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www.moreland.vic.gov.au



PLANNING PERMIT

Permit No. MPS/2020/57

Planning Scheme: Moreland Planning Scheme

Responsible Authority: Moreland City Council

ADDRESS OF LAND:

495-511 Lygon Street, BRUNSWICK EAST VIC 3057

WHAT THE PERMIT ALLOWS: Part demolition of existing buildings, and the construction of a multi-storey building above basement levels, use of the land for a place of assembly (function centre) and dwellings and reduction of carparking, in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended plans required

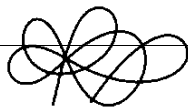
- 1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally accord with VCAT substituted plans that are dated 10 November 2021 prepared by Cera Stribley Architects but be modified to show:
 - (a) Deleted
 - (b) Deleted
 - (c) Deleted
 - (d) ~~Retention-Reinstatement~~ of the original roof of the former Liberty Theatre building for a minimum of 11 metres from the Lygon Street frontage.
 - (e) Deleted
 - (f) ~~A maximum wall height on the western site boundary (rear laneway) of 8 metres to adhere to the rear setback requirements of the Design and Development Overlay (Schedule 19): Deleted~~
 - (g) Deleted

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- (i) ~~Deletion of the statement 'Extent of heritage façade to be retained (refer to heritage report)' from the East Elevation plan.~~Deleted
- (j) ~~Details of the retention, conservation and restoration of the former Liberty Theatre heritage building in accordance with the Heritage Report required by Condition 4.~~Deleted
- (k) ~~The proposed verandahs (to Lygon Street) setback a minimum of 750mm from the kerb and with a height of less than 3 metres above the level of the footpath in accordance with Clause 507 of the Building Regulations 2006.~~Deleted
~~The entry to the basement from the rear laneway designed with an apex height along the basement access ramp equivalent to~~
- (l) ~~47.21AHD +150mm to prevent stormwater inundation of the basement from the road reserve.~~Deleted
- (m) ~~The provision of stairs with an adjacent ramp for cyclists to roll their bicycle wheels on when accessing lifts to and from the residential bike storage area on Basement Level 3(A). The stairs must be constructed with 355mm treads and have a non slip surface.~~Deleted
- (n) ~~Dimensions, line markings and bollard in accordance with Australian Standard 2890.6 shown to the accessible parking bay on Basement Level 1(A) and adjacent shared space.~~Deleted
- (o) ~~An offset of at least 1 metre for all car parking spaces adjacent to walls on Basement Level 3(B).~~Deleted
- (p) ~~The location of any substation required by the power company for this development. Any substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm.~~Deleted
- (q) ~~All residential and employee bicycle spaces secured with walls, with self closing and self locking doors that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).~~Deleted
- (r) ~~The Environmentally Sustainable Design initiatives that are required~~

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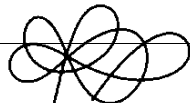
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~~to be shown on plans, as detailed in Condition 8 of this permit.~~
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- (s) Any changes required by the amended Sustainability Management Plan in accordance with Condition 8 of this permit.
- (t) Any changes required by the amended Landscape Plan in accordance with Condition 11 of this permit.
- (u) Any changes required by the amended Waste Management Plan in accordance with Condition 15 of this permit.
- (v) Any changes required by the Accessibility Report in accordance with Condition 17 of this permit.
- (w) Any changes required by the amended Acoustic Report in accordance with Condition 19 of this permit.
- (x) Any changes required by the Loading Management Plan in accordance with Condition 22 of this permit.
- (y) Any changes required by the Wind Assessment Report in accordance with Condition 33 of this permit.
- (z) ~~Introduction of visual aids/signs, as appropriate for vehicles and pedestrians in the laneway. Deleted~~
- (aa) ~~The west facing balconies on levels 1 and 2 to have fixed, permanent screens that meets the requirements of Standard B22- (Overlooking) at Clause 55.04-6 of the Planning Scheme to prevent unreasonable overlooking into the existing secluded open spaces and habitable room windows of the dwellings located at 26, 28 and 30 Stanley Street, Brunswick. The screens must be designed to provide views outward and/or upward through the screens without views downwards into the affected secluded private open spaces and habitable room windows. Deleted~~
- (bb) ~~A screen diagram drawn at a scale of 1:50 which details the screens associated with the west facing balconies on levels 1 and 2. This diagram must include:~~
 - ~~i All dimensions, including the width of slats and the gap between slats.~~
 - ~~ii All side screens.~~

