

# City of Whitehorse

## PLANNING PERMIT

Permit Number: WH/2021/636  
Planning Scheme: Whitehorse  
Responsible Authority: City of Whitehorse

### ADDRESS OF THE LAND:

7 Wellington Road, BOX HILL (LOT 17 LP 15133 4, LOT 2 LP 20741 4, LOTS 1-2 LP 46829 4)

### THE PERMIT ALLOWS:

Construction of a 24-storey apartment building under clause 32.07-5 of the Residential Growth Zone; and Remove or vary an easement under clause 52.02, generally in accordance with the endorsed plans and subject to the following conditions.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 Before the development starts, but excluding early works detailed in the Early Works Plan, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans prepared by Rothe Lowman Architects, Revision B, dated 14/07/2022, but further modified to show:
  - (a) Pram crossing (east and west side of road reserve) and associated zebra crossing relocated to the northern side of the Poplar Street frontage.
  - (b) A notation to state that any street works must be undertaken at the cost of the land owner.
  - (c) A notation to state that the windows to the co-working space are to be operable.
  - (d) A notation to allocate a further 7 visitor bike spaces at the lower or upper ground levels.
  - (e) A site triangle measuring 2.0 x 2.5m on the departure side of the Wellington Road access.
  - (f) Changes required to achieve compliance with clause 58 Standards D17, D18, D19.
  - (g) An annotation clarifying storage to be provided in accordance with cl 58.05-4.
  - (h) A plan depicting the removal and variation of drainage easements.
  - (i) Any modification to the plans under Condition 3 (Landscaping and Public realm Plan)
  - (j) Any modification to the plans under Condition 7 (façade strategy).
  - (k) Any modification to the plans under Condition 8 (sustainability management plan).
  - (l) Any modification to the plans under Condition 9 (car parking management plan).
  - (m) Any modification to the plans under Condition 10 (wind impact assessment).

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- 2 The layout of the site and the size, design and location of the buildings and works permitted must accord with the endorsed plans and must not be altered or modified without the further written consent of the Responsible Authority.

**Confirmation of architect team**

- 3 Before the development starts, the Responsible Authority must be provided with evidence to its satisfaction that Rothe Lowman Architects, or an alternative architectural firm to the satisfaction of the Responsible Authority, has been engaged as part of the ongoing consultant team to oversee the design and construction to ensure that the design quality and appearance of the approved development is realised.

**Landscaping and Public Realm Plan**

- 4 Before the development starts, but excluding early works detailed in the Early Works Plan, a Landscape and Public Realm Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the Landscape and Public Realm Plan will be endorsed and will then form part of the permit. The Landscape and Public Realm Plan must be drawn to scale, with dimensions, and be generally in accordance with the decision plans but modified to show:

**Landscaping**

- (a) Any changes required to meet requirements under Condition 1 of this permit.
- (b) Details of all proposed landscaping within the ground floor open spaces, communal area, upper levels, road reserves and pedestrian link.
- (c) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
- (d) For above ground containerised planting, include the following details:
  - i Plans and cross-sections of planting containers, and calculated soil volume per container.
  - ii Structural engineering report and weight loading allowing for mature plant growth and potential flooding of containers.
  - iii Irrigation frequency and delivery method.
  - iv Drainage of planting containers.
  - v Suitability for species selection in relation to nutrients and irrigation requirements.
  - vi Mulch type, depth and weight.
  - vii Anchoring of all containers and containerised plants above ground level to resist high winds.
  - viii Assessment / specification of the microclimate and effect on plant health.
  - ix Maintenance procedures, including access for staff and equipment, and safety/anchoring measures required to access landscaping above ground level.
  - x Tree protection measures for existing street trees to be retained (Wellington Road street trees and trees on adjoining properties).

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**Public Realm**

- (e) Details of any street frontage features and footpath areas from the building facade to the kerb of Wellington Road and Poplar Street. The design and materials of all public realm treatments must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, with sectional diagrams prepared to demonstrate the construction methodology and showing no alteration to the existing public footpath levels, all to the satisfaction of the responsible authority.
- (f) Any proposed public realm and pedestrian through-link features such as paths, street furniture, sheeting materiality, seating, wind amelioration mechanisms, paving, lawn, mulch, garden beds and lighting including specifications, materiality and design detailing.
- (g) Details and location of the proposed lighting of Wellington Road, Poplar Street and the pedestrian through-link must be prepared in accordance with the Urban Design Guidelines Victoria, Department of Environment, Land Water and Planning 2017. All lighting must include with specifications with details of luminance, baffling, height, design and materiality.
- (h) Location of any wayfinding signage, information or other wayfinding measures to ensure safe and efficient access Wellington Road to Poplar Street. View lines through the site and publically accessible areas must not be impeded by windscreens, containerized planting or any other public realm treatment.
- (i) Modification of the northern edge of the pedestrian link to widen the link by staggering the edge of the link in accordance with Figure 31 of the evidence of Mr Tim Vernon of CDA Design Group Pty Ltd (page 13).

