

# VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1301/2023  
PERMIT APPLICATION NO.TPA/54805

<b>APPLICANT</b>	Ha Pham
<b>RESPONSIBLE AUTHORITY</b>	Monash City Council
<b>SUBJECT LAND</b>	20 Mount Pleasant Drive MOUNT WAVERLEY VIC 3149
<b>HEARING TYPE</b>	Hearing
<b>DATE OF HEARING</b>	7 February 2024
<b>DATE OF ORDER</b>	7 February 2024

## ORDER

### Conditions changed

- 1 The decision of the responsible authority is varied.
- 2 The Tribunal directs that planning permit TPA/54805 must contain the conditions set out in the notice of decision to grant a planning permit issued by the responsible authority on 2 October 2023 with the following modifications:
  - (a) Conditions 1c), 1e), 1f), 1g), 1h), 1i) and 1j) are deleted.
  - (b) Condition 1d) is amended to read:
    - 1d) Provision of clear glazing to part of the entry door and/or the provision of a window to the east of the entry door to dwelling 2.
  - (c) Condition 1l) is amended to read:
    - 1l) The location of gate to dwelling 2 driveway setback behind the line of bedroom 1.
  - (d) A new condition is included as follows:
    - 3h) The replacement of the ‘rose rugosa’ on the eastern, rear boundary with a taller screen type planting to the rear, east boundary fence of dwelling 2.
  - (e) 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.

Alison Glynn  
**Member**



## APPEARANCES

For applicant	Mr Mark Waldon, town planner of St Wise Pty Ltd.
For responsible authority	Adrienne Kellock, town planner of Kellock Town Planning Pty Ltd.

## INFORMATION

Description of proposal	Construction of two dwellings on a lot. The review contests a number of conditions regarding the façade detailing, space between dwellings and upper rear setbacks to the dwellings.
Nature of proceeding	Application under section 80 of the <i>Planning and Environment Act 1987</i> – to review the conditions contained in the permit.
Planning scheme	Monash Planning Scheme
Zone and overlays	General Residential Zone -Schedule 3 Vegetation Protection Overlay – Schedule 1.
Permit requirements	Construction of two dwellings on a lot in the General Residential Zone – schedule 3 with reference to clause 55.
Key relevant scheme policies and provisions	Clauses 15.01, 22.01, 32.08, 55 and 65.
Tribunal inspection	In inspected the site and surrounds from the street prior to the hearing on 5 February 2024.

## REMARKS

- 1 Oral reasons for this decision were provided at the conclusion of the hearing.

Alison Glynn  
**Member**