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- iii ~~How compliance is achieved with the standard of Clause 55.04-6 (overlooking) of the Moreland Planning Scheme.~~Deleted
- (cc) ~~The horizontal bicycle spaces dimensioned to be 1800mm long and 500mm wide and the vertical bicycle spaces dimensioned to be 1200mm long and 500mm wide, and each space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities Bicycle parking (AS2890.3).~~Deleted
- (dd) ~~The shared area of the Accessible parking space identified with bollards and chevron line marking as required by the Australian Standard AS2890.6.~~Deleted
- (ee) ~~The splay on the south west corner of the building to be dimensioned 5.035 metres by 3.805 metres to allow vehicles to turn from one laneway to the other.~~Deleted

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Development not to be altered

- 2 The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

Easement to be removed

- 3 This permit shall have no force or effect until such time as the issue of a separate planning permit in accordance with Clause 52.02 of the Moreland Planning Scheme for removal of the passageway easement reserved by Transfer A773707 shown on Lot 1 on Title Plan 959398C and the easement is removed in accordance with section 23 of the Subdivision Act 1988.

Heritage

- 4 Prior to the endorsement of plans, a Heritage Report must be submitted to and then endorsed to the satisfaction of the Responsible Authority. Once endorsed, the Heritage Report will form part of this permit. The Heritage Report must:

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- (a) outline the precise retention of the former Liberty Theatre building generally in accordance with the plans advertised on 19 February 2021 prepared by Cera Stribley Architects, other than any updates resulting from the changes required by Condition 1 of this permit including the retention of at least 11 metres of the original roof of the former Liberty Theatre as required by Condition 1d.
 - (b) outline the restoration and conservation of the former Liberty Theatre building based on available historic material and inspections of the building fabric.
- 5 The original roof must not be altered without the further written permission of the Responsible Authority

Function Centre use

- 6 The function centre use allowed by this permit (except cleaning) must operate only between 8:00am and 11:00pm. Cleaning may take place until 11:30pm.
- 7 The maximum number of patrons permitted in the function centre premises must not exceed 100 at any one time.

Sustainability Management Plan

- 8 Prior to the endorsement of plans, a Sustainability Management Plan (SMP) and associated plans must be submitted to and approved to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Sustainable Development Consultants dated 22 December 2020 version v5D but modified to include the following changes:
- (a) An amended Green Star 'Design & As Built' assessment which:
 - i Confirms with evidence how all of the claimed credits will be achieved and maintained;
 - ii Includes accompanying supporting documentation as per the claimed credits;

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- iii Deletes claimed Innovation credit 30D Financial Transparency and other Innovation credits that are not suitably claimed or explained how they will be ensured as being met; and
- iv Includes a minimum of 10 per cent buffer points to achieve the minimum points required in a 4 star Green Star building.
- (b) The NCC 2019 JV3 modelling for the commercial area's improvement increased from 4 per cent to a minimum of 10 per cent.
- (c) Confirmation of the overall NatHERS ratings as an average of 7.2 stars and deletion of other contradictory wording.
- (d) Show the following ESD initiatives on the development plans:
 - i External operable shading devices to exposed north, east and west facing glazing of all bedrooms and living rooms, to block peak summer afternoon sun. An indicative product diagram of the proposed device must be provided;
 - ii The capacity of the total 23kW solar PV system on the rooftop and size of the panels as 385 watts;
 - iii Solar panels on top of the solar canopy and the communal lobby/lift cores (as per the SMP);
 - iv The electric vehicle car charging spaces available for use by all residents and tenants as per the SMP and a power capacity of 32A (unless otherwise justified by supporting electrical infrastructure information);
 - v Apartment waste chutes within the corridors nominated as one for garbage (landfill waste) and one for recycling ; and
 - vi The colour and material schedule to contain reference to materials in the SMP and the Green Star credits (including steel, timber, PVC, extra low VOC, low formaldehyde, etc).
- (e) A MUSIC model and stormwater management response that achieves the best practice stormwater targets but is modified so that:
 - i Proprietary devices are not used;