The provisions, recommendations and requirements of the endorsed Landscape and Public Realm Plan must be implemented and thereafter complied with to the satisfaction of the Responsible Authority. The lighting must be installed in accordance with the Landscaping and Public Realm Plan and maintained and operated for the life of the building. Lighting must be located, directed and shielded and of limited intensity that no unreasonable loss of amenity results beyond the site.

- 5 Before the development starts, but excluding early works detailed in the Early Works Plan, a Landscaping Maintenance Plan to the satisfaction of the Responsible Authority and prepared by a suitably qualified consultant must be submitted to the Responsible Authority. Once approved, the Landscaping Maintenance Plan will be endorsed and will then form part of the permit. The Landscaping Maintenance Plan must include, but is not limited to:

- (a) Details of the ongoing maintenance procedures to ensure that the garden areas, containerised planting remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:
  - i Irrigation frequency and delivery method.
  - ii Drainage.
  - iii Pruning and mulching.

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

- 6 The garden and recreation areas shown on the endorsed plan and schedule must only be used as gardens and recreational areas and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety.

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- 7 Before the approved building is occupied, the road reserve between the subject site and the kerb along Wellington Road and Poplar Street must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.

### Façade Strategy

- 8 Before the Condition 1 plans are endorsed under this permit, a Façade Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy for the development must be generally in accordance with plans prepared by Rothe Lowman Architects and detail:
- (a) A concise description by the architect of the building design concept and how the façade works to achieve this.
  - (b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
  - (c) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, glazing, soffits, window detail and any special features which are important to the building's presentation.
  - (d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
  - (e) Cross sections or other method of demonstrating a high quality design response for all street interfacing service cupboards, ensuring integration with the buildings design concept and quality of materials used.
  - (f) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.
  - (g) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built outcome in accordance with the design concept.

Details of the north and south facing on-boundary walls, which are to be treated with finishes, textures or other design elements to provide a high quality finish which does not diminish the ability of the north or south adjoining lot to be simultaneously constructed to this wall.

The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

### Sustainability Management Plan

- 9 Before Condition 1 plans are endorsed under this permit, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 03/06/21, but modified to include, show or address:

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- (a) A Green Star Design and As Built v 1.3 Scorecard confirms the development will achieve a 4 star rating including supporting analysis and calculations that pertain to credits claimed associated with 'Energy', 'Water', 'Daylight' and 'Stormwater' criteria must be provided to the satisfaction of the Responsible Authority.
- (b) An assessment addressing stormwater quality performance demonstrating the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied.
- (c) 19.03-3S – the Guidelines are referenced in the Scheme.
- (d) Appropriate access indicated to maintain and service integrated water management systems demonstrated on Development Plans.
- (e) An annotation on Development Plans indicating the capacity of the rainwater tanks and that the capacities stated are allocated exclusively for reuse/retention purposes and excludes any volume allocated for detention.
- (f) The amount of toilet services and irrigation areas that the rainwater tanks will facilitate annotated on Development Plans.
- (g) Water efficient fixtures and fittings include minimum 5 star WELS taps, 4 star WELS toilet, and 3 star WELS showerheads ( $\leq 7.5$  L/min).
- (h) Daylight modelling assessment to the satisfaction of the Responsible Authority.
- (i) Natural ventilation with all operable windows, doors, terrace openings and vents provided in elevation drawings.
- (j) Preliminary NatHERS Energy Efficiency Assessments for 15% of the total amount of dwellings within the development. The assessment, as a whole, must ensure that thermally unique dwellings have been modelled, representative of an equitable, average, performance of the development. Each dwelling must demonstrate that the development will achieve cooling loads  $\leq 21$  MJ/m<sup>2</sup>/annum. Assessments must demonstrate an average NatHERS energy efficiency star rating of 6.5 achieved throughout the development with no dwelling performing below 5.5 stars. Indicative commitments towards thermal performance (i.e. R-values), artificial lighting and glazing (i.e. U- and SHGC- values) must be provided.
- (k) LED light fittings used to provide artificial lighting and designed to exceed National Construction Code 2019 Building Code of Australia requirements.
- (l) Energy efficient and electric heating, cooling and hot water systems indicating the associated COP and EER values, energy efficiency star ratings or equivalent.
- (m) Exterior building services equipment including any heating, cooling, ventilation, hot water and renewable energy systems on Development Plans.
- (n) A minimum 40 kilowatt solar photovoltaic system demonstrated on Development Plans.
- (o) Double glazing for all external windows.
- (p) Car park ventilation fitted with CO sensors.
- (q) Car park lighting, where reasonably safe to do so, fitted with motion sensors or timers.

