

5.3 21 KAY STREET MOUNT WAVERLEY - EXTENSION OF TIME FOR DEVELOPMENT OF THREE DOUBLE STOREY DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING

(TPA/30425:NS:HM)

Ward : Mount Waverley

Responsible Director: Paul Kearsley

Reason for Council Consideration: Extension of time

RECOMMENDATION

*That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to **grant the extension of time** for Planning Permit TPA/30425 under the provisions of the Monash Planning Scheme in respect of the land known and described as 21 Kay Street Mount Waverley, for the development of three double storey dwellings with associated car parking and landscaping and extend the permit date until 10 March 2010 and 10 March 2012 for completion.*

BACKGROUND

The subject site is located on the west side of Kay Street, 80 metres north-east of the intersection with Tarella Drive. The site is irregular in shape and has a total area of 965 metres square. Locality and Neighbourhood Maps are at Attachment 1.

Council issued Planning Permit 30425 for the development of three double storey dwellings with associated car parking and landscaping on 10 March 2004 at the direction of VCAT.

Council has extended the permit on three (3) previous occasions.

The current expiry date of the permit is 10 March 2009.

PROPOSAL

Council has received a request for a further extension of the commencement of the permit of one year to March 2010. The development has yet to commence due to the unpredictable real estate market.

The approved Planning Permit No 30425 is shown in Attachment 2.

POLICY IMPLICATIONS

The request for an extension of time is in accordance with the requirements of Section 69 of the Planning and Environment Act 1987.

ASSESSMENT

Council requires, where appropriate, a number of matters to be taken into consideration under Council's "A Guide to Extension of Time - Permits in Monash".

The matter particularly relevant in this case relates to whether any intervening circumstances have rendered it unreasonable that the owner/applicant should be held to the time originally fixed.

The applicant has highlighted the difficulties being experienced due to the current economic climate, in particular the real estate market.

The proposal is considered to be visually appropriate in the area and of a high standard, and consistent with other recent developments in the area.

The original application received 14 objections and a petition with 36 signatures. Council determined to issue a permit which was subsequently the subject of an appeal to VCAT by the objectors, the tribunal determined that the appeals be disallowed and directed that a permit be issued.

The approved proposal is in accordance with Council policy under the Monash Planning Scheme applicable both when first issued and currently.

CONCLUSION

Considering the planning controls relating to the site have not changed, and that the development meets the relevant requirements of the Monash Planning Scheme, it is considered appropriate to allow a further one year extension of time for the commencement of the permit.