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- ii Rainwater tank harvesting and reuse is justified, including reuse rates and irrigation rates that accord with the plans and planning report; and
 - iii An electronic copy of the MUSIC model is included.
- (f) An amended stormwater catchment plan that is consistent with the MUSIC model, clearly showing:
- i The entire site area;
 - ii The rainwater harvesting tanks noted on the basement plan as being used for toilet flushing and landscape irrigation; and
 - iii The catchment plans for the rainwater harvesting tanks and any other treatments.
- 9 Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy, whichever occurs first, all works must be undertaken in accordance with the endorsed Sustainability Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.
- 10 Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy, whichever occurs first, of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, 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 (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

Landscape Plan

- 11 Prior to the commencement of any development works, an amended landscape plan must be submitted to and approved by the Responsible Authority. When to the satisfaction of the Responsible Authority, the report will be endorsed and will form part of this permit. The landscape plan must be generally in accordance with the landscape plan prepared by Rupert Baynes Landscape Design and dated December 2020 (Revision C) but amended to show:

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- (a) Any updates resulting from the changes required by Condition 1 of this permit;
 - (b) Landscaping in the form of planting within planter boxes on or adjacent to all west-facing balconies;
 - (c) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - i Soil volume sufficient for the proposed vegetation
 - ii Soil mix
 - iii Drainage design
 - iv Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.
- 12 All vegetation in planter boxes, green walls and rooftop gardens or similar must be maintained and any dead, diseased or damaged plants replaced with a suitable species to the satisfaction of the Responsible Authority.
- 13 Prior to the issuing of a Statement of Compliance or occupancy permit for any part of the development, whichever occurs first, all landscaping works must be completed and maintained in accordance with the approved and endorsed landscape drawing to the satisfaction of the Responsible Authority.
- 14 Prior to the commencement of works a tree protection zone must be established around the existing street trees with barriers/fencing placed at a distance of at least 12 times the trunk diameter (measured 1.4m above the ground) or 2 metres (whichever is greater) in accordance with the Australian Standard for Protection of trees on development sites (AS4970-2009) or in accordance with the direction of Council's Arborist to the satisfaction of the Responsible Authority. Alternatively, if construction scaffolding and movement of construction materials are determined to have an impact on the health of the street trees, they may be removed and replaced prior to the issuing of a Statement of Compliance or occupancy permit for any part of the development, whichever occurs first, with replacement species selection and planting method to the satisfaction of the Responsible Authority.

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Waste Management Plan

- 15 Prior to the endorsement of plans an amended waste management plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 2 February 2021 but must be amended to include the following:
- (a) Any updates resulting from the changes required by Condition 1 of this permit;
 - (b) Provision for separate food waste collection and in accordance with Clause 58.06-3 of the Moreland Planning Scheme and details of how residents will be encouraged to separate food waste from general waste; and
 - (c) Provision for separate glass collection when that becomes available.
- When the waste management plan is to the satisfaction of the Responsible Authority it will be endorsed and will form part of this permit.
- 16 The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Accessibility Report

- 17 Prior to the endorsement of plans an accessibility report prepared by a suitability qualified professional must be submitted to and approved by the Responsible Authority. The report must:
- (a) Detail how the residential portion of the development will incorporate design features in accordance with Standard D17 (Accessibility) of Clause 58 of the Moreland Planning Scheme, including the detailed design of the bathrooms; and
 - (b) Detail how the retail, function centre and café uses will be accessible by people with limited mobility.

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When submitted and approved to the satisfaction of the Responsible Authority, the Accessibility Report will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development.

- 18 Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the building approved under this permit, whichever occurs first, a report from the author of the accessibility report approved pursuant to this permit, 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 accessibility report have been implemented in accordance with the approved report.

