

Outcome of CC - Full Agreement (s82)

*PLANNING & ENVIRONMENT
LIST*

Tribunal File No: P472/2023
Permit Application No.: GE/DP-35804/2022
Date of Compulsory Conference: 29 August 2023
Member: S. R. Cimino

PARTIES

Applicant for Review: Clare Chadderton, planning consultant, Keen Planning, for Janet Rudnianski
Responsible Authority: Harvey Donoghue, town planner and Kristian Cook, statutory planning co-ordinator for Glen Eira City Council
Respondent (s) Present: Chris Pippo, planning consultant, The North Planning for Clara Greenberg

OUTCOME OF COMPULSORY CONFERENCE - REQUEST FOR CONSENT ORDER

The parties request that the Tribunal make the following order by consent pursuant to Section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998* as full settlement of this proceeding:

Amend application

- 1 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting the following person as the permit applicant:
Clara Greenberg

Grant permit

- 2 In application no. **P472/2023** the decision of the responsible authority is **varied**.
- 3 In permit application no. **GE/DP-35804/2022** a permit is granted and directed to be issued for the land at 12 Service Street CAULFIELD NORTH VIC 3161 in accordance with the endorsed plans and on the conditions set out in Appendix A. The permit allows:
 - Construction of two dwellings on a lot

Hearing vacated

- 4 The hearing scheduled at **10.00am on 20 November 2023** is vacated. No attendance is required.

APPENDIX A

Amended plans

- 1 Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed along with the Arborist Report by TMC Reports and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the development plans identified as sheets 04-06 & 08, Issue no. TP-11, dated 3/2/23 by Roke Design Studios, and the landscape plan by Zenith Concepts, dated 5/9/22, but further modified to show:
- (a) The southern setback of Dwelling 1 increased and other consequential changes, generally as shown on Sketch Plan 1 dated 29 August 2023;
 - (b) The south facing window to the master suite in Dwelling 1 deleted;
 - (c) The south facing window to Bedroom 2 in Dwelling 1 to have a minimum sill height of not less than 1.7metres above finished floor level;
 - (d) The landscape plan updated to reflect the development plans;
 - (e) The rear parapet on the north wall on boundary for Dwelling 2 to be reduced to a maximum height of 3.6m;
 - (f) The 6m³ storage shed for Dwelling 1 to be moved at least 1m away from the southern boundary or alternatively moved to a location that is not adjacent to the north facing habitable room window of 14A Service Street; and
 - (g) The sill height for the north facing master suite window in Dwelling 2 to be clearly annotated on the elevations.

Layout not to be altered

- 2 The development as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Completion of landscaping

- 3 Before the dwellings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the

endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority.

Landscaping Maintenance

- 4 The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority including by:
 - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscaping.
 - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
 - (c) Replacing any dead, diseased, dying or damaged plants.

Protection for third-party owned trees

- 5 Before the development starts (including any site preparations or demolition), the recommendations contained within Section 8 of the endorsed Arborist Report by TMC Reports must be carried out to the satisfaction of the Responsible Authority, with particular attention given to:
 - (a) Engage a suitably qualified arborist (AQF Level 5) to supervise excavation for garage 2 within the TPZ of Tree 2.
 - (b) TPZ fencing is to be installed as per the Tree Protection Plan included within the report.
 - (c) Ground protection is to be installed as per the Tree Protection Plan included within the report.

Street tree protection

- 6 Before the development starts (including any site preparations or demolition), tree protection fencing must be assembled around the street tree to isolate the tree protection zone (TPZ) in accordance with AS 4970–2009 Protection of Trees on Development Sites and is to remain in place until the development is complete (including the landscaping phase).

The TPZ must be clearly signed, identifying the area as a TPZ and must include the standard restrictions to activities as outlined AS 4970–2009. The TPZ fencing is to be located within the nature strip area to ensure the footpath remains open for public access. Fencing should be assembled as follows:

- (a) Fencing aligned to the footpath edge;
- (b) Fencing aligned to the back of kerb;
- (c) Fencing to cross the nature strip 3 metres to the north/south from the centre of the trunk.

Fencing can be reduced to the edge of the proposed crossovers only when excavation and construction of the crossover is to occur. No alteration to the TPZ fencing may be undertaken except with the prior written consent of the Responsible Authority.

- 7 Fencing proposed within the TPZ of street tree should be constructed under arborist supervision, using tree-sensitive methods, such as post-hole footings. There should be no footings located within the SRZ, and post hole footings must be flexible in location to avoid major roots (>40mm diameter).

Permit expiry

- 8 This permit will expire if one of the following circumstances applies:

- (a) The development is not started within three years of the date of this permit.
- (b) The development is not completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 1987.

End of conditions

OTHER TERMS

In giving its consent, the responsible authority confirms that the changes to plans required by condition 1 in the above orders will not result in any change to the proposed development which would materially affect any person other than the parties to the proceeding.

SIGNED and dated 29 August 2023

Applicant/s for Review

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Clare Chadderton
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29-08-23 | 13:18 AEST

**Clare Chadderton, planning consultant, Keen
Planning, for Janet Rudnianski [1]**

