VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

planning and environment DIVISION

|  |  |
| --- | --- |
| planning and environment LIST | vcat reference No. P695/2019  Permit Application no. TPA/49222 |
| CATCHWORDS | |
| Monash Planning Scheme; Application under section 77 of the *Planning and Environment Act 1987*; Addition of two storeys to an existing single storey building for an office use; Reduction in car parking; Design and built form; Off-site amenity impacts. | |

|  |  |
| --- | --- |
| APPLICANT | Elio Cosentino |
| responsible authority | Monash City Council |
| SUBJECT LAND | 353 Waverley Road MOUNT WAVERLEY VIC 3149 |
| WHERE HELD | Melbourne |
| BEFORE | Mary-Anne Taranto, Member |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 24 October 2019 |
| DATE OF ORDER | 6 December 2019 |
| CITATION | Cosentino v Monash CC [2019] VCAT 1873 |

# Order

### Amend permit application

1. Pursuant to clause 64 of Schedule 1 of the *Victorian Civil & Administrative Tribunal Act 1998*, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

|  |  |
| --- | --- |
| * Prepared by: | ABP Consultants |
| * Drawing numbers: | Sheets 1 to 10 inclusive, Revision C, dated 13 August 2019  Sheet 1 of 1 - Net Floor Area Summary, undated |

### Permit granted

1. In application P695/2019 the decision of the responsible authority is set aside.
2. In planning permit application TPA/49222 a permit is granted and directed to be issued for the land at 353 Waverley Road, Mount Waverley in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

* Buildings and works associated with an existing building; and
* Reduction in the standard car parking requirement associated with additional floor space for an office use (three car parking spaces).

|  |  |  |
| --- | --- | --- |
| **Mary-Anne Taranto Member** |  |  |

# Appearances

|  |  |
| --- | --- |
| For applicant | Ms Angela Mok, town planner of Clement Stone.  She called the following witness:   * Mr Henry Turnbull, traffic engineer of Traffix Group |
| For responsible authority | Mr David De Giovanni, town planning consultant. |

# Information

|  |  |
| --- | --- |
| Description of proposal | This proposal is for a three storey commercial building, comprising the construction of two additional storeys above an existing single storey office building and internal layout changes. Modifications to the rear of the building will provide an undercroft car park with four car spaces in a tandem layout. The enlarged building would have a net floor area of 320.7sqm, representing an increase by 178.7sqm. |
| Nature of proceeding | Application under section 77 of the *Planning and Environment Act 1987* – to review the refusal to grant a permit. |
| Zone and overlays | Commercial 1 Zone (**C1Z**).  No overlay controls apply. |
| Permit requirements | Clause 34.01-4 – Buildings and works in C1Z.  Clause 52.06 – Reduction in car parking. |
| Relevant scheme policies and provisions | Clauses 11, 15, 17, 18, 21, 22.03, 52.06, 65 and 71.02. |
| Land description | Located on the north side of Waverley Road just west of Stephensons Road, this 209sqm rectangular site has a width of 5.49m and depth of 38.1m. The site is developed with a single storey office building (RAMS home loans) and forms part of a small local shopping strip known as Mt Waverley South. One at-grade car space is available at the rear of the site accessible via a Right of Way (**ROW**). |
| Tribunal inspection | Unaccompanied subsequent to hearing on two occasions – Wednesday 30 October and Monday 2 December 2019. |

