

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P52/2023
PERMIT APPLICATION NO.TPA/52438/A

APPLICANT	Daxion Constructions Pty Ltd
RESPONSIBLE AUTHORITY	Monash City Council
SUBJECT LAND	9 Munro Avenue MOUNT WAVERLEY VIC 3149
HEARING TYPE	Hearing
DATE OF HEARING	24 April 2023
DATE OF ORDER	24 April 2023
DATE OF WRITTEN REASONS	1 May 2023
CITATION	Daxion Constructions Pty Ltd v Monash CC [2023] VCAT 480

ORDER

No amendment of permit

- 1 In application P52/2023 the decision of the responsible authority is affirmed.
- 2 Planning permit TP/52438 must not be amended.

Tracey Bilston-McGillen
Member



APPEARANCES

For applicant	Daniel Bowden, town planning consultant, SongBowden Planning.
For responsible authority	Sally Moser, Principal Planner/Appeals Advisor.

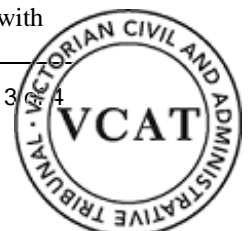
INFORMATION

Description of proposal	<p>An amendment to TPA/52438 including:</p> <ul style="list-style-type: none">• Deletion of Condition 1(b) from the Planning Permit.• Alteration of the garages of both dwellings.• Alteration of the entrance foyer for Dwelling 2.• Alteration of the layout and side setbacks of Bedroom 2 of both dwellings.• Alteration of the front entrance porticos of both dwellings.• Minor alteration to the facade cladding materials.
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Monash Planning Scheme

REASONS¹

- 1 Oral reasons for this decision were given on 24 April 2023. The responsible authority subsequently requested written reasons. In accordance with that request, following are the oral reasons in written form, with minor editing.
- 2 Thank you for returning and I will give an oral decision now. As I said it will be an oral decision and, in this case, I am going to refuse the amendment and the planning permit must not be amended.
- 3 I acknowledge from the submissions of Mr Bowden that it may be desirable for each dwelling to have a double garage. I understand that they are large family homes. But I agree with Council that the amended proposal, combined with the change in the landscape area, although I acknowledge that that wasn't part of the application and could be changed, is not an acceptable outcome.
- 4 I also wish to reiterate that the reference to paragraph 7 in the earlier decision, was about some observations that were made but there was no judgement or acceptability of having two double garages. I have now had the benefit of when Mr Bowden presented the 'evolution of the plans', I have had the benefit of reviewing what the double garages would look like.
- 5 The amended plans propose to move the garage for dwelling 1 to the boundary but it is my view that it does not result in an improvement to the streetscape presentation.
- 6 The entrance remains at 1.6 metres wide, and I acknowledge it widened out to 3 metres, and we had a slight discussion about this, but the window is only 1.6 metres and not 3 metres wide. I do not agree or accept that a corner window would be visible, create or improve the level of interaction to the street.
- 7 Garages are evident to the street. I have had the benefit of seeing the house developed next door. They (garages) are generally attached to dwellings, but the photos that I was provided with, firstly, I agree that they (garages) generally have a strong presentation to the street, but the photographs reinforced that when you look at the garage proportion to the width of the house compared to what is proposed here, this proposal is a different outcome.
- 8 The garage is the dominant element. To take a step back, I understand and acknowledge that there are double garages adjoining the review site at both 7 and 11 Munro Street. But the result with in this proposal is, the site width is 18 metres and you end up with 11 metres of garaging, so you end up with a high proportion of garaging which will dominate the street frontage.

¹ The submissions 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 the reasons.



- 9 We all are aware that good design principles call for interactive street presentation, that's a basic planning principle.
- 10 It is my view that there's not enough habitable room interaction to the street when you have two double garages.
- 11 I will lastly say that I find that the proposed development is inconsistent with the provisions of Clause 55 including neighbourhood character and design detailing and that Clause 22.01-2 under 'Street setbacks' seeks to ensure that garaging is not dominant to the streetscape. And again, given the site width of 18 metres, 11 metres of garaging will dominate the street frontage.
- 12 I further note the submission of Mr Bowden that the rhythm and spacing in the street is developing and it is a street that has seen change, the change being a garage on the boundary with front doors and then a side setback of 1 metre. That is what seems to be developing, but the key difference between this proposal and what is found on the ground, is again, and I go back to that proportion of the garaging to the rest of the house, in this case it is out of proportion.
- 13 I have one last thing to make an observation about. The condition requires the single car garage and then an active frontage or a room, but the plans showed a very small window which has distorted that view. The plans are to the satisfaction of the Council, but I would consider that a slightly larger window would probably be a preferable outcome.
- 14 The decision of the responsible authority is affirmed, and the planning permit must not be amended.

Tracey Bilston-McGillen
Member

