

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1157/2020
PERMIT APPLICATION NO. TP441

APPLICANT	Golf Road Project Development Pty Ltd
RESPONSIBLE AUTHORITY	Monash City Council
SUBJECT LAND	52 Golf Road OAKLEIGH SOUTH VIC 3167
HEARING TYPE	Hearing
DATE OF HEARING	26 and 27 April 2021
DATE OF ORDER	30 April 2021

ORDER

- 1 Pursuant to section 127 of the *Victorian Civil and Administrative Tribunal Act 1998* the development plan submitted pursuant to Schedule 5 of the Development Plan Overlay under the Monash Planning Scheme for endorsement to the satisfaction of the Responsible Authority is amended to comprise:
 - (a) 52 Golf Road, Oakleigh South, Development Plan, Volume 1, March 2021, Revision 6; and
 - (b) 52 Golf Road, Oakleigh South, Development Plan, Volume 2, March 2021, Revision 6 comprising:
 - i Oakmont Oakleigh South No. 12737, Date: March 2021, (Architectural Statement, Urban Context & Site Analysis, Design Evolution & Response, Architecturals, All Revision 6)
 - ii Landscape Plan prepared by John Patrick Landscape Architects Pty Ltd, dated 3 March 2021
 - iii Arboricultural Report prepared by Landscape Dept, dated June 2019, Revised June 2020
 - iv Traffic Engineering Assessment prepared by Traffix Group Pty Ltd, dated March 2021
 - v Sustainable Management Plan prepared by Suho 2 March 2021
 - vi Property Servicing Report, Proposed Residential Development, prepared by FMG Engineering, dated 24 May 2019



- vii Stormwater Management Plan, prepared by FMG Engineering, dated 2 March 2021 and Flood Report prepared by Water Technology dated 17 May 2019
 - viii Waste Management Plan, prepared by Suho, dated 2 March 2021
 - ix Site Development Management Plan, prepared by Prensa, dated December 2018
 - x Review of Desktop Landfill Gas Investigation for 52 Golf Road, Oakleigh South, Victoria, prepared by Prensa, dated 7 December 2018
 - xi Desktop Review of Environmental Assessment Reports for 52 Golf Road, Oakleigh South, Victoria prepared by Prensa dated 17 December 2018
 - xii Landfill Gas Risk Assessment for 52 Golf Road, Oakleigh South, Victoria, prepared by Prensa, dated February 2021
- 2 The failure of the Responsible Authority to decide that the 52 Golf Road, Oakleigh South Development Plan has been prepared to its satisfaction is set aside.
- 3 The 52 Golf Road, Oakleigh South Development Plan is prepared to the Responsible Authority's satisfaction under clause 43.04-2 of the Monash Planning Scheme, subject to the following modifications:
- (a) Documents relating to tree retention amended to delete retention of trees 10 and 11.
 - (b) The Traffic Engineering Assessment updated to reflect the changes contained in the evidence statement of Ms Dunstan dated 27 April 2021.
- 4 The Responsible Authority is directed to endorse the 52 Golf Road, Oakleigh South Development Plan, amended in accordance with Order 3 above, as having been prepared to its satisfaction and to forward a copy of the endorsed 52 Golf Road, Oakleigh South Development Plan to the Applicant.

Cindy Wilson
Member



APPEARANCES

For applicant	<p>Mr Mark Naughton, solicitor of Planning & Property Partners.</p> <p>Evidence was called from:</p> <p>Mr Andrew Biacsi, town planner of Contour Consultants Aust Pty Ltd</p> <p>Mr Craig Czarny, urban designer and landscape architect of Hansen Partnership</p> <p>Mr Rob Galbraith, arborist of Galbraith & Associates</p> <p>Mr John Patrick, landscape architect of John Patrick Landscape Architects Pty Ltd</p> <p>Ms Charmaine Dunstan, traffic engineer of Traffix Group Pty Ltd</p>
For responsible authority	<p>Ms Maria Marshall, solicitor of Maddocks Lawyers</p>

INFORMATION

Description of proposal	<p>A development plan showing the development of the site for medium density housing comprising two-storey and three-storey attached dwellings.</p>
Nature of proceeding	<p>Application under section 149(1) of the <i>Planning and Environment Act 1987</i> for the failure of the responsible authority to make a decision on the development plan.</p>
Planning scheme	<p>Monash Planning Scheme</p>
Zone and overlays	<p>General Residential Zone, Schedule 1 Development Plan Overlay, Schedule 5</p>
Relevant scheme policies and provisions	<p>Clauses 11, 15, 16, 18, 19, 21, 22.01, 22.04, 22.05, 22.13, 32.08, 43.04, 52.06, 55 and 65.</p>



Land description	The review site is located on the north east corner of Beryl Avenue and Golf Road, South Oakleigh. It is irregular in shape with frontages of 106.4 metres to Golf Road, 169.7 metres to Beryl Avenue and 42.67 metres to Bakers Road. The land area is 1.826 hectares. The site is vacant having previously been occupied by South Oakleigh Primary School.
Tribunal inspection	I inspected the site and surrounds before the hearing.

REASONS

- 1 The Applicant seeks a review of the failure of Monash City Council to approve a development plan for a 1.826 hectare site at 52 Golf Road, Oakleigh South.
- 2 Subsequent to the lodgement of the application to the Tribunal, the Council resolved to oppose the proposed development plan.
- 3 Prior to the hearing, the Applicant circulated an amended development plan and sought to have this substituted for the previous plan. Council raised no objection to the request for substitution but advised that its opposition to the development plan remained. I allowed the substitution as reflected in this order.
- 4 The Tribunal must decide whether the development plan should be approved. Having considered the submissions and evidence of the parties, the findings of the Tribunal in *Golf Road Project Development Pty Ltd v Monash CC*,¹ inspected the site and surrounds and had regard to the Monash Planning Scheme, I have determined to set aside the decision of Council and direct that the development plan be approved subject to two amendments.
- 5 Oral reasons for the decision of the Tribunal were given to the parties on 29 April 2021.

Cindy Wilson
Member

¹ [2020] VCAT 488

