VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | vcat reference No. P1547/2019 |
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| APPLICANT | Fortune Holding Group Pty Ltd |
| responsible authority | Monash City Council |
| SUBJECT LAND | 36 Cambro RoadCLAYTON VIC 3168 |
| WHERE HELD | Melbourne |
| BEFORE | E A Bensz, Member  |
| HEARING TYPE | Compulsory conference  |
| DATE OF HEARING | 3 December 2019 |
| DATE OF ORDER | 3 December 2019 |

# Order

1. The hearing listed for this matter on 29 January 2020 is **vacated**. No attendance is necessary.
2. The decision of the Responsible Authority is set aside.
3. In permit application TPA/49541 a permit is granted and directed to be issued for the land at 36 Cambro Road, CLAYTON on the conditions set out in Appendix A. The permit allows:
* The construction of four double storey dwellings on the lot

in accordance with the endorsed plans.

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| **E A Bensz****Member**  |  |  |

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| APPEARANCES: |  |
| For Applicant | Will Pearce, town planner of Human Habitats |
| For Responsible Authority | James Turner, town planner |

# reasons

### Full settlement

1. This order is made at the request of the parties and with their consent as an outcome of a compulsory conference.
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 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;
* 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.
1. Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

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| **E A Bensz****Member**  |  |  |



# APPENDIX A

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| **PERMIT APPLICATION NO:** | TPA/49541 |
| **LAND:** | 36 Cambro RoadCLAYTON VIC 3168 |
| **WHAT THE PERMIT ALLOWS:** |
| * The construction of four double storey dwellings on the lot

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 Application Plans prepared by Pink Architects but modified to show:
	1. Realignment of the SPOS fence on the southern side of dwelling 1 in line with the southern boundary and east in line with the bedroom/hallway wall.
	2. Realigned fence to a height of 1.7m
	3. All eaves no more than 600mm wide
	4. Windows on the southern elevation on dwellings 3 and 4 to match the south facing master bedroom window of dwelling 2 or another alternative to the satisfaction of the Responsible Authority.
	5. Render on the eastern elevation of dwelling 4 to be R3 or another alternative to the satisfaction of the Responsible Authority.
	6. Render on the northern elevation of dwellings 3 and 4 to be R3 or another alternative to the satisfaction of the Responsible Authority.
	7. Provide 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) on both sides of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
	8. The height, materials and location of all internal fencing.
	9. A materials schedule of proposed external finishes including colour swatches.
	10. 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. Alternatively, it must be set back a minimum of 3 metres from the front title boundary, no greater than 1.4 metres in height and must be adjacent to side boundary fencing.
	11. A Landscape Plan in accordance with Condition 3 of this Permit.

### 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.

### Landscaping

1. Concurrent with the endorsement of any plans 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. the location of any fencing internal to the site;
	4. provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development;
	5. planting to soften the appearance of hard surface areas such as driveways and other paved areas;
	6. Canopy Trees / Significant Planting on adjoining properties within 3 metres of the site;
	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. Planting required by any other condition of this permit; and
	10. Landscaping and planting within all open areas of the site.

### 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.

### Sustainable Design Assessment (SDA)

1. Concurrent with the endorsement of any plans pursuant to Condition 1, a Sustainable Design Assessment (in accordance with Clause 22.13) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Design Assessment will be endorsed and will form part of this permit.
2. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

### Boundary Walls

1. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

### Stormwater

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.
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.

### 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 nature-strip are to be reinstated to Council standards.

### 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.

### 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 will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:
	1. The development has not started before two (2) years from the date of issue.
	2. The development is not completed before four (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** ---