VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | vcat reference No. P793/2020Permit Application no. TPA/50931 |
| CATCHWORDS |
| Two attached double storey dwellings; Neighbourhood character including canopy trees; Materials and finishes of ground and first floor levels; Crossover between street trees; Vehicle access shared and requiring reversing onto street.  |

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| APPLICANT | Mr R Rao |
| responsible authority | Monash City Council |
| SUBJECT LAND | 63 Academy AvenueWHEELERS HILL VIC 3150 |
| WHERE HELD | Melbourne |
| BEFORE | Rachel Naylor, Senior Member  |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 1 September 2020 |
| DATE OF ORDER | 1 September 2020 |

# Order

### Permit granted

1. In application P793/2020 the decision of the responsible authority is set aside.
2. In planning permit application TPA/50931 a permit is granted and directed to be issued for the land at 63 Academy Avenue Wheelers Hill in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows the development of two double storey dwellings.

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| **Rachel Naylor****Senior Member**  |  |  |



# Appearances

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| For applicant | Mr D Bowden of Song Bowden Planning |
| For responsible authority | Mr G Gilfedder of Currie & Brown |

# Information

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| Land description | The site has an irregular shape due to a rear splayed section. It has a total area of 659 square metres. The land slopes about one metre from the northwest to the south east. There is no significant vegetation on the site. There are two street trees in the naturestrip in front of the site.  |
| Description of proposal | Construction of two attached double storey dwellings, each with a single width garage. One is a tandem garage. The other is a single garage with a tandem car space. The dwellings share a common 4.5m wide crossover to the street.  |
| 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 Planning Scheme |
| Zone and overlays | General Residential Zone Schedule 3 (GRZ3)No overlay controls apply |
| Permit requirements | Clause 32.08-6 Construction of two dwellings on a lot in GRZ3 |

# Appendix A – Permit Conditions

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| Permit Application No: | TPA/50931 |
| Land: | 63 Academy AvenueWHEELERS HILL VIC 3150 |

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| What the permit allows |
| Development of two double storey dwellings in accordance with the endorsed plans. |

## 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 submitted with the application but modified to show:
	1. Trees to be numbered and protected as per Arborist Report/Tree Management Plan prepared by Ross Moulynox from All Trees Consulting Services Pty. Ltd dated 29/11/2019.
	2. A notation that no excavation within 3.3 metres of the western street tree (Tree 2) and 3.5 metres of the eastern street tree (Tree 1) measured from trunk face at ground level. This tree must be protected by temporary rectangular wire fencing as per Australian Standards AS 4970, erected prior to commencement of works until completion. Fence must extend out to at least distances given.
	3. The modified crossover to be setback from the street trees at least the distances specified under condition 1b.
	4. The northern first floor habitable room windows to demonstrate whether any screening is necessary in accordance with Standard B22 (including sections where appropriate) to the satisfaction of the Responsible Authority.
	5. The eave above the dining room window of Dwelling 1 deleted to comply with Standard B27.
	6. The decking areas of both dwellings to be reduced to allow for canopy trees to be planted outside the easements to the satisfaction of the Responsible Authority.
	7. The design of garage 1 reviewed to ensure internal steps do not interfere with the space required for the car spaces and pedestrian access to the steps.
	8. Garage 2 set back a further 0.5 metre to provide a greater separation between the dwelling 2 car space and the dwelling 1 part of the driveway.
	9. Changes to the materials and finishes (including colours) to vary the appearance of the ground and first floor levels on each elevation, particularly the front and side elevations.
	10. 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 of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

##### 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:-
	1. the location of all existing trees and other vegetation to be retained on site
	2. provision of canopy trees with spreading crowns located throughout the site including a minimum of two canopy trees in the frontage of the site and one canopy tree in each of the rear secluded private open space areas
	3. planting to soften the appearance of hard surface areas such as driveways and other paved areas
	4. 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
	5. the location and details of all fencing
	6. the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
	7. 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 generally in accordance with the Arborist Report/Tree Management Plan prepared by Ross Moulynox from All Trees Consulting Services Pty. Ltd dated 29/11/2019.
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.

##### Landscaping Prior to Occupation

1. 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.

##### 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. The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve. The internal drainage system may include either:
	1. a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or
	2. shaping the internal driveway so that stormwater is collected in grated pits within the property; and or
	3. another Council approved equivalent.
3. 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.
4. 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 Council pit in the naturestrip 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.

##### Road Infrastructure

1. All new 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 naturestrip are to be reinstated to Council standards.
3. 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 to the satisfaction of the Responsible Authority. Approval from affected service authorities is required as part of the vehicle crossing application process.

##### Permits

1. 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.

##### Completion of Buildings and Works

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

##### Permit Expiry

1. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
	1. The development is not started within two (2) years of the issue date of this permit.
	2. 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 -**