VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P29/2021  Permit Application no. TPA/51205 |
| CATCHWORDS | |
| Application under S.80 of the *Planning and Environment Act 1987* to review conditions in a permit. | |

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| **Applicant** | Quan Zhou |

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| **Responsible Authority** | Monash City Council |
| **Referral Authority** | Melbourne Water |

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| SUBJECT LAND | 13 Thompson Street  CLAYTON VIC 3168 |
| DATE OF HEARING | 14 April 2021 |
| DATE OF ORDER | 15 April 2021 |

# Order

1. The decision of the responsible authority is varied.
2. The Tribunal directs that planning permit TPA/51205 must contain the conditions set out in planning permit TPA/51205 issued by the responsible authority on 16 November 2020 with the following modifications:
   1. Conditions 1(a), (b), (c) and (d) are deleted.
   2. Conditions in the planning permit are renumbered accordingly.
3. The responsible authority is directed to issue a modified planning permit in accordance with this order.

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| Laurie Hewet  **Senior Member** |  |  |

# Appearances

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| For applicant | Mr M Waldon, town planner |
| For responsible authority | Mr G Gilfedder, town planner |



# Information

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| Description of proposal | Construction of two double storey dwellings for use as rooming houses. |
| Nature of proceeding | Application under S.80 of the *Planning and Environment Act 1987* to review conditions in a permit |
| Planning scheme | Monash Planning Scheme. |
| Zone and overlays | General Residential Zone (GRZ3).  Design and Development Overlay (DDO15).  Special Building Overlay (SBO). |
| Permit requirements | Use of land for a Rooming House.  Construction of a Residential Building (Rooming House). |
| Land description | The site is located on the north side of Thompson Street. It has a regular configuration with a frontage of 15.2m, a depth of 45.72m and an area of 697sqm.  A single storey dwelling occupies the site.  The surrounding area is predominantly residential comprising a mix of single and double storey dwellings with some medium density housing present in the area. |

# Reasons[[1]](#footnote-1)

1. This is an application to review conditions placed on a permit issued by the Responsible Authority for the construction of two double storey dwellings for use as rooming houses, at 13 Thompson Street, Clayton.
2. The conditions in dispute (1(a), (b), (c), and (d)) require amended plans to be approved showing increased setbacks at ground and first floor levels from side boundaries and an increased front boundary setback.
3. Condition 1(e) requires additional screening to be provided to address overlooking concerns.
4. At the start of the hearing the applicant for review advised that it would not pursue the review of condition 1(e).
5. At the end of the hearing I gave oral reasons for my decision to vary the Council’s decision and to delete the contested permit conditions.

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| Laurie HEWET  **Senior Member** |  |  |

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.. [↑](#footnote-ref-1)