VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

|  |  |
| --- | --- |
| planning and environment LIST | vcat reference No. P840/2021  Permit Application no. TPA/52154 |

|  |  |
| --- | --- |
| **Joint Applicant** | Rebecca Ranjini Lingam and Phillip Laurie Warne-Smith |

|  |  |
| --- | --- |
| **Responsible Authority** | Monash City Council |
| **Respondent** | Rinjin Development Pty Ltd |

|  |  |
| --- | --- |
| SUBJECT LAND | 59 Amaroo Street  CHADSTONE VIC 3148 |

|  |  |
| --- | --- |
| WHERE HELD | Melbourne |

|  |  |
| --- | --- |
| BEFORE | Katherine Paterson |

|  |  |  |
| --- | --- | --- |
| HEARING TYPE | |  | | --- | | No hearing | |

|  |  |
| --- | --- |
| DATE OF ORDER | 27 July 2021 |

# Order

1. The hearing scheduled at **10:00am on 9 December 2021** is vacated. No attendance is required.
2. The compulsory conference scheduled at **10:00am on 7 October 2021** is vacated. No attendance is required.
3. In application P840/2021 the decision of the responsible authority is varied.
4. The Tribunal directs that planning permit TPA/52154 must contain the conditions set out in notice of decision TPA/52154 issued by the responsible authority on 30 April 2021 with the following modifications:
   1. Condition 1(c) is amended to read:

1(c) The west-facing bedroom 4 window to unit to have fixed external louvers to a minimum height of 1.7 metres above finished floor level. The lourves must be permanently fixed and be to more than 25% transparent

* 1. . Condition 1(d) is amended to read:

1(d) Deletion of Unit 1 balcony. The sliding door to this balcony is to be converted o a window, which I to be screened with fixed obscured glazing up to 1.7 metres above finished floor level in accordance with standard B22.

* 1. A new condition 1(da) is included as follows:

1(da) The Unit 2, bedroom 4 north facing window to be screened with fixed obscured glazing up to 1.7 metres above finished floor level in accordance with Standard B22.

* 1. A new condition 3A is included as follows:

3A The boundary fence between Nos. 57 and 59 Amaroo Street to be rebuilt to a height of 1.8 metres at the expense of the permit holder.

1. The responsible authority is directed to issue a modified planning permit in accordance with this order.

|  |  |  |
| --- | --- | --- |
| Katherine Paterson  **Member** |  |  |

# remarks

1. Pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*, this order is made at the request of the parties and with their consent.
2. The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
3. the responsible authority is of the opinion that the permit or amended permit is appropriate having regard to the matters it is required to consider under section 60 of the Act, including the balanced application of the strategies and policies of the relevant planning scheme and is otherwise in conformity with the provisions of the planning scheme and the *Planning and Environment Act 1987*;
4. the proposed orders will not result in any change to the proposed use or development which would materially affect any person other than the parties to the proceeding.
5. Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

|  |  |  |
| --- | --- | --- |
| Katherine Paterson  **Member** |  |  |