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PLANNING PERMIT

Permit No.	MPS/2015/5
Amendment No	**MPS/2015/5/B**
Planning Scheme:	Merri-bek Planning Scheme
Responsible Authority:	Merri-bek City Council

ADDRESS OF LAND: **234 Lygon Street, BRUNSWICK EAST VIC 3057**

THE PERMIT ALLOWS: The use and development of a six storey building in the special building overlay containing a shop and dwellings, a reduction in the car parking requirement and a waiver of the loading and unloading of vehicles requirement, in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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 to supersede the previously endorsed corresponding plans and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans prepared by Eminent Designs TP05-TP19 dated 24 February 2026 and must show:

   a) A minimum of eight (8) car parking spaces on-site.

   a) All car parking spaces accessible to the B85 vehicle from AS2890.1 within a three point turn for both entry and egress.

   b) A minimum of one (1) bicycle parking space for each dwelling.

   c) A minimum of one (1) adaptable dwelling.

   d) Each two or more bedroom dwelling provided with a balcony with a minimum area of 8 square metres and a minimum width of 1.6 metres.

   e) All light courts to have a minimum area of 6 square metres and a minimum width of 2 metres.

Date Issued: 14 SEPTEMBER 2015

Signature for the Responsible Authority:

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

f) The use of a light colour for all the surfaces within the light courts to increase the reflectivity of the walls. The reflectivity of the walls must not be less than 50 per cent.

g) The verandah setback a minimum of 750mm from the kerb and a minimum height of 3 metres above the level of the footpath.

h) 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.

i) A minimum setback of 3 metres from the front (west) property boundary at the third and fourth levels. The balcony on the third level may encroach into this setback, but not the roof over the balcony.

j) A minimum setback of 3 metres from the rear (east) property boundary at the third and fourth levels. The balcony on the third level may encroach into the setback, but not the roof over the balcony.

k) The highly visible north and south elevations redesigned to contribute and enhance the existing character, including replacing a minimum of 50 per cent of the rendered finish surfaces from these elevations with longer lasting finishes with architectural treatments and/or textured finishes.

l) Any changes recommended in the ESD management plan required by condition 7 of this planning permit.

m) Any changes recommended by the disability access plans required by condition 10 of this planning permit.

n) Any changes recommended by the waste management plan required by condition 12 of this planning permit.

o) Any changes recommended by the acoustic report required by condition 14 of this planning permit.

p) The location of any air-conditioning units and other plant equipment, including any screening.



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q) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples (three copies in a form that can be endorsed and filed).

r) A minimum setback of 7 metres from the rear (east) property boundary at the fifth floor. The balcony on the fifth floor may encroach into the setback, but not the roof over the balcony.

s) Changes to the layout of Apartment 11 as a result of condition 1.s).

t) At fifth floor, a minimum setback of 1 metre from the side (north) property boundary for the kitchen, a minimum setback of 1.5 metres from the southern boundary for the living room, and a minimum setback of 6 metres from the front (west) boundary for the living room.

u) Increase in the number of solar roof panels in accordance with the ESD management plan required condition 7.

v) The ground floor street setback and planter box deleted and the commercial tenancy aligned with the street frontage as shown on the plans prepared by Ridolfi Architects, revision F dated 9 February 2021.

w) The habitable room windows facing the light courts reverted back to the size shown on the plans prepared by Ridolfi Architects, revision F dated 9 February 2021.

x) The proposed render sections on the east and west elevations reinstated to expressed panel cement sheet (EF.05) or a similar quality of material.

y) An updated schedule of all proposed exterior decorations, materials, finishes and colours specifying that the tile material (EF.08) be of a rough textured finish.

z) The width of the awning provided with a minimum dimension of 1.2 metres.

aa) The bicycle parking and waste room either reinstated to the layout as shown on the plans prepared by Ridolfi Architects, revision F dated 9 February 2021 or an alternative layout provided which separates the bicycle parking from the waste room.

bb) The entries (including to the commercial tenancy) from Lygon Street provided with a minimum finished floor level of 42.37 metres to AHD and the entry to the car stacker provided with a minimum finished floor level of 42.05 metres to AHD.

cc) Each bicycle parking device dimensioned with all spaces 500mm wide and the horizontal and vertical bicycle spaces 1800mm and 1200mm long respectively, with every space accessed from a 1500mm wide access aisle.

dd) Any changes as required by Melbourne Water in Condition 33.

