VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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| planning and environment LIST | vcat reference No. P966/2020Permit Application no. TPA/51288 |
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| APPLICANT | Alan & Judy Buckley |
| responsible authority | Monash City Council |
| RESPONDENT | Laurice Ageron |
| SUBJECT LAND | 11 Palmerston GroveOAKLEIGH VIC 3166 |
| WHERE HELD | Melbourne |
| BEFORE | E A Bensz, Member |
| DATE OF ORDER | 25 November 2020 |

# Orders

1. The hearing scheduled at **2.15pm on 26 March 2021** is vacated. No attendance is required.
2. In application P966/2020 the decision of the responsible authority is varied.
3. In planning permit application TPA/51288 a permit is granted and directed to be issued for the land at 11 Palmerston Grove OAKLEIGH VIC 3166 in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
* Partial demolition and extension to an existing dwelling in a Heritage Overlay.
1. The permit is subject to the conditions contained in the Notice of Decision to grant a permit dated 1 June 2020 subject to the following variations:
	1. Condition 1c: The proposed boundary wall on the southern boundary reduced in height by 190mm along the section associated with the kitchen/dining room, and by 390mm along the section associated with the scullery; and
	2. Condition 1d: The boundary fence along the southern boundary of the site, adjacent to the verandah, screened to a height of 2.3 metres opposite the north facing habitable room window at No 9 Palmerston Grove, and tapered down in height towards the front of the site. The cost of new fencing is to be split equally between the owner of each property.

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| **E A Bensz****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:
	* + - 1. the responsible authority is of the opinion that the permit or 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*;
				2. 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.
3. Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

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| **E A Bensz****Member** |  |  |