

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1084/2024
PERMIT APPLICATION NO.TPA/54437

APPLICANT Virtue Commodities Pty Ltd
RESPONSIBLE AUTHORITY Monash City Council
SUBJECT LAND 13A Windsor Avenue
MOUNT WAVERLEY VIC 3149
DATE OF ORDER 14 April 2025

CONSENT ORDER

Amend permit application

- 1 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic), the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:
- Prepared by: Schmidt and Pang
 - Drawing numbers: TP01 to TP07 inclusive all Rev B
 - Dated: 28 February 2025

Permit granted

- 2 In application P1084/2024 the decision of the responsible authority is set aside.
- 3 In planning permit application TPA/54437 a permit is granted and directed to be issued for the land at 13A Windsor Avenue Mount Waverley VIC 3149 in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:

Planning scheme clause	Matter for which the permit has been granted
Clause 34.01-4	To construct a building or construct or carry out works
Clause 52.05-11	To construct or put up for display an internally illuminated sign



Hearing vacated

- 4 The hearing scheduled at **10:00am on 17 April 2025** is vacated. No attendance is required.

Katherine Paterson
Member



REMARKS

- 1 This order is made at the request of the parties and with their consent.
- 2 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
 - 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 *Planning and Environment Act 1987* (Vic) (**Act**), including the balanced application of the strategies and policies of the Monash Planning Scheme (**Planning Scheme**) and is otherwise in conformity with the provisions of the Planning Scheme and the Act;
 - the proposed orders will not result in any change to the proposed development which would materially affect any person other than the parties to the proceeding.
- 3 Based on the information available to the Tribunal, I consider it is appropriate to give effect to the settlement reached by the parties pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic).

Katherine Paterson
Member



APPENDIX A – PERMIT DESCRIPTION AND CONDITIONS

PERMIT NO	TPA/54437
PLANNING SCHEME	Monash Planning Scheme
RESPONSIBLE AUTHORITY	Monash City Council
ADDRESS OF THE LAND	13A Windsor Avenue MOUNT WAVERLEY VIC 3149

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
Clause 34.01-4	To construct a building or construct or carry out works
Clause 52.05-11	To construct or put up for display an internally illuminated sign

CONDITIONS TO APPLY TO THE PERMIT:

Amended Plans

- 1 Before the development commences, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Schmidt and Pang Architects, Revision B, dated 28 February 2025, but modified to show:
 - a) The double doors accessed from the laneway deleted, with this area remaining open to create an open entry foyer to access the first floor.
 - b) The new bifold doors in the new entry foyer off the laneway are to be replaced with solid walls and no access to the ground floor in this location is to be provided.
 - c) A notation near the new access to the laneway ‘New door to first floor office for DDA access only. Swipe reader to allow access.’
 - d) The door between the new entry foyer off the laneway and the area east of the stairs, is to be removed creating a larger foyer area. The walls of either side of the now removed door are to be widened to



maximum width possible (a minimum of 1 metre) and the dimension shown.

- e) The door to the stairlift is to be fitted so that it opens back towards the south to facilitate ease of access for any persons with mobility issues.
- f) A safety mirror in the laneway adjacent to common area access.

Layout not to be Altered

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

Signs not altered

- 3 The location, layout, dimensions, structures and features of the approved signs shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Compliance with documents approved under this permit

- 4 At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority.

Waste Management Plan

- 5 Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must provide details of a regular Council waste (including recyclables, green waste and allowance for glass) collection service for the subject land and be prepared in accordance with the Multi-Unit and Commercial Developments Waste Management Plan Guide for Applicants. The plan must include the following:
 - a) The method and location of collection of all waste from the land;
 - b) Waste volume calculation and total waste generated per waste stream;
 - c) Frequency of Waste collection and permitted collection times;
 - d) Plans showing the location of bin storage areas, required bin storage equipment and features, number of bins and location of temporary bin storage at collection point(s);
 - e) Provision of bin cleaning equipment, washing facilities and sewer disposal within the waste storage area; and
 - f) Details of who will be responsible for taking out and returning bins to kerb.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Storage Area

- 6 A waste storage area must be provided that is sufficient in size to contain all rubbish receptacles. Waste storage area must be sealed, graded and drained to sewer. Any waste storage rooms must be considered so to prevent the entrance of vermin and must be able to be easily cleaned.
- 7 No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Use of car parking spaces and driveways

- 8 Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

Lighting of carparks and accessways

- 9 Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

Loading and Unloading

- 10 All loading and unloading of vehicles must be carried out within the boundaries of the land and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

Signs

- 11 All signs must be constructed and maintained to the satisfaction of the Responsible Authority.
- 12 All signs must be located wholly within the boundary of the land.
- 13 Prior to the erection of the approved sign(s), all existing signs on the subject land must be removed to the satisfaction of the Responsible Authority.
- 14 No flashing, intermittent or changing colour light is permitted to be displayed, except with the prior written consent of the Responsible Authority.
- 15 The intensity of lighting associated with the illumination of the advertising sign(s) must be limited so as not to cause glare or be a distraction to motorists in adjoining streets or cause a loss of amenity in the surrounding area to the satisfaction of the Responsible Authority.

- 16 The sign must not:
- a) Dazzle or distract drivers due to its colouring;
 - b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles;
 - c) Be able to be mistaken as an instruction to drivers.
- to the satisfaction of the Responsible Authority.

Commencement and Expiry

- 17 In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- a) The development is not started before 2 years from the date of issue.
 - b) The development is not completed before 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

- a) within six (6) months afterwards if the development has not commenced; or
- b) 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.

Permit Commencement and Expiry - Signs

- 18 Without the written consent of the Responsible Authority, this permit will expire unless the approved signs are displayed within 2 years of the issue date of this permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or:

- a) within six (6) months afterwards if the display of the sign(s) has not commenced; or
- b) within twelve (12) months afterwards if the display of the sign(s) has not been completed.

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

- 19 The approved sign(s) of this Permit will expire 15 years from the date of issue of this permit. The signs and associated structures are to be removed from the land and the surfaces to which the signs apply made good to the satisfaction of the Responsible Authority.

– End of conditions –

