VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | vcat reference No. P853/2020Permit Application no. TPA50309 |
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| APPLICANT | Anastasios & Georgia Karatzas |
| responsible authority | Monash City Council |
| Referral Authority | Department of Transport |
| SUBJECT LAND | 288 Waverley Road, Mount Waverley |
| WHERE HELD | Melbourne |
| BEFORE | Geoffrey Code, Senior Member |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 7 September 2020 |
| DATE OF ORDER | 8 September 2020 |

# Order

### Permit application amended

1. Pursuant to clause 64 of schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998* the permit application is amended by changing the name of the permit applicant to:

Anastasios & Georgia Karatzas

### Application amended

1. Pursuant to section 127 of the *Victorian Civil and Administrative Tribunal Act* *1998* the application is amended as follows:
	1. For the name of the applicant, substitute ‘Anastasios & Georgia Karatzas’.
	2. For the conditions in dispute, add ‘condition 1(h)’.

### Decision varied

1. The decision of the responsible authority is varied.

### Conditions changed

1. The Tribunal directs that planning permit TPA50309 must contain the conditions set out in planning permit TPA50309 issued by the responsible authority on 26 June 2020 with the following modifications:
	1. Conditions 1(b), 1(c), 1(d), 1(f) & 1(g) are deleted.
	2. Condition 1(e) is amended to read:

Bedroom 2 of Unit 2 and bedroom 3 of Unit 3 both must be set back a minimum of 4 metres from Paynes Road and bedroom 2 of Unit 3 must be set back a minimum of 4.6 metres from Paynes Road.

* 1. Condition 1(h) is amended to read:

Eaves/shading devices to be provided to all north facing habitable room windows.

### Modified permit must issue

1. The responsible authority is directed to issue a modified planning permit in accordance with this order.

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| Geoffrey Code**Senior Member** |  |  |

# Appearances

### By videoconference

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| For Anastasios & Georgia Karatzas | Mr Russell Hocking, town planner, City/Shire Planning Pty Ltd |
| For Monash City Council | Mr James Turner, town planner, Monash City Council |
| For Department of Transport | No appearance |

# Information

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| Brief description of proposal | Construction of three double-storey dwellings |
| Nature of proceeding | Application under section 80 of the *Planning and Environment Act 1987* – to review conditions contained in the permit |
| Planning scheme | Monash Planning Scheme |
| Zone and overlays | General Residential Zone Schedule 3 |

# Reasons

1. I gave oral reasons for this order at the conclusion of the hearing.

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| Geoffrey Code**Senior Member** |  |  |