VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P767/2021  Permit Application no. TPA/22769/A |

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| APPLICANT | Siu Luen Jackson Lai |
| responsible authority | Monash City Council |
| RESPONDENT | Anthony Roberts |
| SUBJECT LAND | 2/8 Marriott Parade, GLEN WAVERLEY VIC 3150 |
| WHERE HELD | Melbourne |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 3 December 2021 |
| DATE OF ORIGINAL ORDER | 6 December 2021 |
| DATE OF CORRECTION ORDER | 9 December 2021 |

# Order

### Permit amended

1. In application P767/2021 the decision of the responsible authority is set aside.
2. Planning permit TPA/22769/A is amended and an amended permit is directed to be issued for the land at 8 Marriott Parade, GLEN WAVERLEY VIC 3150. The permit is amended by amending the plans and by amending conditions as set out in Appendix A.

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

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

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| For Siu Luen Jackson Lai | Mr Ben McKenna, town planner of CS Town Planning Pty Ltd. |
| For Monash City Council | Ms Adrianne Kellock, town planner of Kellock Town Planning. |
| For Anthony Roberts | Mr Anthony Roberts, in person. |

# Information

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| Description of proposal | Amend the layout of the existing dwelling by making internal alterations, including an additional bedroom, and altering a window and a door so they are no longer visible openings internally. |
| 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 7 |
| Land description | The review site is located on the south side of the Marriott Parade, approximately 40 metres west of the intersection of Marriott Parade and Berkley Court. It contains two (2) single storey dwellings in a tandem arrangement. The front dwelling (Unit 1) is provided with vehicle access via a crossover located towards the western end of the frontage and the rear dwelling (Unit 2, the review site) is provided with access via a crossover sited towards the eastern end of the frontage. |

# Reasons[[2]](#footnote-2)

1. Oral reasons for the decision were provided at the hearing.

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| Joel Templar  **Member** |  |  |

# Appendix A – Permit Conditions

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| Permit Application No: | TPA/22769/A |
| Land: | 2/8 Marriott Parade  GLEN WAVERLEY VIC 3150 |

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| What the permit allows |
| In accordance with the endorsed plans:   * Use and development of the site for two single storey dwellings to create a dual occupancy with associated landscaping and car parking basically in accordance with the endorsed plans. |

## Conditions:

1. Within 3 months of the date of this amended permit, three copies of plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans lodged with the amendment application (drawn by Felipe Basquiroto De Souza and labelled Plan 01/02 Revision 16/12/20 and Plan 02/02 Revision 17/12/20) but modified to show:
   1. Deletion of the internal wall on the southern side of the existing living room, between the master bedroom and living room.
   2. Relabelling of the kitchen/dining/lounge room of Unit 2 as kitchen/dining room.
   3. The landing/stairwell abutting the eastern side of Unit 2 on the site plan.
   4. A notation on the site plan that states that “Unit 1 is not amended under these plans. Refer to plans for Unit 1 endorsed by Council on 11/7/96 and 22/1/1997.”
   5. The following information and details in accordance with the plans for Unit 2 endorsed by Council for Planning Permit No. 22769 on 11/7/96 and 22/1/97:
      1. The setbacks of Unit 2 from side and rear boundaries on the site plan.
      2. The location/size of all external windows and doors for Unit 2 on the site plan and the floor plan.
      3. The location of all eaves for Unit 2 including those overhanging the front entrance porch on the site plan and the floor plan.
      4. The location of the rear 3 metre wide easement on the site plan.
      5. The location of the clothesline and bin storage area for Unit 2 on the site plan.
      6. The driveway that serves Unit 2 and the garden beds alongside the driveway (including those sited alongside the living room and Bedroom 4/the study).
   6. The setbacks of the Unit 2 deck and its associated stairwell from the eastern side boundary and the southern (rear) boundary on the site plan.
   7. Elevations for Unit 2, which must reflect those shown on the plans endorsed by Council on 22/1/97 and 11/7/96, apart from the changes approved under this amended permit.
2. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the use and/or development starts, a site layout plan drawn to scale and dimensioned must be approved by a Building Practitioner registered under the Building Act 1993 and submitted to the Responsible Authority.

The plans must show:

* a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is the south-east corner of the property where it must be collected and piped to the existing stormwater pit in the rear easement to the satisfaction of Council.
* The traffic surfaces are to be hard surfaced and marked to the satisfaction of the Responsible Authority.

1. All on-site stormwater is to be collected from hard surface areas and directed to the on-site stormwater drainage system and must not be allowed to flow uncontrolled into adjoining properties (including road reserve).
2. A drainage contribution of $3,094.00 or retention of the peak discharge to predevelopment level is required. Council approval of any retention system is required prior to works commencing or drainage contribution is still applicable.
3. Driveways are to be designed and constructed using appropriate engineering practices.
4. Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.
5. Before the development hereby permitted starts three copies of a site layout plan drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The plan must show the proposed landscape treatment of the site including the location of all existing and proposed species. When approved the plan will be endorsed and will then form part of the permit.
6. This amended permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies.
   1. The development has not started within 9 months of the date of issue of the amended permit.
   2. The development is not completed within 12 months of the date of issue of the amended permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a requested is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started or within 12 months of the permit expiry date where the development has lawfully started before the permit expires.

**- End of conditions -**

1. All appearances were via an online platform. [↑](#footnote-ref-1)
2. The submissions and any 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-2)