VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

|  |  |
| --- | --- |
| planning and environment LIST | vcat reference No. P11977/2021  Permit Application no.TPA/46350 |

|  |  |
| --- | --- |
| **Applicant** | Guruthevanamby Thillainadarajah |

|  |  |
| --- | --- |
| **Responsible Authority** | Monash City Council |

|  |  |
| --- | --- |
| SUBJECT LAND | 1/6 Jaguar Drive,  CLAYTON VIC 3168 |

|  |  |
| --- | --- |
| DATE OF ORDER | 4 July 2022 |

# Order by consent

1. The hearing scheduled at **2.15 pm on 8 August 2022** is vacated. No attendance is required.
2. In application P11977/2021 the decision of the responsible authority is set aside.
3. Plans endorsed under the permit TPA/46350 are amended and the responsible authority is directed to endorse amended plans identified as the plans received by Monash City Council by email on 28 June 2022, referred to as:

* Sheet 1 of 4, Ground Floor (Units 1 & 2), Revision 2, 15/07/21.
* Sheet 2 of 4, 1st Floor Plan, Revision 2, 15/07/21.
* Sheet 3 of 4, Front and Rear Elevations, Revision 2, 15/08/21.
* Sheet 4 of 4, Side Elevations & Streetscape, Revision 2, 15/07/21; and
* Revised Landscape Plan, Revision E, 17/6/22.

1. No order as to costs.

|  |  |  |
| --- | --- | --- |
| Peter Gaschk  **Member** |  |  |

# Remarks

1. 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:

* The responsible authority is of the opinion that the amended permit plans are appropriate having regard to the matters it is required to consider under section 60 of the *Planning and Environment Act 1987* (**Act**), including the balanced application of the strategies and policies of the Monash Planning Scheme (**Planning Scheme**) and is otherwise in conformity with the provisions of the Planning Scheme and the Act; and
* The proposed orders will not result in any change to the proposed use/development which would materially affect any person other than the parties to the proceeding.

1. Based on the information available to the Tribunal, I consider it is appropriate to give effect to the settlement reached by the parties pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*.

|  |  |  |
| --- | --- | --- |
| Peter Gaschk  **Member** |  |  |