Acoustic Report

- 19 Prior to the endorsement of plans an amended acoustic report must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Acoustic Assessment prepared by Watson Moss Growcott and dated 17 February 2021 but must be amended to:
- (a) include the any updates resulting from the changes required by Condition 1 of this permit;
 - (b) include an assessment of the noise impact of the function centre use on the proposed apartments within the development and the surrounding area, taking into account the approved patron numbers and hours of operation (as detailed by Conditions 5 and 6 of this permit); and

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- (c) Demonstrate that the development will bear full responsibility for attenuating the building to prevent noise intrusion from the existing acoustic environment, including from the entertainment venue at 524 Lygon Street, by amending the design of the development. Compliance with the intention of this condition must be assessed via a peer-reviewed acoustic report, to be funded at the cost of the developer, to the satisfaction of the Responsible Authority. For the purpose of assessing whether the above noise standards are met, the noise measurement point must be located inside a habitable room of the apartments with windows and doors closed (Schedule B1 of SEPP N2 does not apply), and must consider the cumulative effect of external noise and the proposed function centre. The attenuation measures must not substantially alter the external appearance of the building and must not substantially reduce the amenity for future occupants of the apartments to the satisfaction of the Responsible Authority.
- (d) Prior to the issue of a Certificate of Occupancy/Statement of Compliance, a peer-reviewed Acoustic Report must be submitted, to the satisfaction of the Responsible Authority, at the developer's cost, certifying that the acoustic attenuation measures have been constructed in accordance with the noise attenuation intentions of this condition.
- 20 Within 3 months of occupation of the dwellings permitted by this permit, a peer-reviewed Acoustic Report must be submitted to the satisfaction of the Responsible Authority, at the developer's cost, demonstrating that the noise attenuation design changes incorporated in to the development are successfully preventing noise intrusion into the development from the external, acoustic environment, including from the entertainment venue at 524 Lygon Street, as well as from the internal function centre.
- 21 The Acoustic Report endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

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Loading management plan

- 22 Prior to the endorsement of plans a loading management plan prepared by a suitability qualified professional must be submitted to and approved by the Responsible Authority. The report must include all recommendations for loading bay operation outlined on page 33 (Loading Dock Use) of the Acoustic Assessment prepared by Watson Moss Growcott dated 17 February 2021. When submitted and approved to the satisfaction of the Responsible Authority, the Loading Management Plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority. The recommendations of the plan must be implemented to the satisfaction of the Responsible Authority..

Development Contributions

- 23 Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy is charged per 100 square metres of leasable floor space and the Development and Community Infrastructure Levy is charged per dwelling.

If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

- For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
- Prior to the issue of a Statement of Compliance for the subdivision;

When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

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Environmental Audit

- 24 Prior to the commencement of the use or buildings and works associated with the use, either:
- (a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use and development allowed by this permit; or
 - (b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use and development allowed by this permit.
- 25 Where an environmental audit statement is issued for the land, and any condition of that statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the *Planning and Environment Act 1987*. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the *Subdivision Act 1988*. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).
- 26 No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 24 and 25 of this permit are satisfied.
- 27 Where an environmental audit statement is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

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- 28 Where an environmental audit statement is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Public Works Plan

- 29 Prior to the commencement of development, a Public Works Plan and associated construction drawing specifications detailing the works to the public realm adjacent to the site must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must be in accordance the Moreland City Council Technical Notes July 2019 or any updated version and detail works in front of the approved building along Lygon Street and including:
- (a) The upgrade of the public realm adjacent to the site including new or reconstructed footpaths, water sensitive urban design treatments, seating, bicycle hoops, nature strips and other associated street furniture/infrastructure.
 - (b) The footpaths are to be reinstated with the standard crossfall slope of 1 in 40 from the top of roadside kerb to the property boundary, with any level difference made up within the site.
 - (c) A detailed level and feature survey of the footpaths and roads.
 - (d) Any crossovers not required removed and the kerb and channel, footpath and nature strip reinstated to Council's standards using construction plans approved by Moreland City Council, City Infrastructure Department.
 - (e) The location, method and number of bicycle parking to be accommodated within the road reserve.
 - (f) Tree(s) and other landscaping in the street frontages adjacent to or near the development.