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

## Nature of proceeding

1. Elio Cosentino (the **applicant**) is seeking a review of the Monash Council’s decision to refuse a permit to modify and enlarge the existing single storey office building, primarily by adding two extra levels.
2. In bringing this review, the applicant relies on amended plans which I substituted at the commencement of the hearing. Amongst other things, the amended plans modified the internal layout and building footprint and increased the number of on-site carparking spaces from two to four. In its current form, the number of on-site car spaces is three less than the standard planning scheme requirement and this element of the proposal also requires planning permission.
3. The council maintains its opposition to the proposal on the grounds of insufficient car parking, contending that the proposal would place unreasonable demands on public parking spaces including kerbside parking in nearby residential streets.
4. The applicant relies on the evidence of Mr Turnbull to assert that the parking demands generated by this proposal would not lead to unreasonable parking or amenity impacts on the surrounding area.
5. The key issue in this case is whether the proposed reduction in three car spaces would cause unreasonable parking or other impacts upon the surrounding area.
6. As this is a hearing *de novo*, I advised the parties that I must be satisfied that the proposal as a whole is acceptable, including the design of the building and any amenity effects upon neighbours. Thus, after inviting submissions from the parties during the hearing I have also considered these matters.
7. The Tribunal must determine if a permit should be granted and if so what conditions should apply. I have concluded that the proposal is acceptable for the reasons set out below.

## contextual influences

1. Both the physical and strategic contexts are relevant to my consideration of this proposal’s acceptability.

### Physical context

1. The review site is one of 12 commercial lots that form part of the Mt Waverley South shopping centre fronting Waverley Road. The location of the site relative to its neighbouring commercial lots and residential development to the north is shown in the following image.



Review Site

Hocking Stuart

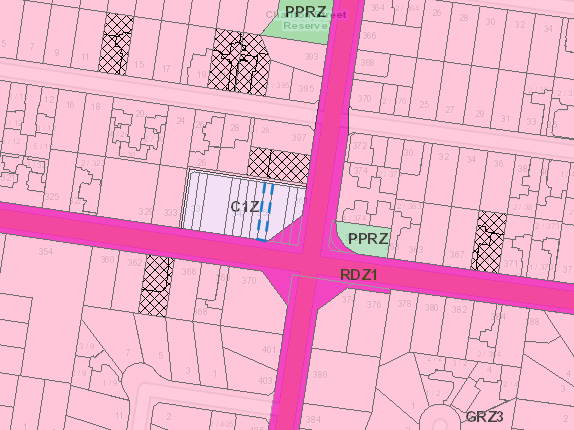
site

Source: Nearmap

1. Development is either one or two storeys in scale. A planning permit which allowed the development of a 3-storey office building at No. 361 Waverley Road was granted by the Tribunal in *Hocking Stuart Mount Waverley v Monash CC* [2017] VCAT 987 (**Hocking Stuart**). I have taken into account this decision heard by Member Cook and I note that this permit has not been acted upon. I was advised by Mr DiGiovanni that and extension of time for the permit’s commencement and completion had been recently sought.
2. Commercial tenancies are mostly occupied by service and convenience type uses including take-away food premises and a large educational equipment supplier. Eight parallel parking bays with one-hour restrictions are sited along the Waverley Road frontage.
3. To the west of these commercially zoned lots is a former dwelling converted to a now vacant office. West again is a vacant council owned community building surrounded by a public car park with 34 spaces.
4. Development on the north side of the ROW at the rear of the review site includes the rear yards of dwellings and a two-storey town house (known as No. 2/399 Stephensons Road) which fronts the ROW. It has some habitable room windows facing southwards towards the rear of the commercial properties and a garage accessed via the ROW.
5. Albert Street further north includes both single and multi-dwellings as well as a medical centre (chiropractor) on the south-west corner of Stephensons Road.

### Planning context

1. As the following image shows, the review site and other surrounding commercial properties are within the Commercial 1 Zone (**C1Z**). Neighbouring residential land to the north and the council car park to the west are within the General Residential Zone – Schedule 3 (**GRZ3**). Both Stephensons and Waverley Roads are within a Road Zone category 1 (**RDZ1**).



