

# VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1474/2020  
PERMIT NO. 194/2020/17P

<b>APPLICANT</b>	BP Australia Pty Ltd
<b>RESPONSIBLE AUTHORITY</b>	Nillumbik Shire Council
<b>REFERRAL AUTHORITY</b>	Head, Transport for Victoria
<b>SUBJECT LAND</b>	1280 Main Road, Eltham
<b>HEARING TYPE</b>	Hearing
<b>DATE OF HEARING</b>	4 December 2020
<b>DATE OF ORDER</b>	4 December 2020

### ORDER

- 1 In application P1474/2020 the decision of the responsible authority is varied.
- 2 The Tribunal directs that planning permit 194/2020/17P must contain the conditions set out in planning permit 194/2020/17P issued by the responsible authority on 12 August 2020 with the following modifications:
  - (a) Condition 1 is deleted and replaced with the following:
    1. Before the development commences, plans to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be in accordance with the application plans prepared by Watson Young Job No. 19330.
- 3 The responsible authority is directed to issue a modified planning permit in accordance with this order.

Bill Sibonis  
**Senior Member**



## APPEARANCES

For BP Australia Pty Ltd	Mr T Retrot, Town Planner of ProUrban
For Nillumbik Shire Council	Ms B Barnes, Town Planner

## INFORMATION

Description of proposal	Buildings and works to erect internally illuminated business identification signage and promotion signage and alterations to an existing building.
Nature of proceeding	Application under section 80 of the <i>Planning and Environment Act 1987</i> – to review the conditions contained in the permit.
Planning scheme	Nillumbik Planning Scheme
Zone and overlays	Part Commercial 1 Zone ( <b>C1Z</b> ) Part General Residential Zone – Schedule 1, General Residential Areas ( <b>GRZ1</b> ) Part Significant Landscape Overlay – Schedule 3, Bush Garden Character ( <b>SLO3</b> ) Abuttal to a road in a Road Zone Category 1 ( <b>RDZ1</b> )
Permit requirements	Cl. 34.01-4 (the construction of a building and the construction or carrying out of works on land in C1Z) Cl. 52.05-2 (the construction or putting up for display business identification signs and promotion signs)
Relevant scheme policies and provisions	Cl. 22.09, 34.01, 52.05 and 65
Land description	The land is located on the south-east corner of Main Road and Beard Street. It is irregular and has a site area of approximately 3472 square metres. Occupying the land is a service station associated convenience store and car wash. To the south is a place of worship, beyond which is a residential property.



To the west, directly opposite the review site, are commercial premises and associated car park. On the opposite side of Main Road is parkland. Further south along Beard Street are residential properties.

### **REASONS**

- 1 This is an application by BP Australia Pty Ltd for a review of a condition on a permit issued by the Nillumbik Shire Council for land at 1280 Main Road, Eltham.
- 2 Reasons for this decision were given orally at the conclusion of the hearing.

**Bill Sibonis**  
**Senior Member**

