ORDER

Amend permit application

1 Pursuant to section 127 and clause 64 of Schedule 1 of the Victorian Civil & Administrative Tribunal Act 1998, the permit application is amended by including the setting back of the southern boundary wall of the sitting room up to 200mm from the southern boundary and reinstatement of a timber paling fence along the adjacent section of the boundary.

Permit amended

2 In application P1516/2018 the decision of the responsible authority is set aside.

3 Planning permit TPA/45051 is amended and an amended permit is directed to be issued for the land at 35 Tamar Grove, Oakleigh. The permit is amended as follows.

4 Conditions in the permit are amended as follows:
   (a) Condition 1c is deleted.
   (b) A new condition 1c is inserted to read:

   i The dwelling 2 ground floor kitchen and sitting room set back up to 200mm from the southern boundary and a new fence constructed along the boundary adjacent to these rooms, at the cost of the applicant/permit holder.
Joel Templar  
Member

APPEARANCES

For Nikitas Dimitrakis  
Mr Matt Ryan, town planner of Urban Planning Mediation.

For Monash City Council  
Mr Gerard Gilfedder, town planner of Currie and Brown.

For Mary O’Shaughnessy  
Mr Martin O’Shaughnessy.

INFORMATION

Description of proposal  
The proposal is to delete condition 1c to allow the proposed kitchen wall of dwelling 2 to be constructed on the southern boundary and to set back the sitting room wall from the southern boundary up to 200mm and to reinstate a paling fence along the boundary adjacent to both of these rooms.

Nature of proceeding  
Application under section 77 of the Planning and Environment Act 1987 – to review the refusal to grant a permit.

Planning scheme  
Monash Planning Scheme

Zone and overlays  
General Residential Zone Schedule 2

Permit requirements  
Clause 32.08-6 – to construct a dwelling if there is at least one dwelling existing on the lot.
REASONS

1 The decision of the responsible authority is set aside. An amended permit is granted subject to conditions. Oral reasons for this decision were provided at the hearing.

Joel Templar
Member