

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1670/2018
PERMIT APPLICATION NO. TPA/48670

APPLICANT	Brownyn C Rasti and Robert EM Tidd
RESPONSIBLE AUTHORITY	Monash City Council
SUBJECT LAND	1/4 Acacia Grove, Glen Waverley
WHERE HELD	Melbourne
BEFORE	Alison Glynn, Member
HEARING TYPE	Hearing
DATE OF HEARING	15 January 2019
DATE OF ORDER	15 January 2019

ORDER

Conditions changed

- 1 The decision of the responsible authority is varied.
- 2 The Tribunal directs that planning permit TPA/48670 must contain the conditions set out in planning permit TPA/48670 issued by the responsible authority on 26 June 2018 with the following modifications:
 - (a) Conditions 1 and 3 are deleted.
 - (b) Conditions in the planning permit are renumbered accordingly.
- 3 The responsible authority is directed to issue a modified planning permit in accordance with this order.

Alison Glynn
Member



APPEARANCES

For Brownyn C Rasti and Robert EM Tidd	Mr Daniel Bowden of SongBowden Planning
For Monash City Council	Mr Gerard Gilfedder, town planner of Currie and Brown Pty Ltd

INFORMATION

Description of proposal	Retrospective construction of a transparent verandah and deck area in front of a dwelling on a lot less than 500sqm. Contested condition 1a) requires that requires the roof of the verandah to extend no more than 3m north of the existing front northern façade of the dwelling. Conditions 1b) and 3 were agreed between parties to be deleted as unnecessary.
Nature of proceeding	Application under section 80 of the <i>Planning and Environment Act 1987</i> – to review the conditions contained in the permit.

REMARKS

- 1 Application for review P1670/2018 sought a review of conditions 1a), 1b) and 3 of permit TPA/48670.
- 2 Oral reasons for the decision of the tribunal were given at the conclusion of the hearing about why an order is made to delete condition 1a).
- 3 Written correspondence from the council received prior to the hearing advised that the council consents to the deletion of conditions 1b) and 3. The council confirmed this position at the commencement of the hearing.
- 4 Based on reasons given at the hearing for the removal of condition 1a) and the consent by council to delete condition 1b), the preamble of condition 1) to 1a) and 1b) becomes unnecessary. The order therefore requires all of condition 1) to be deleted. The order also directs deletion of condition 3) as consented to by the council.

Alison Glynn
Member

