VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P1668/2020  Permit Application no. TPA/50992 |

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| APPLICANTs | Senthil Veluswamy and Shakthi Muniswaran |
| responsible authority | Monash City Council |
| SUBJECT LAND | 86 Stanley Avenue MOUNT WAVERLEY VIC 3149 |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 26 February 2021 |
| DATE OF ORDER | 1 March 2020 |

# Order

1. Pursuant to section 127 (1) of the *Victorian Civil and Administrative Tribunal Act* 1998, the permit application is amended by changing the name of the Applicant for Review to:

Senthil Veluswamy and Shakthi Muniswaran

1. The decision of the responsible authority is varied.
2. The Tribunal directs that planning permit TPA/50992 must contain the conditions set out in planning permit TPA/50992 issued by the responsible authority on 3 August 2020 with the following modifications:
   1. Condition 1(d) and 1(e) is deleted.
   2. Condition 1(f) remains unchanged.
   3. Condition 1(g) is amended to read:

1(g) First floor southern wall of the Master Suite setback an additional 800mm and a 200mm additional setback for the Dress and Ensuite of Dwelling 1 from the ground floor footprint without altering windows or reducing other setbacks.

* 1. Conditions in the planning permit are renumbered accordingly.

1. The responsible authority is directed to issue a modified planning permit in accordance with this order.

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| **Peter Gaschk**  **Member** |  |  |



# Appearances

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| For applicant | Mr Chris Pippo, Town Planner with The North Planning Pty Ltd |
| For responsible authority | Mr Peter English, Town Planner with Peter English & Associates Pty Ltd |

# Information

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| Description of proposal | The proposal seeks to construct two double storey dwellings on the subject land. The proposal is summarised as:   * Demolition of the existing dwelling and outbuildings. * Construction of two double storey dwellings. * The dwellings will be laid out in a tandem arrangement and incorporate living areas and a single bedroom at the ground level and bedrooms and secondary living areas at the upper level. * Vehicle access will be via the existing crossing along the southern side of the site for the rear dwelling, while the front dwelling will be accessed via a newly created crossing adjacent to the northern boundary. * Each dwelling will be provided with a double garage. * Private open space will be situated at ground level adjacent to the internal living areas. * Finishes will incorporate varying colours of render. Roofing materials will consist of concrete tiles. |
| Nature of proceeding | Application under section 80 of the *Planning and Environment Act 1987* – to review the conditions contained in the permit. |
| Planning scheme | Monash Planning Scheme (the Scheme) |
| Zone and overlays | General Residential Zone, Schedule 3 (GRZ3) |
| Permit requirements | Clause 32.08-6: A permit is required for two or more dwellings on a lot. |
| Land description | The review site is located on the eastern side of Stanley Avenue approximately 20m south of Ian Grove.  The land is rectangular in shape, with a frontage of 17.3m, a northern boundary of 45.5m, a southern boundary of 45.5m, and an overall area of approximately 790.8sqm. The land has a fall of approximately 1.7 metres from the south east corner to the north west corner. A 1.8m wide easement runs along the rear boundary of the site.  The site is occupied by a detached original single storey brick dwelling with a pitched tiled roof. An existing vehicle crossing and driveway is located along the southern boundary. There is no significant vegetation on the site. |
| Tribunal inspection | Not undertaken. |

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

## What is this proceeding about?

1. This is an application under section 80 of the *Planning and Environment Act 1987* to review conditions placed on a permit TPA/50992 issued by the responsible authority on 3 August 2020, for the construction of two double storey dwellings at 86 Stanley Avenue, Mount Waverly.
2. The conditions in dispute are 1(d), 1(e), 1(f) and 1(g) as detailed below:

1(d) First floor northern wall of Dwelling 2 leisure room set back an additional 800mm from the ground floor footprint without altering windows or reducing other setbacks.

1(e) First floor eastern wall of Dwelling 2 WC set back an additional 800mm from the ground floor footprint without altering windows or reducing other setbacks.

1(f) First floor western walls of Dwelling 1 set back an additional 800mm from the ground floor footprint without altering windows or reducing other setbacks.

1(g) First floor southern walls of Dwelling 1 set back an additional 800mm from the ground floor footprint without altering windows or reducing other setbacks.

1. Reasons for this decision were given orally at the conclusion of the hearing.

## Conclusion

1. For the reasons given above, the decision of the responsible authority is varied. A permit is granted subject to amended conditions as detailed in the order.

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| **Peter Gaschk**  **Member** |  |  |

1. The submissions and evidence 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. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons. [↑](#footnote-ref-1)