint.
3. The land scape strip on the northern side of the driveway modified to have a width of 400mm for the whole length of the driveway.
4. The 1.2m high fencing between the existing dwelling and the existing front fence set back a minimum of l.0m from the southern side of the driveway.
5. 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".
6. Provision of 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
7. 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.
8. Updated landscape plan in accordance with Condition 3, and consistency between the development and landscape plans of the vegetation proposed to be retained on site
9. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
10. Concurrent with the endorsement of any plans pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suit ably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Plan dated 4 February 2021, Prepared by Monarch Garden Design, except that the plan must show:
11. All ground floor changes required by Condition 1
12. Landscaping works as shown on the endorsed plans must be completed 4 years from the date of this permit (or prior to a Statement of Compliance being issued for any future subdivision) to the satisfaction of the Responsible Authority, and then maintained to the satisfaction of the Responsible Authority.
13. 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. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
14. A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.
15. All stormwat er collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
16. All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwat er discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.
17. The nominated point of stormwater connection for the sit e is to the north-east 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 of 33 Joyce Avenue and is to be constructed to Council' s 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.
18. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
19. In accordance with sect ion 68 of the *Planning and Environment Act 1987,* this permit will expire if one of the following circumstances applies:
20. The development is not started before 2 years from the date of issue.
21. 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.
22. within six (6) months afterwards if the development has not commenced; or
23. 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 –**