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The approved Public Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, prior to the issue of a Statement of Compliance or occupancy permit for any part of the development, whichever occurs first, unless otherwise agreed with prior written consent of the Responsible Authority.

Wind Impact

- 30 Prior to the endorsement of plans a Wind Impact Assessment Report must be prepared by a suitability qualified person. The report must assess the possible wind impacts of the building to Lygon Street and the adjacent laneways and make recommendations for design changes, if required, to mitigate these impacts. When submitted and approved to the satisfaction of the Responsible Authority, the Wind Impact Assessment Report will be endorsed to form part of this permit.
- 31 The building must be constructed and maintained in accordance with the recommendations contained within the approved Wind Impact Assessment Report to the satisfaction of the Responsible Authority. The report endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Car parking

- 32 The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:
- (a) Be completed prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first.
 - (b) Be maintained.
 - (c) Be properly formed to such levels that it can be used according to the endorsed plan.
 - (d) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
 - (e) Not be used for any other purpose other than the parking of vehicles, unless with the prior written consent of the Responsible Authority.

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- (f) Be numbered to facilitate management of the car park.

General

- 33 Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
- 34 Prior to the commencement of the development, a legal point of discharge is to be obtained, and where required, a stormwater drainage plan showing how the site will be drained from the property boundary to the stated point of discharge, must be submitted to and approved by the Responsible Authority.
- 35 All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Moreland City Council, City Infrastructure Department).
- 36 Stormwater from the land must not be directed to the surface of the laneway to the satisfaction of the Responsible Authority.
- 37 The ramp to the basement must be designed to avoid stormwater run-off flowing along the laneway from entering the basements to the satisfaction of the Responsible Authority.
- 38 The pump we-well for the basement must be designed so that it can cater for a 1 per cent AEP instead of 10 per cent in accordance with Section (8) of A/NZS3500.3:2018 to the satisfaction of the Responsible Authority.
- 39 Prior to the issue of a Statement of Compliance or an occupancy permit for any part of the development, whichever occurs first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).

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17 FEBRUARY 2022
DATE ISSUED

SIGNATURE FOR THE RESPONSIBLE AUTHORITY



PLANNING PERMIT

Application No. MPS/2020/57

Planning Scheme: Moreland Planning Scheme

Responsible Authority: Moreland City Council

ADDRESS OF LAND: 495-511 Lygon Street, BRUNSWICK
EAST VIC 3057

- 40 Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance of each stage of the development, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
- 41 Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Moreland tools and software for Council and community must be submitted to the satisfaction of the Responsible Authority. The model must be prepared in accordance with Moreland City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Moreland Project can be found at <https://www.moreland.vic.gov.au/planning-building/3D-Guidelines/>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.
- 42 Prior to the issuing of Statement of Compliance or occupation of each stage of the development, whichever occurs first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
- 43 All lighting of external areas must be designed not to emit direct light onto adjoining and nearby dwellings to the satisfaction of the Responsible Authority.

Time

- 44 This permit will expire if one of the following circumstances applies:
- (a) The development is not commenced within 3 (three) years from the date of issue of this permit;
 - (b) The development is not completed within 5 (five) years from the date of issue of this permit; or

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- (c) The use is not commenced within 5 (five) years from the date of issue of this permit.

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

- Within 6 months after the permit expires to extend the commencement date.
- Within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987.

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SIGNATURE FOR THE RESPONSIBLE AUTHORITY

PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit at the direction of the Victorian Civil and Administrative Tribunal. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

1. from the date specified in the permit; or
2. if no date is specified, from:
 - a. the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - b. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
 - (a) the development or any stage of it does not start within the time specified in the permit; or
 - (b) the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - (c) the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if:
 - (a) the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - (b) the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - (a) the development or any stage of it does not start within the time specified in the permit; or
 - (b) the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - (c) the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or
 - (d) the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - (a) the use or development of any stage is to be taken to have started when the plan is certified; and
 - (b) the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.