VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

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| planning and environment LIST | vcat reference No. P1300/2019  Permit Application no. TPA/49699 |
| CATCHWORDS | |
| Single storey addition to commercial premises resulting in loss of space to provide car parking; Office land use proposed; Proposal to waive car parking requirement of six spaces; With existing car parking and car parking credits waiver relates to three spaces; Centre based approach; Efficient sharing of car parking across major activity centre. | |

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| APPLICANT | I & C Som Custodian Pty Ltd and C Som Custodian Pty Ltd |
| responsible authority | Monash City Council |
| SUBJECT LAND | 292 Stephensons Road MOUNT WAVERLEY VIC 3149 |
| WHERE HELD | Melbourne |
| BEFORE | Rachel Naylor, Senior Member |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 17 January 2020 |
| DATE OF ORDER | 17 January 2020 |

# Order

**Confine review with agreement**

1. Pursuant to section 84AB of the *Planning and Environment Act* *1987*, with the agreement of all parties to the proceeding, I direct that the hearing of the proceeding the application for review is confined to the following particular matter in dispute:
2. The proposed waiver (reduction to zero) of the car parking requirement in clause 52.06 for the proposed office land use.

### Permit granted

1. In application P1300/2019 the decision of the responsible authority is set aside.
2. In planning permit application TPA/49699 a permit is granted and directed to be issued for the land at 292 Stephensons Road Mount Waverley in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

* Construction of a building in the Commercial 1 Zone;
* Waiver of the required car parking provision; and
* Display of business signage.

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| **Rachel Naylor**  **Senior Member** |  |  |

# Appearances

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| For applicant | Mr A Clarke, town planner of Clarke Planning  He called Mr H Turnbull of Traffix Group to provide expert traffic engineering evidence. |
| For responsible authority | Mr J Turner, principal planner – appeals advisor  He called Ms D Donald of O’Brien Traffic to provide expert traffic engineering evidence |

# Information

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| Land description | The site is located mid-block on the east side of Stephensons Road, Mount Waverley, within the Mount Waverley major activity centre. It has a width of about 6.27m, a depth of about 38.71m and a site area of 243sqm. The site contains a single storey commercial premises previously used as a shop with a floor area of about 148sqm, and a concreted area at the area containing a separate toilet. |
| Description of proposal | Extend the building to the rear by 69.25sqm creating a total floor area of 217.66sqm and use it for office purposes. New business signage above the verandah, on the verandah fascia and the rear of the building totalling 12.76sqm will be installed. Reduction of the required car parking (6 spaces) for an office use to zero. |
| 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 | Commercial 1 Zone (C1Z)  No overlay controls apply |
| Permit requirements | Clause 34.01-4 To construct a building or construct or carry out works in C1Z  Clause 52.06-3 To reduce the required car parking provision to zero  Clause 52.05-11 To display business signage. |
| Tribunal inspection | At the start of the hearing, I advised the parties I had inspected the site the day before the hearing at lunchtime. |

# Reasons[[1]](#footnote-1)

1. Oral reasons were given at the conclusion of the hearing

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| **Rachel Naylor**  **Senior Member** |  |  |

# Appendix A – Permit Conditions

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| Permit Application No: | TPA/49699 |
| Land: | 292 Stephensons Road MOUNT WAVERLEY VIC 3149 |

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| What the permit allows |
| Construction of a building in the Commercial 1 Zone; waiver of the required car parking provision; and display of business signage in accordance with the endorsed plans. |

## Conditions:

##### No Alteration or Changes

1. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

##### Signs not altered

1. The location and details of signs shown on the endorsed plans must not be altered without the written consent of the responsible Authority.

##### No Flashing Light

1. Signs must not contain any flashing light.

##### Signs within Land Boundary

1. All signs must be located wholly within the boundary of the land.

##### Sign Maintenance

1. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

##### No Sign Illumination

1. Signs must not be illuminated by external lights without the written consent of the Responsible Authority.

##### Drainage

1. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
2. Any works within the laneway must ensure the laneway be reinstated to Council standards.

##### Completion of Buildings and Works

1. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

##### Permit Expiry

1. This permit will expire if one of the following circumstances applies:
   1. The development is not started within two (2) years of the issue date of this permit.
   2. The development is not completed within four (4) years of the issue date of this permit.
   3. The signage has not been installed within four (4) years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

**- End of conditions -**

1. The submissions and evidence of the parties and the supporting exhibits given at the hearing have all been considered in the determination of the proceeding. [↑](#footnote-ref-1)