VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P46/2021  Permit Application no. TPA 51098 |

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| **Applicant** | Hao Chuan Zhang |

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

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| SUBJECT LAND | 6 Bosco Street  CHADSTONE VIC 3148 |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 17 May 2021 |
| DATE OF ORDER | 18 May 2021 |

# Order

1. In application P46/2021 the decision of the responsible authority is affirmed.
2. In planning permit application TPA/51098 no permit is granted.

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| Cindy Wilson  **Member** |  |  |

# Appearances

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| For applicant | Mr Chris Mackenzie of Planning Appeals Pty Ltd |
| For responsible authority | Ms Adrianne Kellock, town planner or Kellock Town Planning Pty Ltd |

# Information

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| Description of proposal | The construction of two double storey dwellings in a side-by-side layout. |
| Nature of proceeding | Application under section 77 of the *Planning and Environment Act 1987* – to review the refusal to grant a permit. |
| Planning scheme | Monash Planning Scheme |
| Zone and overlays | General Residential Zone, Schedule 3  Vegetation Protection Overlay, Schedule 1 |
| 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 located on the east side of Bosco Street, Chadstone. It is irregular in shape with a site area of 575 square metres, a frontage of 16.35 metres and a rear boundary width of 15.25 metres. It contains a single storey dwelling. |
| Tribunal inspection | I inspected the review site and surrounds prior to the hearing. |

# Reasons

1. Monash City Council refused to grant a permit for two dwellings at 6 Bosco Street, Chadstone.
2. The applicant seeks a review of that decision.
3. The Tribunal must decide whether a permit should be granted, and if so, what conditions should be applied.
4. Having heard the submissions of parties, inspected the site and surrounds and had regard to the Monash Planning Scheme, I have decided a permit should not be granted.
5. Oral reasons for the decision of the Tribunal were given to the parties on 17 May 2021.

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| Cindy Wilson  **Member** |  |  |