Source: Vicplan

1. In addition to implementing planning scheme policies, a relevant purpose of the C1Z is to create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.
2. While planning permission is required for the development aspects of this proposal, no planning permission is required to use the land for an office in the C1Z.
3. There is no limit on building heights in C1Z unlike neighbouring land in the GRZ3 where a maximum building height of 11m applies.
4. Various decision guidelines are set out at clause 34.01-8. These relevantly include:

* the interface with adjoining zones, especially the relationship with residential areas;
* the provision of car parking;
* the treatment of the fronts and backs of buildings;
* the storage of rubbish and materials for recycling;
* overlooking and overshadowing effects on adjoining residentially zoned land; and
* the objectives, standards and decision guidelines of Clause 54 and Clause 55.

1. Planning scheme policies of most relevance are focused around key themes of economic development, activity centres, urban design and car parking.
2. In broad terms, the Planning Policy Framework (**PPF**) seeks to build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that comprises a range of centres that differ in size and function.[[2]](#footnote-2)
3. Policy also calls for commercial facilities that are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure. The location of commercial facilities in existing activity centres[[3]](#footnote-3) and improved access to jobs closer to where people live are also supported by policy.[[4]](#footnote-4)
4. The efficient use of existing infrastructure, high quality design which makes a positive contribution to the public realm and the protection of amenity in residential precincts from the effects of road congestion created by on-street parking are other relevant policy directions in the PPF.[[5]](#footnote-5)
5. Local policies set out a hierarchy of activity centres and provides some guidance for Major and neighbourhood centres. In the case of this activity centre, it is not identified as a ‘neighbourhood centre’. Very limited direction exists at the local policy level for use and development expectations for this particular activity centre. Policy at clause 21.01-1 does however recognise in broad terms the diverse role that activity centres play in terms of accommodating future housing, retail, commercial and civic services.
6. The most specific policy is at clause 21.06 is titled ‘Major Activity and Neighbourhood Centres’. Notwithstanding its title, on my reading its application is primarily focused on but not restricted to these types of centres.
7. In the overview at clause 21.06-1, for example, is the following statement:

Council is committed to maintaining and enhancing the cosmopolitan range of business activity centres across the municipality to continue to meet community needs and preferences for retail, entertainment, office and other commercial services. These activities contribute to the significant level of economic activity and employment in Monash.

1. A key issue identified by policy at clause 21.06-2 is that some smaller centres are declining in retail activity. Their changing role in the economy should be supported through appropriate planning provisions. This policy also encourages development of offices and residential uses above ground level to strengthen centres where appropriate while also ensuring that adequate car parking is provided.[[6]](#footnote-6)

### Clause 52.06 – Car parking

1. The standard car parking requirement for an office use is 3.5 spaces per 100sqm of net floor area (**NFA**) under clause 52.06-5. Application of this rate applies to that part of an existing use which is to be increased. With an increased NFA of 178.7sqm, six additional car spaces are required.[[7]](#footnote-7)
2. With the provision of three additional spaces (four in total), planning permission is required to reduce the standard parking requirement by three spaces.
3. Various decision guidelines and application requirements are set out under clause 52.06-7. I do not recite all of those matters here but I have taken them into account.

## adequacy of car parking

1. The council asserts that the limited size of this centre, its distance from rail transport and its position in the activity centre hierarchy below that of a neighbourhood activity centre are factors that weigh against the intensity of this proposal – a consequence of which is the need for planning permission for a reduction in three car parking spaces.
2. The parties agree that public parking is highly utilised in this location, particularly in the council car park to the west. It was Mr Turnbull’s evidence that access to alternative transport modes is reasonable and there is adequate publicly available parking in the broader area to cater for the shortfall in parking. While this may at times involve kerbside parking in Albert Street, it was his evidence that this would not generate unreasonable residential amenity impacts given that such parking would most likely occur during day time hours rather than at night when noise and activity is likely to be more problematic for residents.
3. In giving his evidence, Mr Turnbull presented a Car Parking Demand Assessment which is a requirement under clause 52.06-7. Reference was made to parking surveys carried out for his firm[[8]](#footnote-8) and by another consultant[[9]](#footnote-9) during September 2018 – the latter which formed part of the permit application material.
4. In relation to the council’s public car park alone, the number of vacant spaces surveyed in 2018 and 2019 ranged between eight and eleven.
5. I was provided with documentary evidence by the applicant that seven annual trader parking permits have been issued for existing staff of the review site for the period 1 October 2019 to 30 September 2020.

