VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

|  |  |
| --- | --- |
| planning and environment LIST | vcat reference No. P11062/2021  Permit Application no. TPA/52425 |

|  |  |
| --- | --- |
| **Applicant** | Metricon Homes Pty Ltd |

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

|  |  |
| --- | --- |
| SUBJECT LAND | 557 High Street Road  MOUNT WAVERLEY VIC 3149 |

|  |  |
| --- | --- |
| DATE OF ORDER | 14 December 2021 |

# Order

### Permit granted

1. In application P11062/2021 the decision of the responsible authority is set aside.
2. In planning permit application TPA/52425 a permit is granted and directed to be issued for the land at 557 High Street Road MOUNT WAVERLEY VIC 3149 in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

Variation of covenant, contained in Instrument of Transfer No. E372105 applicable to Lot 7 on PS 080073, Volume 0872 Folio 216, by after the words 'brick or brick veneer construction' inserting the words 'or light-weight construction'

### Hearing vacated

1. The hearing scheduled at 10:00am on **14 February 2022** is vacated. No attendance is required.

### Costs

1. No order as to costs.

|  |  |  |
| --- | --- | --- |
| Michelle Blackburn  **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. The parties have indicated that they have consented to this order being made to facilitate the construction of dwelling of rendered Hebel building materials on the subject land.
2. The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
3. the responsible authority is of the opinion that the 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*;
4. 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.
5. Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

|  |  |  |
| --- | --- | --- |
| Michelle Blackburn  **Member** |  |  |

# Appendix A – Permit Conditions

|  |  |
| --- | --- |
| Permit Application No | TPA/52425 |
| Land | 557 High Street Road  MOUNT WAVERLEY VIC 3149 |

|  |
| --- |
| What the permit allowS |
| In accordance with the endorsed plans:   * Variation of covenant, contained in Instrument of Transfer No. E372105 applicable to Lot 7 on PS 080073, Volume 0872 Folio 216, by after the words 'brick or brick veneer construction' inserting the words 'or light-weight construction. |

## Conditions

### Plan for certification required

1. Before the plan of variation of restriction can be certified, a plan in accordance with the Subdivision Act 1988 must be submitted to and approved by the Responsible Authority.

### Permit Expiry

1. This permit will expire if one of the following circumstances applies:
   1. The plan of variation of restriction is not certified within two (2) years of the issue date of this permit.
   2. The plan of variation of restriction is not registered within five (5) years of the date of certification.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

**– End of conditions –**