

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P2023/2018
PERMIT NO. TPA/48272

CATCHWORDS

Permit for two attached double storey dwellings, one with a tandem single width garage and the other with a double garage; Condition to change double garage to a single garage.

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|------------------------------|--------------------------------|
| APPLICANT | P K Lee and E Lee |
| RESPONSIBLE AUTHORITY | Monash City Council |
| SUBJECT LAND | 17 Wave Avenue, Mount Waverley |
| WHERE HELD | Melbourne |
| BEFORE | Rachel Naylor, Senior Member |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 7 February 2019 |
| DATE OF ORDER | 7 February 2019 |

ORDER

Amend VCAT application

- 1 Pursuant to section 127 of the *Victorian Civil & Administrative Tribunal Act 1998*, the application form is amended to correct the address of the land to:

17 Wave Avenue, Mount Waverley

Conditions changed

- 2 The decision of the responsible authority is varied.
- 3 The Tribunal directs that planning permit TPA/48272 must contain the conditions set out in planning permit TPA/48272 issued by the responsible authority on 3 September 2018 with the following modification:
 - (a) Condition 1(a) is deleted.
 - (b) Conditions in the planning permit are renumbered accordingly.
- 4 The responsible authority is directed to issue a modified planning permit in accordance with this order.



Rachel Naylor
Senior Member

APPEARANCES

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| For applicant | Mr P O'Shea, planning consultant of CS Town Planning |
| For responsible authority | Mr D De Giovanni, planning consultant |

INFORMATION

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| Land description | The site has a frontage of 17.6m, a depth of 41.24m and an area of 729sqm. The land falls across the length of the site from front to rear by about 2.2 to 2.4 metres. |
| Description of proposal | Construction of two attached double storey dwellings, one with a tandem single width garage and one with a double garage. Both dwellings are significantly cut into the front of the site. This means the double garage floor level is about 2 metres below the footpath at the northeast corner of the site's frontage. |
| Nature of proceeding | Application under section 80 of the <i>Planning and Environment Act 1987</i> – to review condition 1(a) contained in the permit requiring dwelling 1's double garage to be amended to a single garage with a more substantial room at the front of the dwelling. |
| Planning scheme | Monash Planning Scheme |
| Zone and overlays | General Residential Zone Schedule 2 No overlay controls apply |
| Permit requirements | Clause 32.08-6 To construct two dwellings on a lot in GRZ2 |



REMARKS

- 1 Reasons for this decision were given orally at the conclusion of the hearing.

Rachel Naylor
Senior Member

