VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | vcat reference No. P625/2020  Permit no. TPA/50750 |
| CATCHWORDS | |
| Two rooming houses in a dual occupancy development form; Two conditions related to providing a 5 metre rear setback as per General Residential Zone Schedule 3. | |

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| APPLICANT | Mr A DiNicolantonio |
| responsible authority | Monash City Council |
| Referral Authority | Melbourne Water |
| SUBJECT LAND | 42 Eva Street CLAYTON VIC 3168 |
| WHERE HELD | Melbourne |
| BEFORE | Rachel Naylor, Senior Member |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 10 August 2020 |
| DATE OF ORDER | 10 August 2020 |

# Order

### Conditions changed

1. The decision of the responsible authority is varied.
2. The Tribunal directs that planning permit TPA/50750 must contain the conditions set out in planning permit TPA/50750 issued by the responsible authority on 2 April 2020 with the following modifications:
   1. Conditions 1(a) and 1(b) are deleted.
   2. The remaining items in Condition 1 in the planning permit are renumbered (a), (b), (c), etc accordingly.
3. The responsible authority is directed to issue a modified planning permit in accordance with this order.

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| **Rachel Naylor**  **Senior Member** |  |  |

# Appearances

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| For applicant | Mr S Skinner, planning consultant of Planning Sense Town Planning Consultants |
| For responsible authority | Mr J Turner, principal planner – appeals advisor |
| For referral authority | No appearance |

# Information

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| Land description | The site is mid-block on the east side of Eva Street. It is rectangular with a 17.4m frontage, a maximum 40.5m depth and an area of 703.7sqm. The land is generally flat. There is minimal existing landscaping on the site. |
| Description of permit | Construction of two rooming houses |
| Nature of proceeding | Application under section 80 of the *Planning and Environment Act 1987* – to review the conditions 1(a) and 1(b) contained in the permit. |
| Planning scheme | Monash Planning Scheme |
| Zone and overlays | General Residential Zone Schedule 3 (GRZ3)  Special Building Overlay (SBO) |
| Permit requirements | Clause 32.08-2 To use the land for the purpose of two rooming houses as the requirements of clause 52.23-2 are not met in GRZ3  Clause 32.08-6 To construct a residential building (as this land use term includes a rooming house) in GRZ3  Clause 32.08-9 To construct a building or construct or carry out works for the permit required rooming house land use in GRZ3  Clause 44.05-2 To construct a building and construct and carry out works in SBO |

# Reasons

1. Oral reasons were given at the end of the hearing.

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| **Rachel Naylor**  **Senior Member** |  |  |