

# VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

## PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P467/2021  
PERMIT APPLICATION NO. TPA/51966

**APPLICANT** Sam Barbuscio  
**RESPONSIBLE AUTHORITY** Monash City Council  
**SUBJECT LAND** 1/36 Waverley Road  
CHADSTONE VIC 3148  
**DATE OF HEARING** 29 October 2021  
**DATE OF ORDER** 23 December 2021

### ORDER

- 1 This application is listed for a practice day hearing as detailed below.  
If there is any change to these details, the Tribunal will notify you.

<b>Practice Day Hearing:</b>	
Date	17 January 2022 9.00am
Start time	For details of the start time, please refer to the Tribunal's website ( <a href="http://www.vcat.vic.gov.au/todays-hearings">www.vcat.vic.gov.au/todays-hearings</a> ) after 5.00pm on the day before the hearing
Duration	30 minutes
Conduct	Online Platform

The details of the online platform will be provided to the parties before the hearing.

- 2 The purpose of the practice day hearing is
- to consider whether a hearing is required regarding the permit trigger for the proposed dwelling in the context of the existing use of the land.
  - to give directions about the future conduct of the proceeding.
- 3 Parties must attend the practice day hearing with the following information:
- details of any other applications at the Tribunal that are related to this application;
  - submissions, including any supporting evidence and documents relating to the specific purpose of the practice day hearing (where relevant);



- if any party is seeking procedural directions, a copy of the directions sought.

Shiran Wickramasinghe  
**Member**

### APPEARANCES

For Mr S Barbuscio	Mr J Barnfather of Squareback Pty Ltd
For Monash City Council	Mr D De Giovanni of David De Giovanni Town Planning

### REMARKS

- 1 The hearing of this matter was conducted on 29 October 2021. The Tribunal's decision is reserved.
- 2 Parties to the hearing informed the Tribunal the permit trigger for the proposed dwelling is clause 32.08-6, a permit is required to "*construct a dwelling if there is at least one dwelling on the lot*" in a General Residential Zone.
- 3 On review of the submissions post hearing, the Tribunal has identified a potential issue relating to the permit trigger in the context of the existing rooming house use as described by the parties at the hearing.
- 4 The practice day hearing is scheduled to enable parties to make submissions as to how they wish to address the matters raised in this order.

Shiran Wickramasinghe  
**Member**

