

# VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P269/2023  
PERMIT APPLICATION NO. TPA/53477

**APPLICANT** William Curt Thompson, Oksana Murashova  
Thompson & Others

**RESPONSIBLE AUTHORITY** Monash City Council

**RESPONDENT** Huntingdale Estate Nominees Pty Ltd

**SUBJECT LAND** 1221-1249 Centre Road  
OAKLEIGH SOUTH VIC 3167

**DATE OF ORDER** 17 October 2023

### ORDER

#### Fixtures vacated

- 1 The compulsory conference scheduled at 2:00pm on 8 November 2023 is vacated. No attendance is required.
- 2 The hearing scheduled at 10:00am on 5, 6, 7, 12 and 13 February 2024 is vacated.

#### No permit granted

- 3 In application P269/2023 the decision of the responsible authority is set aside.
- 4 In planning permit application TPA/53477 no permit is granted.

#### Costs and fee reimbursement

- 5 No order as to costs.
- 6 The respondent is ordered to reimburse the applicant the application fee paid by the applicant in this proceeding, namely the sum of \$899.10, within 14 days of the date of this order.

Mary-Anne Taranto  
**Member**



## REMARKS

- 1 Pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*, these orders are made at the request of the parties and with their consent.
- 2 In doing so, I record that the respondent's representative provided the following written advice:<sup>1</sup>

Our client no longer wishes to contest the Application for Review on the basis that it no longer seeks to pursue the underlying permit application (TPA/53477). Accordingly, we respectfully seek final orders that no permit is to issue with no determination on the merits and that the Compulsory Conference and final hearing dates are vacated.

We have sought and obtained the consent of the Parties to the proposed orders and have included a requirement for our client to reimburse the applicant for the VCAT fees. ...
- 3 In the circumstances, the merits of this proceeding have not been determined.
- 4 Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

Mary-Anne Taranto  
**Member**

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<sup>1</sup> Letter dated 16 October 2023 from Hall and Wilcox transmitted by email and received by VCAT Registry on 16/10/2023 at 9:25am.

