

# VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P278/2022  
PERMIT APPLICATION NO. TPA/53258

<b>APPLICANT</b>	Royale Blue Pty Ltd
<b>RESPONSIBLE AUTHORITY</b>	Monash City Council
<b>RESPONDENT</b>	Kishan Gol
<b>SUBJECT LAND</b>	1924 Dandenong Road CLAYTON VIC 3168
<b>WHERE HELD</b>	Melbourne
<b>BEFORE</b>	Katherine Paterson
<b>HEARING TYPE</b>	No hearing
<b>DATE OF ORDER</b>	5 September 2022

### CONSENT ORDER

- 1 The hearing scheduled at **10:00am on 3 November 2022** is vacated. No attendance is required.
- 2 The compulsory conference scheduled at **2:00pm on 6 September 2022** is vacated. No attendance is required.

### Permit granted

- 3 In application P278/2022 the decision of the responsible authority is varied.
- 4 In planning permit application TPA/53258 a permit is granted and directed to be issued for the land at 1924 Dandenong Road Clayton in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows a food truck/van to be kept on the site on a permanent basis.

Katherine Paterson  
**Member**



## REMARKS

- 1 Pursuant to section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998*, 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:
  - a the responsible authority is of the opinion that the permit or amended permit is appropriate having regard to the matters it is required to consider under section 60 of the Act, including the balanced application of the strategies and policies of the relevant planning scheme and is otherwise in conformity with the provisions of the planning scheme and the *Planning and Environment Act 1987*;
  - b the proposed orders will not result in any change to the proposed use or 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 make these orders.

Katherine Paterson  
**Member**



## APPENDIX A – PERMIT CONDITIONS

<b>PERMIT APPLICATION NO</b>	TPA/53258
<b>LAND</b>	1924 Dandenong Road CLAYTON VIC 3168

### WHAT THE PERMIT ALLOWS

A food truck/van to be kept on the site on a permanent basis in accordance with the endorsed plans.

### CONDITIONS

- 1 The location of the van and the use as a food and drinks premises as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 2 The food truck/van use may only operate during the following hours:
  - Monday to Thursday: 6pm to 11pm.
  - Friday, Saturday and Sunday: 6pm to 12 midnight.unless the Responsible Authority gives consent in writing.
- 3 A maximum of 2 staff members for the food truck/van use present at any given time.
- 4 No seating or tables are to be provided by the operator of the food truck/van on the site.
- 5 Food and drinks provided by the food truck/van is to be sold for consumption off the premises (take away only).
- 6 The activities associated with the use of the food van must not cause nuisance or annoyance to adjoining sites.
- 7 Prior to the commencement of the proposed use, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must provide details of a regular private (including recyclables) collection service for the subject land and be prepared in accordance with the Commercial Developments Waste Management Plan Guide for Applicants. The plan must include the following:
  - a) Daily litter management patrols and collection program to mitigate litter associated patrons attending the premises.
  - b) Measures to manage patron litter impact on surrounding properties.
  - c) The method and location of collection of all waste from the land;
  - d) Frequency of Waste collection and permitted collection times;



- e) 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);
- f) Provision of bin cleaning equipment, washing facilities and sewer disposal within the waste storage area;
- g) Provision of contact details of the person responsible for waste issues to enable surrounding properties to notify the operator of waste issues.

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

- 8 Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.
- 9 The site is to be maintained in a cleanly manner to the satisfaction of the Responsible Authority.
- 10 Rubbish containers shall be provided around the land to the satisfaction of the Responsible Authority. At least once in each day that the premises are open for trading to the public, the operator must send a litter patrol to undertake collection to the satisfaction of the Responsible Authority of any litter emanating from the premises which is on public roads or reserves and, where permitted, on surrounding properties in the vicinity of the premises.
- 11 A sign is to be provided on or adjacent to the van encouraging patrons to not litter and place rubbish in bins provided.
- 12 The amenity of the area must not be detrimentally affected by the use or development, through the:
  - a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials;
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) presence of vermin.
- 13 No form of public address system may be installed so as to be audible from outside the building/site.
- 14 Noise levels generated from the use must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria EPA Publication 1254.2 and any other relevant guideline or Australian Standard.



- 15 No goods must be stored or left exposed outside the van so as to be visible from any public road or thoroughfare.
- 16 All signs must be located wholly within the boundary of the land.
- 17 In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if the use is not started before 2 years from the date of issue.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend this period if a request is made in writing before the permit expires, or within six months afterwards if the use has not commenced.

**– End of conditions –**

