VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

|  |  |
| --- | --- |
| planning and environment LIST | vcat reference No. P429/2021Permit Application no. TPA/51580 |
|  |
|  |

|  |  |
| --- | --- |
| **Applicant** | Gaurav Rajadhyax |

|  |  |
| --- | --- |
| **Responsible Authority** | Monash City Council |

|  |  |
| --- | --- |
| SUBJECT LAND | 20 Emerald StreetMOUNT WAVERLEY VIC 3149 |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 2 June 2021 |
| DATE OF ORDER | 3 June 2021 |
|  |  |

# Order

### Amend permit application

1. Pursuant to clause 64 of Schedule 1 of the *Victorian Civil & Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

|  |  |
| --- | --- |
| * Prepared by:
 | r architecture |
| * Drawing numbers:
 | TP03 to TP07 inclusive – Rev FTP05.1 and TP08 – Rev E |
| * Dated:
 | 7 April 2021 |

### No permit granted

1. In application P429/2021 the decision of the responsible authority is affirmed.
2. In planning permit application TPA/51580 no permit is granted.

|  |  |  |
| --- | --- | --- |
| Mary-Anne Taranto**Member** |  |  |

# Appearances

|  |  |
| --- | --- |
| For applicant | Ms R Gray, town planner of GrayKinnane |
| For responsible authority | Ms A Kellock, town planner of Kellock Town Planning |



# Information

|  |  |
| --- | --- |
| Description of proposal | Two double storey dwellings. |
| 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 3 (**GRZ3**)Vegetation Protection Overlay – Schedule 1 (**VPO1**) |
| Permit requirements | Clause 32.08-6 – construct two or more dwellings on a lot. |
| Land description | Relatively regular shaped lot with a frontage of 19.66m, maximum depth of 43.28 metres and an area of approximately 850sqm. |
|  |  |

# Remarks

1. This is an application to review the decision of the Responsible Authority to refuse permission for two double storey dwellings at 20 Emerald Street Mount Waverley. The Responsible Authority issued a Notice of Refusal to Grant a Permit for the following reasons:

1. The proposal is inconsistent with the Residential Development and Character Policy at Clause 22.01 of the Monash Planning Scheme.

2. The proposed development is not appropriate for the locality in regards to its adverse impact on the streetscape and general neighbourhood character.

3. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme, in particular with regard to Neighborhood [sic.] Character, Integration with the street and Design Detail.

1. The key issues in this case relate to the acceptability of the proposal in terms of its:
* Response to neighbourhood character in relation to the preferred neighbourhood character including its streetscape interface and backyard character.
* Off-site amenity impacts in the backyard realm, primarily in relation to Unit 2/18 Emerald Street in relation to overshadowing and visual bulk;
* Acceptability of the amenity available to Unit 2’s secluded area of private open space in relation to overshadowing.
1. Reasons for this decision were given orally at the conclusion of the hearing.

|  |  |  |
| --- | --- | --- |
| Mary-Anne Taranto**Member** |  |  |