VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P11199/2021  Permit Application no. TPA/51999 |
| CATCHWORDS | |
| Permit for three dwellings; conditions requiring greater separation between first floors and pitched roofs with eaves where possible over the ground floors. | |

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| **Applicant** | Ms S Chen |

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

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| SUBJECT LAND | 17 Windsor Avenue,  MOUNT WAVERLEY VIC 3149 |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 4 October 2021 |
| DATE OF ORDER | 4 October 2021 |

# Order

### Conditions changed

1. The decision of the responsible authority is varied.
2. The Tribunal directs that planning permit TPA/51999 must contain the conditions set out in planning permit TPA/51999 issued by the responsible authority on 6 July 2021 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 accordingly, e.g. (a), (b), (c), etc.
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 R Hocking, town planner of CityShire Planning Pty Ltd |
| For responsible authority | Mr P English, town planner of Peter English & Associates Pty Ltd |

# Information

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| Land description | The site has a Windsor Avenue frontage of 14.53m, a Colebrook Avenue frontage of 39.62m and a total area of 724.1sqm. |
| Description of permit | Construction of three double storey dwellings on the site. Each is two storey. One fronts Windsor Avenue and the other two front Colebrook Avenue. The dwellings are attached at ground floor level. The two dwellings fronting Colebrook Avenue are also partly attached at first floor level. The architecture includes parapet forms at ground floor level and pitched roofs at first floor level. The setbacks of the dwellings along Colebrook Avenue is staggered and variable. |
| Nature of proceeding | Application under section 80 of the *Planning and Environment Act 1987* – to review the conditions contained in the permit.  Condition 1(a) requires a 3m first floor separation between the two dwellings fronting Colebrook Avenue.  Condition 1(b) requires a pitched roof form and 450mm eaves along the ground floor frontages of the three dwellings. |
| Planning scheme | Monash Planning Scheme |
| Zone and overlays | General Residential Zone Schedule 2 (GRZ2)  No overlay controls apply |
| Permit requirements | Clause 32.08-6 Construction of two or more dwellings on a lot in GRZ2 |

# Reasons

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

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