VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

|  |  |
| --- | --- |
| planning and environment LIST | vcat reference No. P11132/2021  Permit Application no. TPA/52095 |

|  |  |
| --- | --- |
| APPLICANT | Don Abeyratne |
| responsible authority | Monash City Council |
| Referral Authority | Ausnet Services |
| SUBJECT LAND | 12 Huxley Avenue, MULGRAVE VIC 3171 |
| WHERE HELD | Melbourne |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 21 February 2022 |
| DATE OF ORDER | 21 February 2022 |

# Order

### No permit granted

1. In application P11132/2021 the decision of the responsible authority is affirmed.
2. In planning permit application TPA/52095 no permit is granted.

|  |  |  |
| --- | --- | --- |
| **Joel Templar**  **Member** |  |  |

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

|  |  |
| --- | --- |
| For Don Abeyratne | Mr Stephen Rowley, town planner of RCI Planning. |
| For Monash City Council | Ms Adrianne Kellock, town planner of Kellock Town Planning. |
| For Ausnet Services | No appearance. |

# Information

|  |  |
| --- | --- |
| Description of proposal | Construction of two dwellings on a lot. This involves the construction of two double storey dwellings in a side-by-side arrangement, each with separate crossovers and driveways and with areas of secluded private open space to the rear. |
| 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 |
| Permit requirements | Clause 32.08-6 – to construct two or more dwellings on a lot. |
| Land description | The subject site is situated on the eastern side of Huxley Avenue in Mulgrave, approximately 130 metres south of Tiverton Drive. It is currently occupied by a single storey brick dwelling with a garage located in the northwest corner, slightly set back from the rear boundary, and accessed via a driveway along the northern boundary of the site. The site measures 20.5 metres by 32 metres, with an area of 658m2. The land abuts a reserve associated with overhead powerlines to the south, and single storey dwellings to the north (side) and east (rear). In terms of topography, the site has a gradual fall of approximately 1.2 metres from the north-east corner to the south-west corner. |
| Tribunal inspection | 17 February 2022 (prior to the hearing and unaccompanied). |

# Reasons

1. Verbal reasons with provided at the hearing, affirming the council’s decision to refuse to grant a permit.

|  |  |  |
| --- | --- | --- |
| Joel Templar  **Member** |  |  |

1. All appearances were via an online platform. [↑](#footnote-ref-1)