VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | vcat reference No. P2461/2019  Permit Application no. TPA/50602 |

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| APPLICANT for review | Nikitas Dimitrakis |
| responsible authority | Monash City Council |
| Respondent | Fab Peda |
| SUBJECT LAND | 38 Clyde Street, Oakleigh |
| WHERE HELD | Melbourne |
| BEFORE | Cindy Wilson, Member |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 26 June 2020 |
| DATE OF ORDER | 26 June 2020 |

# Order

1. In application P2461/2019 the decision of the Responsible Authority is affirmed.
2. In permit application TPA/50602 a permit is granted and directed to be issued for the land at 38 Clyde Street, Oakleigh, in accordance with the endorsed plans and the conditions set out in the notice of decision to grant a permit dated 25 November 2019. The permit allows buildings and works comprising part demolition, alterations and extension to an existing dwelling and front fence.

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| **Cindy Wilson**  **Member** |  |  |

# Appearances[[1]](#footnote-1)

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| For applicant for review | Mr Dimitrious Dimitrakis |
| For Monash City Council | Mr James Turner, town planner |
| For respondent | Mr Hew Gerrard, town planner of Glossop Town Planning |

# Information

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| Description of proposal | Partial demolition, alterations and additions to an existing dwelling and front fence. |
| Nature of proceeding | Application under section 82 of the *Planning and Environment Act 1987* – to review the decision to grant a permit. |
| Planning scheme | Monash Planning Scheme |
| Zone and overlays | Neighbourhood Residential Zone, Schedule 1  Heritage Overlay, Schedule 92 |
| Permit requirements | Clause 43.03-2 A permit is required to demolish a building, construct a building or construct or carry out works, including a front fence. |
| Land description | The review site is located on the east side of Clyde Street, Oakleigh approximately 110 metres north of Atherton Road. The land is rectangular with a frontage of 14.02 metres, a depth of 39.01 metres and a site area of approximately 547 square metres. A single storey dwelling currently exists on the land. |
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# Reasons

1. Monash City Council approved an application to undertake part demolition, alterations and additions to an existing house and a front fence at 38 Clyde Street, Oakleigh.
2. Mr Dimitrakis, who owns the property to the rear, seeks a review of that decision.
3. The Tribunal must decide whether or not a permit should be granted and if so, what conditions should be imposed.
4. Having considered the submissions of the parties, the materials provided including photographs and plans, and the provisions of the Monash Planning Scheme, I have decided to affirm the Council’s decision. I direct that a permit issue in accordance with the Notice of Decision to Grant a Permit issued by Monash City Council on 25 November 2019.
5. Oral reasons for the decision of the Tribunal were given to the parties on 26 June 2020.

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| **Cindy Wilson**  **Member** |  |  |

1. By telephone. [↑](#footnote-ref-1)