### Analysis

1. In the absence of detailed policy guidance at the local policy level, I have relied more heavily on a first principles planning assessment, guided by the broader policy context, zone purposes, matters for consideration in clause 52.06 (particularly clause 52.06-6) and features of the physical context. I was also assisted by my inspection of the site and surrounds on two occasions including observations of existing parking demands.
2. I have endeavoured to balance the various considerations that weigh in favour of and against the proposed reduction in parking in coming to my conclusion.
3. This activity centre is one that I would describe as having reasonable but not excellent access to public transport, noting the position of a bus stop around the corner from the review site in Stephensons Road. The nearest train station is within 1.2km away to the north and while likely to be accessible for many on foot, is not in a location relative to this site that I regard as strongly influential in favour of the planning permission required for car parking.
4. This centre is not one that I would describe as struggling to survive, thus I do not think that this is a particularly compelling argument in favour of the proposed development.
5. I do however accept that the additional floor space for this office use would provide improved levels of accommodation for its occupants while also consolidating the centre’s role as one that has a strong service type focus during the day. To the extent that it achieves these outcomes, the proposal aligns with broader policies supporting economic sustainability, the aggregation of commercial uses, mixed use function of activity centres and the purposes of the C1Z.
6. I have found elements of Mr Turnbull’s evidence to be lacking, noting in particular that his Car Parking Demand Assessment did not consider several of the required matters to be addressed under clause 52.06-7. These relate to the variation of car parking demand likely to be generated by the proposed use over time; anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land and any empirical assessment or case study.
7. Upon my questioning of the applicant at the hearing, the applicant confirmed that he presently employs eight staff, but this is expected to reduce to seven in the near future. He also described the current parking demands of the existing operation as follows. Three staff are stationed in the office for most of the day while the remaining staff come and go throughout the day to and from off-site appointments.
8. The applicant submits that no additional staff are anticipated to be employed in the foreseeable future if expansion of the offices occurs as proposed. However, this cannot be guaranteed. It is not open to me to regulate staff numbers through permit conditions if I thought this was necessary because the use of the land for an office does not require planning permission and the parking requirement for this use under clause 52.06 is based on net floor area – not staff numbers.
9. I attach little weight to the high levels of availability of parking spaces along both Waverley and Stephensons Roads beyond the centre’s commercial frontages. While parking can lawfully occur along these roads outside of clearway times, I find that the high traffic volumes along both of these roads – ranging from 13,000 to 26,000 vehicles per day respectively – most probably acts as a strong discouragement for their perceived safe use by most motorists.
10. Realistically, I consider that the long-term parking needs of office staff are based in the council car park. Visitors would also find this car park attractive together perhaps with the one hour restricted parallel spaces along the Waverley Road frontage within the centre.
11. My observations of parking conditions in the council car park found that between six and fourteen spaces were vacant.[[10]](#footnote-10) This is not greatly dissimilar to the results of the two parking surveys which found vacancies of between eight and eleven spaces in this car park. While a theoretical reduction in three spaces is sought, it is relevant that the existing use of the site operates with eight staff – seven of whom have trader parking permits for use in this car park.
12. I acknowledge that the provision of trader parking permits is a year by year proposition, creating some uncertainty about future permit allocations. The uncertainty surrounding this annual renewal process has historically been the case for many years and such uncertainty would continue irrespective of this proposal. If the number of trader permits allocated to staff from the review site were reduced, staff without trader permits could continue to park in the council car park but would be subject to shorter term parking restrictions.
13. This together with the future occupation of the two vacant buildings to the centre’s west and redevelopment of the Hocking Stuart site may lead to greater short and long term kerbside parking demands than present conditions.
14. I concur with Member Cook’s findings in *Hocking Stuart* that overspill parking may therefore occur in Albert Street and that in time, the introduction of parking restrictions in this street may become necessary. This was also a view shared by Mr Turnbull. If overspill parking did occur – with or without parking restrictions – I would not however in the particular circumstances regard this as fatal to this proposal taking into account the most probable day-time use of these spaces which I regard as more benign than evening use when amenity sensitivities and resident parking demands are at their greatest.
15. In the final analysis, I find that the most influential consideration is the proposed provision of four on-site parking spaces. This compares with the provision of only one such space at the present time resulting in a statutory parking shortfall of three car spaces based on the existing floor area.
16. Under this proposal, the statutory parking shortfall of three spaces would remain unchanged with the added certainty of four dedicated spaces on the review site for long term use. I regard this as a key benefit of this proposal.
17. On balance, I consider that a reduction in three car spaces is supportable in all of the circumstances.