2. The use and development as shown on the endorsed plan(s) must not be altered or modified unless with the further written approval of the Responsible Authority.

3. Subject to condition 4 of this planning permit, before the development starts, the owner/developer must submit to the Responsible Authority an environmental site assessment report prepared by a suitably qualified environmental professional in accordance with the Potentially Contaminated Land General Practice Note (Department of Sustainability & Environment June 2005) to the satisfaction of the Responsible Authority. The report must include recommendations as to whether the condition of the land is such that remediation works/management measures are required and whether an Environmental Audit should be conducted, taking into consideration the proposed use. The owner/developer must comply with the findings of the site assessment to the satisfaction of the Responsible Authority including, if required, the preparation of an Environmental Audit.

4. The following works can be carried out before the requirement in condition 3 is satisfied:

   a) Buildings and works that necessarily form part of the environmental site assessment process, and
   b) Building and works that the environmental professional engaged by the owner/developer advises must be carried out before an environmental site assessment can be prepared.

5. If pursuant to condition 3 of this planning permit an environmental audit is required, then before the development starts either:

   a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act* 1970 and provided to the Responsible Authority; or,

b) An environmental auditor appointed under Section 53S of the *Environment Protection Act* 1970 must make a statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit, and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit 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, to the satisfaction of the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, before the development is occupied and/or the use starts, and before a Statement of Compliance is issued under the Subdivision Act 1988, and before an Occupancy Permit is issued under the Building Act 1993, written confirmation from an environmental auditor appointed under Section 53S of the Environment Protection Act 1970 that the directions and conditions contained within the statement have been satisfied must be provided to the Responsible Authority, to its satisfaction.

Where a Statement of Environmental Audit is issued for the land, and any condition(s) of that statement require(s) 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 to ensure compliance with the condition(s).

Where a Section 173 Agreement is required, the agreement must be executed before the use starts and/or the development is occupied and/or a Plan of Subdivision is certified 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).

6. The following buildings and works can be carried out before a Statement of Environmental Audit or a Certificate of Environmental Audit is provided to the Responsible Authority, if required, under condition 5 of this planning permit:

a) Buildings and works that necessarily form part of the environmental audit process, and
b) Building and works that the environmental auditor engaged by the owner/developer advises must be carried out before a Statement of Environmental Audit or a Certificate of Environmental Audit can be issued.

These works must be carried out in accordance with a works plan approved by the environmental auditor engaged by the owner/developer. A copy of the works plan must be provided to the Responsible Authority before the development starts.

7. Prior to the commencement of development, a suitably qualified environmental engineer or equivalent must prepare an environmentally sustainable development (ESD) management plan to the satisfaction of the Responsible Authority. The recommendations of the plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development. The plan must include, but not be limited to the following:

    1. Building and site energy management.
    2. Integrated water management – water conservation and reuse (potable, non potable and storm water) water sensitive urban design.
    3. Construction materials selection.
    4. Initiatives to reduce waste.
    5. Integrated Travel Plans – (outlining the various modes of transport).
    6. Construction waste management – (demolition and construction phase).
    7. Compliance with sustainability performance standards.
    8. Best practice principles and innovation.
    9. Responsibilities for implementation monitoring and maintenance.
    10. The roof plan to maximises solar PV panels.
    11. The apartment to have an average NatHERS score of 7.0 stars and a minimum of 6.0 stars.

The ESD management plan should:

- Identify the relevant strategic or other documented sustainability targets or performance standards.
- Document the means by which the appropriate target or performance standard will be achieved.
- Demonstrate that the design elements, technologies and operational practices that comprise the ESD management plan can be maintained over time.

