VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | vcat reference No. P79/2020  Permit Application no. TPA/49245/A |

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| APPLICANT | Sherry Chen |
| responsible authority | Monash City Council |
| SUBJECT LAND | 1/29 Glenbrook Avenue  CLAYTON VIC 3168 |
| WHERE HELD | Melbourne |
| BEFORE | Joel Templar, Member |
| HEARING TYPE | No hearing |
| DATE OF ORDER | 1 April 2020 |

# Order

### Permit granted

1. In application P79/2020, the decision of the responsible authority is set aside.
2. The Tribunal directs that:
   1. Planning permit TPA/49245 must be amended by deleting conditions 1(a), 1(b) and 1(c);
   2. The remaining conditions be renumbered;
   3. The plans prepared by Westburan, dated 12 August 2019 and referred to as drawing numbers TP5 of 8 to TP7 of 8, all Revision C be endorsed to replace the previously endorsed plans.
3. The responsible authority is directed to issue an amended planning permit in accordance with this order.
4. The hearing scheduled at **11:30am** on **5 May 2020** is vacated. No attendance is required by the parties.

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| Joel Templar  **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 granting of an 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.

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| Joel Templar  **Member** |  |  |