

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P589/2022

APPLICANT	Suzanne Prendergast
RESPONSIBLE AUTHORITY	Monash City Council
RESPONDENT	Reddy Ravi
SUBJECT LAND	12 Magid Avenue WHEELERS HILL VIC 3150
HEARING TYPE	Compulsory conference
DATE OF HEARING	18 November 2022
DATE OF ORDER	2 December 2022

ORDER

Grant permit

- 1 In application no. P589/2022 the decision of the responsible authority is **varied**.
- 2 In permit application no. **TPA/53325** a permit is granted and directed to be issued for the land at 12 Magid Ave Wheelers Hill in accordance with the endorsed plans and on the conditions set out in the Notice of decision to grant a permit, dated 6 May 2022 but modified as set out in Appendix A. The permit allows:
 - Construction of two 2 Storey Dwellings on a lot;

Hearing vacated

- 3 The hearing scheduled at 10am on **20 January 2023** is vacated. No attendance is required.

Nicholas Hadjigeorgiou
Member



APPEARANCES

For applicant	Marina Le Brun, solicitor, assisted by Sarah Borg and Suzanne Prendergast
For responsible authority	Sally Moser and Nicolas Rocca, town planners
For respondents	Simon Skinner Town Planner assisted by Reddy Ravi, permit applicant.

APPENDIX A

Modifications to permit conditions on Permit TPA/53325 :-

- 1- Delete condition 1b).
- 2- Insert the following new conditions in condition 1:-
 - a) All first floor windows on the southern elevation of dwelling 1 shall have fixed frosted glass up to a height of 1.7m above finished floor level.
 - b) All first floor windows on the southern elevation of dwelling 2 shall have fixed frosted glass up to a height of 1.7m above finished floor level.
 - c) Every glass window/panel in dwelling 2, facing any habitable room towards 43 Brandon Park Drive shall be double glazed; and,
 - d) No external air-conditioner unit and/or any other mechanical machinery shall be located on the southern side of dwelling 2.
- 3- Renumber the conditions accordingly.

REMARKS

Full settlement

- 1 This matter involves an application pursuant to section 82(1) of the *Planning and Environment Act 1987* for a review of the Monash City



Councils decision to issue a Notice of Decision to Grant a Permit for the construction of 2 Two storey dwellings on a lot in accordance with endorsed plans.

- 2 At and following the compulsory conference, the parties reached agreement and request orders by consent. The parties request that a permit is granted, subject to conditions.
- 3 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
 - the responsible authority is of the opinion that the permit is appropriate having regard to the matters it is required to consider under section 60 of the *Planning and Environment Act 1987 (Act)*, including the balanced application of the strategies and policies of the Monash Planning Scheme (**Planning Scheme**) and is otherwise in conformity with the provisions of the Planning Scheme and the Act;
 - the proposed orders will not result in any change to the proposed development which would materially affect any person other than the parties to the proceeding.
- 4 Based on the information available to the Tribunal, I consider it is appropriate to give effect to the settlement reached by the parties pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*.

Nicholas Hadjigeorgiou
Member