8. All works must be undertaken in accordance with the endorsed environmentally sustainable development (ESD) management plan to the satisfaction of the Responsible Authority. No alterations to the ESD management plan may occur without the written consent of the Responsible Authority.

9. Prior to the occupation of any dwelling approved under this permit, a report from the author of the environmentally sustainable development (ESD) management plan 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 environmentally sustainable development (ESD) management plan have been implemented in accordance with the approved plan.

10. Prior to the endorsement of plans, an access plan must be prepared by a suitably qualified access auditor to assess any plans and provide advice/recommendations on access and mobility issues to the satisfaction of the Responsible Authority. The plan must be submitted to and approved by the Responsible Authority. The plan must provide for, but not be limited to, the following:

    a) Vehicular and pedestrian access into the buildings.
    b) Access to the lifts.
    c) The provision of tactile indicators.
    d) The provision of Braille indicators for the lifts.
    e) The use of contrasting paving or surface materials to assist the vision impaired.
    f) Some apartments to be specifically adapted to provide access for all, including bathrooms and toilets.
    g) Emergency exits, particularly above the ground floor.
    h) Car parking.

    When submitted and approved to the satisfaction of the Responsible Authority, the disability access plan and associated notated plans will form part of this permit.

    The recommendations of the plan must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development. No alterations to the accessibility report may occur without the written consent of the Responsible Authority.

11. Prior to the occupation of any dwelling approved under this permit, a report from the author of the access plan, 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 access plan have been implemented in accordance with the approved plan.

12. Prior to the commencement of the development, a waste management plan must be submitted and approved to the satisfaction of the Responsible Authority. The plan must include, but not limited to the following:

a) Calculations showing that all occupiers will be sufficiently catered for with the proposed number of garbage and recycling bins.
a) The size and location for the storage of general waste and recyclables on the ground/basement floor and details of screening from view.
b) A plan showing that the storage area is sufficient to cater for the number of bins, which must include the option of the Body Corporate opting for Council collection.
c) The size and location for the storage of recyclables on each floor.
d) Details of ventilation if garbage bins are in enclosed areas;
e) Design details of the built-in waste/recycling system for the building indicating the provision made for the separate disposal of garbage and recycling streams.
f) A description of ease of disposal for residents that does not disadvantage recycling (e.g. chutes work for garbage but not for recycling, because of smashed glass, requiring additional effort to recycle, discouraging recycling).
g) The consideration of the ease of taking the fully laden bins to the collection point(s).
h) Private contractor options, if applicable, detailing the methods of collection with regard to site and road network constraints and the potential requirement to manoeuvre garbage trucks, including a collection plan approved by the proposed collection agencies that meets Council's Waste Management Plan.
i) Confirmation of the hours and frequency of pick-up for general and recyclable waste, with regard to potential noise impacts to the surrounding neighbourhood.

When submitted and approved to the satisfaction of the Responsible Authority, the waste management plan and associated notated plans will form part of this permit.

13. 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.

14. Prior to the commencement of the development approved by this permit, a report prepared by a qualified acoustic engineer must be submitted to the satisfaction of the Responsible Authority outlining specific noise attenuation measures to ensure the internal amenity of the dwellings is not adversely affected by external noise sources. Construction and maintenance of the buildings must be in accordance with the recommendations contained in this report to the satisfaction of the Responsible Authority.

15. Prior to the occupation of the development, 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).

16. 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:

    - Be completed prior to the occupation of the development.
    - Be maintained.
    - Be properly formed to such levels that it can be used according to the endorsed plan.
    - Be drained and surfaced.
    - Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
    - Not be used for any other purpose other than the parking of vehicles.

17. The car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separate from the development for any reason without the written consent of the Responsible Authority.

18. Prior to the occupation of the development, the garage roller door(s) must be automatic and remote controlled.

19. Prior to the occupation of the development, an automatic light must be installed and maintained in the parking area so that the light operates automatically when a vehicle enters or leaves the land between dusk and dawn and no direct light is emitted onto adjoining property to the satisfaction of the Responsible Authority.