## built form and visual amenity considerations

1. I am satisfied that the three-storey scale of the building is acceptable in this particular context. The design itself adopts a fairly simple rectilinear form with clerestory windows centrally positioned and balconies at the rear. The front verandah provides a suitable streetscape response and pedestrian shelter.
2. At its interface with residential properties, including the rear yards of residential properties and the frontage of the townhouse at 2/399 Stephensons Road, the building will rise to a height of 10.7m and will be most visible in oblique views from these neighbouring sites.
3. The proposed building with the intervening laneway will be set back about 9m from this townhouse and about 6m from the back yard of No. 1/399 Stephensons Road.
4. In broad terms I consider that the scale of the development together with the degree of separation will be acceptable subject to some further articulation of the most visible side wall elements. More specifically, I consider that the following modifications to the building should be made.
5. First, at second floor level, I will require the height of the two east and west side wall panels forward of the north façade (i.e the 1.2m portion adjacent to the balcony) to be reduced in height to a maximum of 1.7m above the finished floor level of the balcony.
6. Secondly, I will require some further design detailing to the east and west walls at second floor level for a distance of at least 5m from the front and rear of the proposed building to create greater visual interest. This detailing might take the form of a varied colours/tones or a varied textural finish that is readily discernible to the viewer.
7. Thirdly, I will include a permit condition which requires a detailed schedule of external materials and finishes.

## PERMIT CONDITIONS

1. Conditions were discussed at the hearing and any changes to the permit conditions contained in Appendix A of this order reflect those discussions plus further consideration by the Tribunal.
2. I have also refined the wording of some conditions for grammatical reasons, consistency and the like, without changing their intent.
3. A number of other matters about permit conditions were raised at the hearing. With respect to those matters, other than those already addressed above, I summarise my conclusions as follows.

### Overlooking

1. In the context of the site’s northern residential interface and the decision guidelines under C1Z, I consider that it is appropriate in the circumstances to require the use of obscure glass to a height of 1.7m on the north side of the balconies at both building levels.

### Bin storage

1. As discussed at the hearing, the location of bin storage areas is to be shown on the plans, clear of the four car parking spaces.

## conclusion

1. For the reasons given above, the decision of the responsible authority is set aside.
2. A permit is granted subject to conditions.

|  |  |  |
| --- | --- | --- |
| **Mary-Anne Taranto Member** |  |  |

# Appendix A – Permit Conditions

|  |  |
| --- | --- |
| Permit Application No: | TPA/49222 |
| Land: | 353 Waverley Road MOUNT WAVERLEY VIC 3149 |

|  |
| --- |
| What the permit allows |
| • Buildings and works associated with an existing building; and  • Reduction in the standard car parking requirement associated with additional floor space for an office use (three car parking spaces);  in accordance with the endorsed plans. |

