

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P282/2022
PERMIT APPLICATION NO. TPA/46824/A

APPLICANT Tieliang Yan
RESPONSIBLE AUTHORITY Monash City Council
SUBJECT LAND 57 Hinkler Road
GLEN WAVERLEY Vic 3150
DATE OF ORDER 1 June 2022

ORDER

- 1 In application P282/2022 the decision of the responsible authority is varied.
- 2 In planning permit application TPA/46824/A an amended permit is granted and directed to be issued for the land at 57 Hinkler Road, Glen Waverley in accordance with the endorsed plans and the conditions set out in Appendix A.
- 3 The Tribunal hearing scheduled for **17 June 2022** is vacated.

Judith Perlstein
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:
 - a 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 *Planning and Environment Act 1987 (Act)*, including the balanced application of the strategies and policies of the Monash Planning Scheme (**Scheme**) and is otherwise in conformity with the provisions of the Scheme and the Act;
 - b 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.
- 3 Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

Judith Perlstein
Member



APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO	TPA/46824/A
LAND	57 Hinkler Road GLEN WAVERLEY Vic 3150

WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Construction of two double storey dwellings.

CONDITIONS

- 1 Before the development starts, three copies of 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:
 - (a) First floor southern façade of Unit 1 setback a minimum of 7.6 metres from Hinkler Road. Any consequential changes to the building footprint shall not result in any cantilevering or reduced setbacks from site boundaries.
 - (b) The landscape plan to be amended to show the deletion of tree No. 6 and the planting of four canopy trees throughout the site with a height at maturity of a minimum of 8m. At least two canopy trees are to be located within the front setback of Dwelling 1 and one canopy tree within each secluded private open space area.
 - (c) Neighbouring trees and street trees to be protected before and during the construction of the proposed development in conjunction with the recommended protection measures as per the Arborist report prepared by Melbourne Arborist Reports dated 1 May 2017.
 - (d) The two first floor (most northern) western bedroom windows of Unit 2 to be provided with screening in accordance with Standard B22-Overlooking Objectives to the satisfaction of Council.
 - (e) A double door (minimum width 1.8 m) installed on the rear of the Unit 2 garage to allow for drainage maintenance requests.
 - (f) Unit 1 and Unit 2 provided with 6 cubic metres of storage space.
 - (g) The location of gas and water metres.
 - (h) 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".

- (i) 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 pedestrians on the footpath of the frontage road.
- (j) The upper storey, Dwelling 1 northern Master Bedroom wall be setback an additional 600mm from the north.
- (k) Deleted.
- (l) The upper storey, Dwelling 1 western wall to ensuite and WIR setback an additional 500mm from the western boundary.
- (m) Deleted.
- (n) The north facing Master Bedroom Window to be screened in accordance with Standard B22- Overlooking.
- (o) An elevation of the front fence which is to be no greater than 1.2m in height and which is to be at least 50% visually permeable.
- (p) The site plan to shown details of site cut, batters, retaining walls and pavers including details of access to the porch from the street to Dwelling 1.
- (q) The landscaping plan to reflect the condition 1 changes accordingly.
- (r) The dwelling 1 electricity meterbox to be located along the eastern wall of the dwelling.
- (s) The floor plans and elevations for dwelling 2 to be in accordance with plans dated 19 July 2021.
- (t) The Garden Area plan to exclude any areas with a width of less than 1m.
- (u) The Dwelling 1, side gate to be located behind the main dwelling building line.
- (v) The air-conditioner west of the Dwelling 1 Laundry and Pantry relocated to a position further north to facilitate the planting of three medium height trees with upright canopy (Capital pears or similar) inside the western boundary generally opposite the upper level Master Bedroom WIR and Ensuite.

No Alteration or Changes

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



Common Boundary Fences

- 3 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

- 4 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:-
- (a) the location of all existing trees and other vegetation to be retained on site
 - (b) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development including any planting required in Condition 1
 - (c) planting to soften the appearance of hard surface areas such as driveways and other paved areas
 - (d) 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
 - (e) the location and details of all fencing
 - (f) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
 - (g) 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

- 5 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 and verified by an authorised officer of the Responsible Authority.
- 6 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

- 7 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

- 8 All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:
- a trench grate (150 mm minimum internal width) located within the property; and/or
 - shaping the driveway so that water is collected in a grated pit on the property; and/or
 - another Council approved equivalent.
- 9 Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing. Please refer to the notes section of this permit for additional details.
- 10 The nominated point of stormwater connection for the site is to the north-east corner of the property where the entire site's stormwater drainage must be collected and free drained via a pipe to Council Pit in the nature strip via a pipe to Council Standards.
- 11 Any connection into a Council easement drain requires the approval of the Council's Engineering Division prior to the works commencing. Please refer to the notes section of this permit for additional details. A refundable security deposit of \$500 is to be paid prior to the drainage works commencing.
- 12 Engineering permits must be obtained for new vehicle crossings and for new connections to the Council Pit and these works are to be inspected by Council (telephone 9518 3555).

Vehicle Crossovers

- 13 Approval of each proposed crossing, and a permit for installation or modification of any vehicle crossing is required from Council's Engineering Department.
- 14 The proposed crossing is to be constructed in accordance with the City of Monash standards.
- 15 All new crossings must be a minimum of 3.0 metres in width.
- 16 All new 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.



- 17 The proposed eastern crossing will affect an existing stormwater pit. The pit is to be converted into a junction pit, fully incorporated within the crossing with a medium duty cast-iron cover. A new side entry pit is to be constructed 1m south of the southern turning point of the crossing. All works are to be done at the full cost to the developer to the satisfaction of Council's Engineering Department.
- 18 The proposed western crossing will affect the existing power pole. Approval from the power authority is required as part of the vehicle application process.

Urban Design

- 19 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

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

Permit Expiry

- 21 This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
 - (a) The development has not started before 21 September 2021.
 - (b) The development is not completed before 21 September 2023.

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 –