20. Prior to the occupation of the development, a minimum of one (1) bicycle parking space must be provided to each dwelling in a manner that accords with the specifications in Bicycle Victoria's Bicycle Parking Handbook, to the satisfaction of the Responsible Authority.

21. 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 (Moreland City Council, City Infrastructure Department).

22. 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.

23. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority.

24. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

25. Unless with the written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.

26. Prior to the occupation of the development all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

27. A letterbox must be provided for each of the premises at the street frontage. The dimensions, placement and numbering must comply with the Australia Post – Letterbox Security and Specification as published on its website to the satisfaction of the Responsible Authority.

28. Prior to the issuing of Statement of Compliance or occupation 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.

29. The shopfront window may only be used for promotion and display of goods and must not be painted or blocked out in any way to the satisfaction of the Responsible Authority.

30. Prior to the occupation of the development, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

31. Prior to the issue of a Building Permit in relation to the development approved by this planning 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 amount for the development is $448.72 per 100 square metres of leasable floor space and $131.82 per dwelling, and the Community Infrastructure Levy amount for the development is $229.72 per

dwelling. In accordance with the approved Development Contributions Plan, these amounts will be indexed annually on 1 July.

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.

32. This permit will expire if one of the following circumstances applies:

a) The development is not commenced within two (2) years from the date of issue of this permit.
a) The development is not completed within four (4) years from the date of issue of this permit.
b) The use is not commenced within four (4) 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 six 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.

Melbourne Water Conditions

33. Prior to the endorsement of plans under this permit, amended plans to the satisfaction of Melbourne Water and Council must be submitted to and approved by Melbourne Water and Council. The plans must be generally in accordance with the plans submitted with the application but modified to include:

a) The proposed development must be constructed with finished floor levels set at or above 42.68 metres to Australian Height Datum (AHD), which is 300 mm above

the 1% Annual Exceedance Probability (AEP) flood level of 42.38 metres to AHD.

b) The proposed apex to the ramp of the car stackers area must be constructed with finished floor levels set at or above 42.12 metres to Australian Height Datum (AHD), which is 300 mm above the 1% Annual Exceedance Probability (AEP) flood level of 41.82 metres to AHD.

34. The proposed development must be constructed with finished floor levels set at or above 42.68 metres to Australian Height Datum (AHD), which is 300 mm above the 1% Annual Exceedance Probability (AEP) flood level of 42.38 metres to AHD .

35. The proposed apex to the ramp of the car stackers area must be constructed with finished floor levels set at or above 42.12 metres to Australian Height Datum (AHD), which is 300 mm above the 1% Annual Exceedance Probability (AEP) flood level of 41.82 metres to AHD

Notes: These notes are for information only and do not constitute part of this notice of decision or conditions of this notice of decision.

Note 1. Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 2: The permit holder is advised to contact Council's Property Unit on 9240 2208 for allocation of street numbers associated with the development.

Note 3. Council charges supervision (2.50%) and plan checking (0.75%) fees on the cost of constructing the drain along the easement or street as permitted by Sections 5&6 of the Subdivision (Permit and Certification Fees) Regulations 2000.

Note 4. Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would not be eligible for any Council parking permits to allow for on street parking.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?



14 SEPTEMBER 2015
DATE ISSUED

SIGNATURE FOR THE RESPONSIBLE AUTHORITY

PLANNING PERMIT

Merri-bek City Council

Application No. **MPS/2015/5/B**

Planning Scheme: Merri-bek Planning Scheme

Responsible Authority: Merri-bek City Council

ADDRESS OF LAND: 234 Lygon Street, BRUNSWICK EAST VIC 3057

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

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment	Section of the Act under which the permit has been amended

Date of amendment: 10-Dec-2020

Amendment Number: MPS/2015/5

Brief description of amendment – As per Victorian Civil and Administrative Tribunal (VCAT) under section 87A of the Act:

1 The amendments to the permit are as follows:

a) What the permit allows is amended to read:-

- The use and development of a six storey building containing a shop and dwellings and a reduction in the car parking requirement

b) Conditions of the permit are amended to read:-

- Modify condition 1 to read:

  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 planning permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Ridolfi Architects, revision A, dated 22/10/2020 (as discussed at the VCAT compulsory conference on 10 November 2020) but modified to show:

- Insert new condition 1(s) to read:

  A minimum setback of 7 metres from the rear (east) property boundary at the fifth floor. The balcony on the fifth floor may encroach into the setback, but not the roof over the balcony.

