VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P502/2021Permit Application no. TPA/48479/B |

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| **Applicant** | 2 Anchor Place Pty Ltd |

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| **Responsible Authority** | Monash City Council |

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| SUBJECT LAND | 47 Margot StreetCHADSTONE VIC 3148 |
| HEARING TYPE | Short Case Hearing |
| DATE OF HEARING | 21 June 2021 |
| DATE OF ORDER | 21 June 2021 |

# Order

### Permit amended

1. In application P502/2021 the decision of the responsible authority is set aside.
2. Planning permit TPA/48479/B is amended and an amended permit is directed to be issued for the land at 47 Margot Street, Chadstone. The permit is amended as follows.
	1. Condition 1(a) is deleted.

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| Michael Nelthorpe**Member** |  |  |

# Appearances

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| For applicant | Mr Tim Retrot of ProUrban Advisory, Planning and Management. |
| For responsible authority | Ms Sally Moser, Principal Planner – Appeals Advisor. |



# Information

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| Description of proposal | Three two-storey 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 | General Residential Zone Schedule 2 |
| Permit requirements | Clause 32.08-6: to construct two or more dwellings on a lot. |
| Relevant scheme policies and provisions | Clauses 11, 15, 16, 22.01, 32.08, 52.06, 55, 65 & 71.02. |
| Land description | This rectangular site is on the west side of Margot Street, 20 metres south of its intersection with Thurloo Street. It has a 17.68 metre frontage, a 40,23 metre depth and an area of 711.25 square metres. It falls approximately 2.6 metres to the rear of the site. It is occupied by three two-storey dwellings under construction. |

# Remarks

1. 2 Anchor Place Pty Ltd (‘the applicant’) seek to amend Planning Permit TPA/48479/A by deleting Condition 1(a). This condition requires the deletion of Bedroom 4 from Dwelling 1 to the Council’s satisfaction.
2. Monash City Council (‘the Council’) refused to amend the permit on grounds that the retention of this bedroom would be inconsistent with neighbourhood character and design detail objectives of clause 55 and would be inconsistent with local policy on residential development and neighbourhood character.
3. After hearing submissions from the applicant and the Council, I set the Council’s decision aside and allowed the permit to be amended.
4. I gave my reasons orally at the time.

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| Michael Nelthorpe**Member** |  |  |