

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P953/2024
PERMIT APPLICATION NO. TPA/54381

APPLICANT	William Curt Thompson, Oksana Murasova Thompson & Others
RESPONSIBLE AUTHORITY	Monash City Council
RESPONDENT	Huntingdale Estate Nominees Pty Ltd
SUBJECT LAND	1221-1249 Centre Road OAKLEIGH SOUTH VIC 3167
DATE OF ORDER	13 December 2024

ORDER

Notice of Decision is set aside

- 1 In application P953/2024 the decision of the responsible authority is set aside (without a determination on the merits) as the respondent will not pursue the planning permit application TPA54381.

Hearing Vacated

- 2 The Hearing scheduled at **10:00am on 14, 15, 16 & 17 April 2025** is **vacated**. No attendance is required.

Costs and Reimbursement

- 3 No order as to costs.
- 4 The respondent is to reimburse the applicants the application fee, namely the sum of \$960.20 within 14 days of the date of this order.

Claire Bennett
Member



REMARKS

- 1 On 6 December 2024 the parties wrote to the Tribunal advising that the respondent has decided to withdraw the Permit Application that is the subject of the application for review and provided the following Proposed Minutes of Consent Order.

PROPOSED MINUTES OF CONSENT ORDER

Remarks

- Pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*, these orders are made at the request of the parties and with their consent.
- The Permit Applicant in this matter (Respondent) has decided not to proceed with the Permit Application.
- In the circumstances, the merits of the proceeding have not been determined.
- The parties to VCAT proceeding P953/2024 therefore request that the Tribunal make the following orders by consent:

Fixtures vacated

- 1 The final hearing listed on 14, 14, 16, and 17 April 2025 are vacated.
- 2 All other procedural orders and dates in the proceeding are vacated.

Notice of Decision is set aside

- 3 The permit applicant, Huntingdale Estate Nominees Pty Ltd, does not wish to pursue the planning permit application TPA54381.
- 4 In VCAT application P953/2024, the Notice of Decision of the responsible authority is set aside.

Costs & Reimbursement

- 5 No orders as to costs.
- 6 The Respondent is to reimburse the Applicants the application fee, namely the sum of \$1268.80 within 14 days of the date of this order.

- 2 A second email was received from the respondent on 6 December 2024 regarding the cost of the reimbursement, stating:

I am advised by the Objector that the application fee I listed in the order was the incorrect amount.

The Reimbursement amount listed in any order for the Application Fee paid by the Objector should instead be - \$960.20

- 3 This was confirmed in an email from the applicant for review on 14 December 2024. As such, that order has been changed to reflect the revised amount of the reimbursement.
- 4 These orders made under section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic), give effect to the Proposed Minutes of Consent Order dated 6 December 2024, signed by all parties.

Claire Bennett

Member