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- Insert new condition 1(t) to read:

  Changes to the layout of Apartment 11 as a result of condition 1(s).

- Insert new condition 1(u) to read:

  At fifth floor, a minimum setback of 1 metre from the side (north) property boundary for the kitchen, a minimum setback of 1.5 metres from the southern boundary for the living room, and a minimum setback of 6 metres from the front (west) boundary for the living room.

- Insert new condition 1(v) to read:

  Increase in the number of solar roof panels in accordance with the ESD management plan required condition 7.

- Modify condition 7 to read:

  7. Prior to the commencement of development, a suitably qualified environmental engineer or equivalent must prepare an environmentally sustainable development (ESD) management plan to the satisfaction of the Responsible Authority. The recommendations of the plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development. The plan must include, but not be limited to the following:

     1. Building and site energy management.
     2. Integrated water management – water conservation and reuse (potable, non potable and storm water) water sensitive urban design.
     3. Construction materials selection.
     4. Initiatives to reduce waste.
     5. Integrated Travel Plans – (outlining the various modes of transport).
     6. Construction waste management – (demolition and construction phase).

7. Compliance with sustainability performance standards.
8. Best practice principles and innovation.
9. Responsibilities for implementation monitoring and maintenance.
10. The roof plan to maximises solar PV panels.
11. The apartment to have an average NatHERS score of 7.0 stars and a minimum of 6.0 stars.

The ESD management plan should:

- Identify the relevant strategic or other documented sustainability targets or performance standards.
- Document the means by which the appropriate target or performance standard will be achieved.
- Demonstrate that the design elements, technologies and operational practices that compromise the ESD management plan can be maintained over time.

- All other conditions are retained.

Date of amendment: 23-Dec-2021

Amendment Number: MPS/2015/5/A

Brief description of amendment:
- Amend Condition 1
- Basement level added for storage, with storage relocated from ground floor
- Light court added at ground floor
- Increase the size of the commercial tenancy from 75.4sqm to 94.5sqm
- Material changes on building elevations

Date of correction: 09-Jan-2023

Brief description of amendment pursuant to section 71 of the Act:
- Permit preamble corrected to allow 'the use and development of a six storey building containing a shop and dwellings, a reduction in the car parking requirement and a waiver of the loading and unloading of vehicles requirement, in accordance with the endorsed plans'

14 SEPTEMBER 2015
DATE ISSUED

SIGNATURE FOR THE RESPONSIBLE AUTHORITY

PLANNING PERMIT

Application No. **MPS/2015/5/B**

Planning Scheme: Merri-bek Planning Scheme

Responsible Authority: Merri-bek City Council

ADDRESS OF LAND: **234 Lygon Street, BRUNSWICK EAST VIC 3057**

13-Mar-2026	• Approving changes to the plans allowing: - Reduction in the size of basement - Internal rearrangements - Addition of 600mm canopy above openings - Minor changes to floor level RL's - Changes to balustrade material • Amending the permit preamble to include the SBO permit trigger • Including Melbourne Water Permit Conditions 1(a), 33-34 • Amend Condition 1 preamble to refer to the most recent amended plans	Merri-bek City Council	

14 SEPTEMBER 2015
DATE ISSUED

SIGNATURE FOR THE RESPONSIBLE AUTHORITY

PERMIT

WHAT HAS BEEN DECIDED?

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

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**.

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 if no time is specified, within three years after the issue of 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 five years after the issue of the permit or in the case of a subdivision or consolidation within five 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 three years after the issue of the permit; or
   (b) the use is discontinued for a period of three 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 if no time is specified, within three years after the issue of 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 five 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 three 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 APPEALS?

- 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 an Application for Review 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.