

# VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1527/2022  
PERMIT APPLICATION NO.TPA/53932

<b>APPLICANT</b>	GNL Holdings One Pty Ltd
<b>RESPONSIBLE AUTHORITY</b>	Monash City Council
<b>SUBJECT LAND</b>	64 Panorama Street CLAYTON VIC 3168
<b>HEARING TYPE</b>	Hearing
<b>DATE OF HEARING</b>	6 February and 8 March 2023
<b>DATE OF ORDER</b>	18 May 2023

### ORDER

- 1 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:
  - Prepared by: Bello Design Group
  - Drawing numbers: TP 01, TP 02, TP 03, TP 04, TP 05, TP 06, TP 07, TP 08 and TP13
  - Dated: 23 March 2023
- 2 In application TPA/53932 the decision of the responsible authority is set aside.
- 3 In planning permit application TPA/53932 a permit is granted and directed to be issued for the land at 64 Panorama Street, Clayton in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
  - Construction of three dwellings on a lot.
- 4 The hearing scheduled at **10.00 am on 22 May 2023** is vacated and no attendance is required.
- 5 No order as to costs.

Shiran Wickramasinghe  
**Member**



## APPEARANCES

GNL Holdings One Pty Ltd	Mr Daniel Bowden, town planner of SongBowden Planning Pty Ltd
For Monash City Council	Ms Sylvia Chan, and Ms Alexandra Wade, town planners

## REMARKS

- 1 This matter relates to the refusal of Monash City Council to grant a permit for the construction of three dwellings.
- 2 Hearings were conducted on 6 February 2023 and 8 March 2023. The matter is part heard.
- 3 The applicant at the 8 March 2023 hearing sought leave to adjourn the hearing to allow service of amended plans in accordance with the PNPE9 Amendment of Planning Permit Applications and Plans process. The Responsible Authority did not oppose the adjournment request. The hearing was adjourned. A further one day hearing has been scheduled for 22 May 2023.
- 4 This order is made at the request of the parties and with their consent.
- 5 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 is appropriate having regard to the matters it is required to consider under section 60 of the *Planning and Environment Act 1987* (Vic) (**Act**), including the balanced application of the strategies and policies of the Monash Planning Scheme (**Planning Scheme**) and is otherwise in conformity with the provisions of the Planning Scheme and the Act; and
  - the proposed orders will not result in any change to the proposed development which would materially affect any person other than the parties to the proceeding.
- 6 Based on the information available to the Tribunal, I consider it is appropriate to give effect to the settlement reached by the parties.

Shiran Wickramasinghe  
**Member**



## APPENDIX A – PERMIT CONDITIONS

<b>PERMIT APPLICATION NO</b>	TPA/53932
<b>LAND</b>	64 Panorama Street CLAYTON VIC 3168

### WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Construction of three dwellings on a lot.

## CONDITIONS

### Amended Plans Required

- 1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed, they will then form part of the Permit. The must be generally in accordance with plans prepared by Bello Design Group (TP 01, TP 02, TP 03, TP 04, TP 05, TP 06, TP 07, TP 08 and TP13), dated 23 March 2023, but modified to show:
  - (a) The removal of the upper floor balcony of Dwelling 3.
  - (b) The ground floor study room for Dwelling 2 converted into a living room.
  - (c) The external shed for Dwelling 3 to be located along the eastern boundary, subject to a minor building over easement approval by Councils drainage department and consent from South-East Water.
  - (d) Provision of screen planting along the entire northern boundary of Dwelling 2.
  - (e) Removal of the wide stepping stones at the front porch entry of Dwellings 2 and 3 by restricting pedestrian access to the west side of the porch directly off the Garage 2 accessway and providing one small paver on the west side of Dwelling 3 porch to allow for additional landscaping in this area.
  - (f) All proposed clotheslines to be free-standing.
  - (g) Landscape plans in accordance with Condition 3 of this Permit.
  - (h) Sustainable Design Assessment report in accordance with Condition 18.



## Layout not to be Altered

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

## Landscape

- 3 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:
  - (a) 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;
  - (b) 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;
  - (c) A minimum of five (5) canopy trees (minimum 1.5 metres tall when planted) with two in the front setback. 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;
  - (d) The location of any boundary and internal fencing to the site;
  - (e) Provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development;
  - (f) Planting to soften the appearance of hard surface areas such as driveways and other paved areas;
  - (g) Canopy Trees / Significant Planting on adjoining properties within 3 metres of the site;
  - (h) The location of any retaining walls associated with the landscape treatment of the site;
  - (i) Details of all proposed surface finishes including pathways, accessways, patio or decked areas;
  - (j) 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;
  - (k) 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.



## **Tree Protection**

- 4 Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained or are located within or adjacent to any works area (including trees on adjacent land). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.
- 5 No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.

## **Landscaping Prior to Occupation**

- 6 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**

- 7 The property has been referred to Monash Council as an overland flow path. The requirements to protect the property are as follows:  

The finished floor level of all dwellings must be 0.5 metres above the surface/natural ground level and all garages must be 0.35 metres above the surface/natural ground level.
- 8 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.
- 9 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.
- 10 The site must be drained to the satisfaction of the Responsible Authority.
- 11 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
- 12 The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.
- 13 Tree planting should be kept clear of any drainage easement.

### **Vehicle Crossovers**

- 14 Any works within the road reserve must ensure the footpath and naturestrip are to be reinstated to Council standards.
- 15 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) both sides or from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.

### **Urban Design**

- 16 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**

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

### **Environmentally Sustainable Design (ESD)**

- 18 Concurrent with the endorsement of plans requested 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. Upon approval the Sustainable Design Assessment will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the Sustainable Design Assessment to the satisfaction of the Responsible Authority.

### **Expiry of permit for development**

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

