VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT DIVISION

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| planning and environment LIST | vcat reference No. P631/2020  Permit no. TPA/50393 |

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| APPLICANTs | Highland Ave Pty Ltd and 73 High Pty Ltd |
| responsible authority | Monash City Council |
| SUBJECT LAND | 71-73 Highland Avenue  Oakleigh East vic 3166 |
| WHERE HELD | Melbourne |
| BEFORE | Bill Sibonis, Senior Member |
| HEARING TYPE | No Hearing |
| DATE OF ORDER | 18 August, 2020 |

# Order

1. The decision of the responsible authority is varied.
2. The Tribunal directs that planning permit TPA/50393 must contain the conditions set out in planning permit TPA/50393 issued by the responsible authority on 26 March 2020 with the following modifications:
   1. Conditions No. 1(a), 1(b) and 1(c) are deleted and are replaced with the following condition:

Modification to the visual presentation to the street, by incorporating a wider roofline over both the entry porch and the study for each dwelling, with differentiation between facades by adopting one façade design for Units 1 and 2 and an alternative façade design for Units 3 and 4, generally in accordance with JDH Design Drawings A1, A5, A6 and A7 all Rev 3 dated 11 August 2020.

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

A reduction in building site coverage to no greater than 53.5%, with siting and setbacks generally in accordance with JDH Design Drawing A5-Rev 3 dated 11 August 2020.

* 1. Condition No. 1(e) is amended to read:

The courtyard areas to the side of each of the four dwellings modified to provide not less than 2.7m setback to the decking generally in accordance with JDH Design Drawing A5-Rev 3 dated 11 August 2020, so as to provide for high quality landscaping and the incorporation of canopy vegetation in these locations.

* 1. Condition No. 1(f) is amended to read:

A notation that tree protection fencing is to be erected around the TPZ of the neighbouring trees located along the southern property boundary and the existing street trees and that any work within the TPZ is to only be undertaken under the supervision of a qualified arborist.

* 1. Condition No. 1(i) is amended to read:

Increase the setback of the southern wall of the second bedroom to Unit 4 to not less than 1.965m, generally in accordance with JDH Design A5-Rev 3 dated 11 August 2020 for the purposes of providing tree protection for four neighbouring trees.

* 1. Conditions in the planning permit are renumbered accordingly.

1. The responsible authority is directed to issue a modified planning permit in accordance with this order.
2. The hearing scheduled for **20 August, 2020** at **9.30am** is vacated. No attendance is necessary.
3. No order as to costs.

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| Bill Sibonis  **Senior Member** |  |  |

# reasons

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:
   * + - 1. the responsible authority is of the opinion that the amended permit is appropriate having regard to the matters it is required to consider under section 60 of the *Planning and Environment Act 1987* (‘the Act’), including the balanced application of the strategies and policies of the Monash Planning Scheme (‘the Planning Scheme’) and is otherwise in conformity with the provisions of the Planning Scheme and the Act;
         2. 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.
3. Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

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| Bill Sibonis  **Senior Member** |  |  |