VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | | vcat reference No. P1931/2019  Permit Application no. TPA/48576 |
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| APPLICANT | Stockwood Design Pty Ltd | |
| responsible authority | Monash City Council | |
| SUBJECT LAND | 9 Lantana Street CLAYTON VIC 3168 | |
| WHERE HELD | Melbourne | |
| BEFORE | J A Bennett, Senior Member | |
| HEARING TYPE | Hearing | |
| DATE OF HEARING | 15 June 2020 | |
| DATE OF ORDER | 16 June 2020 | |

# Order

1. In application P1931/2019 the decision of the responsible authority is set aside.
2. Planning permit TPA/48576 is amended and an amended permit is directed to be issued for the land at 9 Lantana Street CLAYTON VIC 3168. The permit is amended as follows.
3. Conditions in the permit are amended as follows:
   1. Condition 1 is amended to read:

1 Before the development starts, 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 submitted with the application (Rev 6 – 4/6/19) identified as TP: 01, 02, 03, 04, 05, 06,07, 08, 09, 10, 11, 12 and 13 by SBG Stockwood Design) but modified to show:

* 1. The following new conditions are inserted:

1f) Specifications for the mechanical parking system for Dwelling 1.

1g) Inclusion of a remotely controlled roller door for the Dwelling 1 garage.

1h) The access and car stacker modifications shown on Plan TP03 (No. 06 dated 4 June 2019 Traffic Amendments) and Plan TP08 (No. 7 dated 14 May 2020 Traffic Amendments).

1. Conditions in the permit are renumbered accordingly.
2. The responsible authority is directed to issue a modified planning permit in accordance with this order.

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| **J A Bennett**  **Senior Member** |  |  |

# Appearances

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| For Stockwood Design Pty Ltd | Mr Daniel Bowden, Town Planner of Song Bowden Planning. |
| For Monash City Council | Mr Gerard Gilfedder, Town Planner of Currie & Brown. |

# Information

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| Description of proposal | Request to amend a permit by increasing the number of bedrooms in Dwelling 1 from two to three and inclusion of a car stacker unit in the garage for Dwelling 1. |
| Nature of proceeding | Application under section 77 of the *Planning and Environment Act 1987* – to review the refusal to amend a permit. |
| Planning scheme | Monash Planning Scheme. |
| Zone and overlays | General Residential Zone - Schedule 6 (**GRZ6**).  Design and Development Overlay – Schedule 14 (**DDO14**). |
| Permit requirements | Clause 32.08-6 (construct two or more dwellings on a lot in GRZ6). |
| Relevant scheme policies and provisions | Clauses 11, 15, 16, 21.01, 21.04, 22.01, 22.05, 32.08, 55, 65 and 71.02. |
| Land description | The land is located on the northern side of Lantana Street, midway between Browns Road to the west and Panorama Street to the east. |

# Oral decision and reasons given[[1]](#footnote-1)

1. The Responsible Authority granted a permit for three double storey dwellings in 2018. The Applicant is seeking approval for various changes to the permit. Two of those changes, seeking to convert a first floor retreat in Dwelling 1 into a bedroom and providing a car stacker unit in the garage for Dwelling 1, are opposed by Council.
2. After having heard from the two parties and considered their written and oral submissions, I gave an oral decision with reasons to amend the plans referred to in condition 1, and include three new conditions – 1f), 1g) and 1h).

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| **J A Bennett**  **Senior Member** |  |  |

1. The submissions and 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-1)