## Conditions:

**Amended Plans**

1. Before the development starts, three copies of plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by ABP Consultants Pty Ltd comprising Sheets 1 to 10 inclusive, Revision C, dated 13 August 2019 but modified to show:
   1. the height of the two east and west side wall panels forward of the north façade (i.e the 1.2m portion adjacent to the balcony) to be reduced in height to a maximum of 1.7m above the finished floor level of the balcony;
   2. further design detailing to the east and west walls at second floor level for a distance of at least 5m from the front and rear of the proposed building to create greater visual interest. This detailing might take the form of a varied colours/tones or a varied textural finish that is readily discernible to the viewer;
   3. a detailed schedule of external building materials and finishes;
   4. the use of obscure glass to a height of 1.7m on the north side of the balconies at both levels;
   5. the location of bin storage areas sited clear of the four car parking spaces, in accordance with the Waste Management Plan endorsed under condition 7 of this permit.

All of the above are to be to the satisfaction of the Responsible Authority.

**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.

**Sustainable Design Assessment (SDA)**

1. Concurrent with the submission of plans for endorsement under condition 1 of this permit, a Sustainable Management Plan (**SMP**) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:
   1. Demonstration of how ‘best practice’ sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Monash Planning Scheme.
   2. Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.
   3. Document the means by which the appropriate target or performance is to be achieved.
   4. Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.
   5. Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

1. Prior to the occupation of the development approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.

**Construction Management Plan**

1. Prior to the commencement of works on the site (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
   1. Hours for construction activity in accordance with any other condition of this permit;
   2. Measures to control noise, dust and water and sediment laden runoff;
   3. Prevention of silt or other pollutants from entering into the Council’s underground drainage system or road network;
   4. Measures relating to removal of hazardous or dangerous material from the site, where applicable;
   5. A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
   6. Cleaning and maintaining surrounding road surfaces;
   7. A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
   8. Public Safety and site security;
   9. A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
   10. A Traffic Management Plan showing truck routes to and from the site;
   11. Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
   12. Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
   13. Contact details of key construction site staff;
   14. Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
   15. A requirement that construction works must only be carried out during the following hours:
       1. Monday to Friday (inclusive) – 7.00am to 6.00pm;
       2. Saturday – 9.00am to 1.00pm;
       3. Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines).
2. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Waste Management Plan**

1. Concurrent with the submission of plans for endorsement under condition 1 of this permit, a Waste Management Plan must be submitted and approved by the Responsible Authority. The Waste Management Plan shall provide for:
   1. The time and method of collection of garbage and recyclables from uses;
   2. Designation of methods of collection by the private contractor;
   3. Appropriate areas for bin storage on site and areas for bin placement on collection days;
   4. Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
   5. The timing collection of all waste so as not to cause disruption to traffic and amenity of the area; and
   6. Bins not to obstruct car parking or traffic movement.

Once approved the Waste Management Plan will be endorsed to form part of the permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Urban Design**

1. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

**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 in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:
   1. The development has not started before two (2) years from the date of issue.
   2. The development is not completed before four (4) years from the date of issue.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:

* 1. within six (6) months afterwards if the development has not commenced; or
  2. within twelve (12) months afterwards if the development has not been completed.

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

**- End of conditions -**

1. The submissions and evidence of the parties, any supporting exhibits given at the hearing, and the statements of grounds filed; have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons. [↑](#footnote-ref-1)
2. For example clause 11.03-1S. [↑](#footnote-ref-2)
3. See clause 17.02-1S. [↑](#footnote-ref-3)
4. See clause 17.01-1S. [↑](#footnote-ref-4)
5. For example clauses 15.01-2S and 18.02-4S. [↑](#footnote-ref-5)
6. Clause 21.06-3 – Implementation – Policy and exercise of discretion. [↑](#footnote-ref-6)
7. Rounded down from 6.25 spaces. [↑](#footnote-ref-7)
8. Surveys conducted on Wednesday 21 August 2019 at 11:30am and 12:30pm. [↑](#footnote-ref-8)
9. Auswide consulting. [↑](#footnote-ref-9)
10. Wednesday 30 October at 11:55am and Monday 2 December at 11:45am respectively. [↑](#footnote-ref-10)