VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P1142/2020  Permit Application no. TPA/48518/A |
| CATCHWORDS | |
| Application under section 77 of the *Planning and Environment Act 1987* – to review the refusal to amend a permit. | |

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| APPLICANT | Jim Kromidas |
| responsible authority | Monash City Council |
| RESPONDENT | Margaret Wong |
| SUBJECT LAND | 6 Cedar Court  GLEN WAVERLEY VIC 3150 |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 10 February 2021 |
| DATE OF ORDER | 15 February 2021 |

# Order

**Amend permit application**

1. Pursuant to clause 64 of Schedule 1 of the *Victorian Civil & Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

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| Prepared by: | * JKBD Building Design Consultants |
| Drawing numbers: | * TP04 to TP09 inclusive all Rev 1 titled Proposed Unit Developments 6 Cedar Court Glen Waverley. |
| Dated: | * 17/12/20 |

**Permit amended**

1. In application P1142/2020 the decision of the responsible authority is set aside.
2. Planning permit TPA/48518/A is amended, and an amended permit is directed to be issued for the land at 6 Cedar Court, Glen Waverley. The permit is amended as follows.
   1. Plans endorsed under the permit are amended and the responsible authority is directed to endorse amended plans being the plans prepared by JKBD Building Design Consultants, drawing numbers TP04 to TP09 inclusive all Rev 1 titled ‘Proposed Unit Developments 6 Cedar Court Glen Waverley’, Dated 17/12/20.

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| **Laurie Hewet**  **Senior Member** |  |  |



# Appearances

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| For applicant | Mr R Hocking, town planner |
| For responsible authority | Mr D De Giovanni, town planner |
| For respondent | Dr M Wong |



# Information

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| Description of proposal | The construction of three dwellings has been approved under permit TPA/48518/A issued on 10 September 2018. The permit was extended on 15 September 2020. Amendments to the endorsed plans are proposed showing a changed elevational treatment for each of the dwellings and changes to the internal configuration of each of the dwellings. |
| Nature of proceeding | Application under section 77 of the *Planning and Environment Act 1987* – to review the refusal to amend a permit. |
| Planning scheme | Monash Planning Scheme |
| Zone and overlays | Clause 32.08: General Residential Zone (GRZ3)  Clause 42.02: Vegetation Protection Overlay |
| Permit requirements | Clause 32.08-6: A permit is required to construct two or more dwellings on a lot. |
| Land description | The review site is an irregular shaped lot located at the head of Cedar Court, Glen Waverley.  The site has a curved front boundary of 14.49m and a 50.29m rear boundary dimension. The site has an area of 1,121 square metres.  The site is generally flat, with a very modest fall to the west.  The site is improved by a double storey brick and weatherboard dwelling. A side garage leads to a garage that is built to the southern boundary.  The site forms part of an established residential area comprising predominantly single dwellings on landscaped allotments. Medium density housing is present in the wider neighbourhood. |

# Reasons[[1]](#footnote-1)

1. This is an application to review the decision of the Responsible Authority to refuse to amend permit TPA/48518 which authorises the construction of three dwellings at 6 Cedar Court, Glen Waverley.
2. The Council refused to amend the permit for the following reason:

The proposed amendment to remove the ground floor pitched roof and create a parapet ground floor roof form, resulting in a double storey sheer wall, is not representative of the immediate neighbourhood character and not a preferred design outcome and is contrary to Clause 54.02-1 and Clause 54.02-2 of the Monash Planning Scheme[[2]](#footnote-2)

1. The proposed amendments incorporate changes to the internal configuration of the dwellings and elevational changes which in broad terms remove ground floor roof structures and replaces them with a parapet feature.
2. At the start of the hearing the applicant applied to substitute amended plans for the application plans. There was no objection to that application and I formally substituted the plans.
3. At the end of the hearing I provided oral reasons for my decision to amend the permit.

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| **Laurie Hewet**  **Senior Member** |  |  |

1. The submissions of the parties, any supporting exhibits given at the hearing, and the statements of grounds filed; have all been considered in the determination of the proceeding. [↑](#footnote-ref-1)
2. The ground of refusal incorrectly references Clause 54 of the planning scheme rather than Clause 55. [↑](#footnote-ref-2)