VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P457/2021Permit Application no. TPA/51996 |
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| **Applicant** | Victor Jibin Huang and Xiaofang Wu |

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

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| SUBJECT LAND | 6 Hakea CourtMOUNT WAVERLEY VIC 3149 |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 2 June 2021 |
| DATE OF ORDER | 3 June 2021 |

# Order

1. The decision of the Responsible Authority is varied.
2. The Tribunal directs that Permit No. TPA/51996 must contain the conditions set out in the permit issued by the Responsible Authority on 24 February 2021 with the following modifications:
	1. Condition 1(a) is deleted.

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| Mary-Anne Taranto**Member** |  |  |

# Appearances

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| For applicant | Mr Robert Easton, town planning consultant |
| For responsible authority | Ms Sally Moser, town planner |



# Information

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| Description of proposal | Two double storey dwellings |
| 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 |
| Zone and overlays | General Residential Zone – Schedule 3 (**GRZ3**) |
| Permit requirements | Clause 32.08-6 – Construction of two or more dwellings on a lot in the GRZ3 |
| Key scheme policies and provisions | Clause 55 |
| Land description | This irregular shaped site located at the end of a court-bowl has an area of 895sqm as depicted in the following image. |
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# Remarks

### Introduction

1. This is an application to review one condition on permit TPA/51996 issued by the council on 24 February 2021.
2. In dispute is condition 1(a) which requires the deletion of Bedroom 4 from the upper level of the rear of two units proposed on the site.
3. The key issues in this case are whether deletion of this bedroom is necessary having regard to:
* overshadowing of SPOS associated with the host unit on its south side;
* overshadowing of the neighbouring dwelling to the west at No. 5 Hakea Court; and
* visual bulk impacts for neighbouring properties.
1. Reasons for this decision were given orally at the conclusion of the hearing.

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| Mary-Anne Taranto**Member** |  |  |