VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

|  |  |
| --- | --- |
| planning and environment LIST | vcat reference No. P1660/2020 Permit Application no. TPA/51070 |

|  |  |
| --- | --- |
| **Applicant** | Chai Ching Lee |

|  |  |
| --- | --- |
| **Responsible Authority** | Monash City Council |
| **Referral Authority** | The Head, Transport for Victoria |

|  |  |
| --- | --- |
| SUBJECT LAND | 143 Springvale RoadGLEN WAVERLEY VIC 3150 |

|  |  |
| --- | --- |
| DATE OF ORDER | 26 May 2021 |

# Order

1. The hearing scheduled at 10.00 am on 27 May 2021is vacated. No attendance is required.
2. In application P1660/2020 the decision of the responsible authority is set aside.
3. In planning permit application TPA/51070 a permit is granted and directed to be issued for the land at 143 Springvale Road, Glen Waverley in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
* Construction of two or more dwellings on a lot; and
* Alteration of access to a road in a Road Zone, Category 1.
1. No order as to costs.

|  |  |  |
| --- | --- | --- |
| Karina Shpigel**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.

|  |  |  |
| --- | --- | --- |
| Karina Shpigel**Member** |  |  |

# Appendix A – Permit Conditions

|  |  |
| --- | --- |
| Permit Application No | TPA/51070 |
| Land | 143 Springvale RoadGLEN WAVERLEY VIC 3150 |

|  |
| --- |
| What the permit allowS |
| In accordance with the endorsed plans:* Construction of two or more dwellings on a lot; and
* Alteration of access to a road in a Road Zone, Category 1.
 |

## 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 amended plans prepared by LCC Architects VC 1 to 14 dated 6 March 2021 but modified to show:
	1. The ground floor finished floor levels for both dwellings to be no greater than 1.2m above natural ground level at any point.
	2. A privacy screen up to 1.7m high above the finished floor level of the front balcony for Dwelling 1 to be provided along the southern elevation.
	3. Fixed obscure glazing up to a height of 1.7m above the finished floor level to be provided to the Dwelling 1, Bedroom 1 windows on the southern and western side of Bedroom 1.
	4. A freestanding lattice extension which is up to 25 % permeable and no greater than 2.2m in height above the natural ground level, be located along the southern boundary adjacent to the deck and kitchen window for dwelling 1.
	5. At least 2 canopy trees within the front and rear yard of each dwelling which should grow to a minimum height of 7m.
	6. A landscape plan as per condition 3
	7. Elevations of all retaining walls within the front setback of the site.
	8. 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".
	9. 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. 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.

### Layout not to be Altered

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

### Landscape Plan

1. 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:
	1. 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;
	2. 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;
	3. A minimum of 2 canopy trees {minimum 1.5 metres tall when planted) within the front and rear yard areas of each .The canopy trees must have a minimum height of 7 metres and must have a spreading crown with a minimum width of 4 metres at maturity, or as otherwise agreed by the Responsible Authority;
	4. the location of any fencing internal to the site;
	5. provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development;
	6. planting to soften the appearance of hard surface areas such as driveways and other paved areas;
	7. the location of any retaining walls associated with the landscape treatment of the site;
	8. details of all proposed surface finishes including pathways, accessways, patio or decked areas;
	9. 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;
	10. The location of external lighting (if any);
	11. Planting required by any other condition of this permit; and
	12. 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.

### Landscaping Prior to Occupation

1. 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

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:
* a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or
* shaping the internal driveway so that stormwater is collected in grated pits within the property; and or
* another Council approved equivalent.
1. 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.
2. All new vehicle crossings must be a minimum of 3.0 metres in width and constructed in accordance with Council standards.
3. The existing redundant crossing is to be removed and replaced with kerb and channel to the Council Standard.
4. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.
5. Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.
6. The proposed crossing is to be constructed in accordance with the City of Monash standards.
7. The existing redundant crossing is to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Council.
8. A detailed plan of the access arrangements to Springvale Road must be submitted to the Responsible Authority for approval. A Road Opening Permit, with associated refundable security bond, will be required from Council's Engineering Department prior to the roadworks commencing.
9. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit of $3,000 is to be paid prior to the drainage works commencing.
10. 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

1. 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

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

### Vicroads

1. Prior to occupation of the development, a sealed access crossover of at least 3.5m metres wide at the property boundary with the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3.0m from the edge of the road must be constructed to the satisfaction the Responsible Authority and at no cost to the Head, Transport for Victoria.
2. Prior to the occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
3. Vehicles must enter and exit the land in a forward direction at all times.
4. The level of the footpath must not be lowered or altered in any way to facilitate access to the site.

### Permit Expiry

1. This permit will expire if one of the following circumstances applies:
	1. The development has not started within 2 years from the date of issue.
	2. The development is not completed within 4 years from the date of issue.

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 –**