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- (r) All common, external, service and lift area lighting fitted with sensors or timers.
- (s) Common, service and lift area ventilation fitted with sensors or timers.
- (t) The location of alternative transport facilities including residential and visitor secure bicycle spaces demonstrated on Development Plans.
- (u) Electric vehicle charging infrastructure for 10% of parks equipped with demand-managed EV chargers and 50% EV charger ready demonstrated on Development Plans.
- (v) A commitment to divert at least 80% of construction and demolition waste from landfill.
- (w) Use of low Volatile Organic Compound (VOC) and formaldehyde products.
- (x) Timber species intended for use as decking or outdoor timber are not unsustainably harvested imported timbers (such as Merbau, Oregon, Western Red Cedar, Meranti, Luan, Teak etc.) and meet either Forest Stewardship Council or Australian Forestry Standard criteria with a commitment provided as an annotation on Development Plans.
- (y) Where measures cannot be visually shown, include a notes table or 'ESD Schedule' on Development Plans providing details of the requirements (i.e. average energy rating for the development's dwellings, energy and water efficiency ratings for heating/cooling, hot water and plumbing fittings and fixtures etc.)

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

The requirements of the SMP must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented when constructing and fitting out the building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

### **Car Parking Management Plan**

- 10 Before the development starts, but excluding early works detailed in the Early Works Plan, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Parking Management Plan will be endorsed and will form part of this permit. The Car Parking Management Plan must address, but not be limited to, the following:
- (a) The allocation of residential parking spaces to demonstrate no reduction in car parking for dwelling uses.
  - (b) Details to manage pedestrian and vehicle conflict within the basement and at vehicle entry points that intersection with the pedestrian footpath.
  - (c) Details of way-finding, cleaning and security of the bicycle storage facilities.
  - (d) Any signage associated with allocated parking and directional wayfinding signage.
  - (e) Details of any intercom, traffic management and boom gate system at each building entry.
  - (f) Management of loading/unloading of vehicles associated with the use being undertaken wholly on site with no vehicles being parked in any nearby laneway or street.

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

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### Wind Impact Assessment

- 11 Before Condition 1 plans are endorsed under this permit, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Wind Assessment Report will be endorsed and will form part of this permit. The Wind Assessment Report must confirm that the development of the land generally in accordance plans endorsed under condition 1, will meet the criteria identified for comfortable wind conditions in the expert environmental wind conditions evidence of Dr Kostas, dated 11 August 2022, and will not result in unsafe wind conditions at any location.

The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

### Waste Management Plan

- 12 When approved the Waste Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### Construction Management

- 13 Before the development starts, but excluding early works detailed in the Early Works Plan, a Construction Management Plan to the satisfaction of the Responsible Authority, detailing how the owner the environmental and construction issues associated with the development will be managed, must be submitted to and approved by Council.

The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines. The Management Plan must generally address how off-site amenity impacts including dust, noise, vibration, traffic and parking disruptions etc are to be managed to minimise disruption to existing residences in the vicinity.

When approved the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority

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

### General conditions

- 14 Before the development starts, the owner/s of the land must enter into an Agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987. The agreement must provide:

- (a) Unrestricted, ungated and unfenced public pedestrian and bicycle access for the east-west 'Public Park & Thoroughfare' (including the passenger lift) adjacent to the northern boundary shown on the endorsed plan must be maintained by the land owners as an unrestricted pedestrian access, 24 hours a day, 365 days a year, in order to ensure the continued pedestrian and cyclist connection from Wellington Road to Poplar Street.

Before the development starts, the section 173 agreement must be registered on the title to the land. All expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner/s of the land.

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- 15 Buildings or works must not be constructed over any easement without the written consent of the relevant Authorities.
- 16 Before the development is complete, all building plant and equipment on the roofs, terraces areas, common areas and public thoroughfares are to be concealed to the satisfaction of the Responsible Authority and thereafter remain concealed. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures down pipes, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.
- 17 Before the development is complete, all mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and unreasonable amenity to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority and thereafter must be maintained to the satisfaction of the Responsible Authority.
- 18 Before the development is complete, all pipes, fixtures, fittings and building services servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority and thereafter must be maintained to the satisfaction of the Responsible Authority.
- 19 Before the development is complete, the car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable) to the satisfaction of the Responsible Authority.
- 20 The car parking areas and driveways must be maintained to the satisfaction of the Responsible Authority.
- 21 Before the development is complete, the nature strip must be reinstated where any existing vehicle crossover is redundant, at no cost and to the satisfaction of the Responsible Authority.
- 22 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 23 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 24 Existing street trees must not be removed or damaged except with the written consent of the Responsible Authority.
- 25 All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to the occupation of the building/s. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.
- 26 Detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.
- 27 Stormwater that could adversely affect any adjacent land shall not be discharged from the subject site onto the surface of the adjacent land.

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- 28 Prior to works commencing design plans must be submitted to and approved for all proposed engineering works external to the site. The plans are to be submitted as separate engineering drawings for assessment by the Responsible Authority.
- 29 The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.
- 30 The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.
- 31 A minimum 2.0m wide drainage easement along North Boundary of No. 7 Poplar in favour of Whitehorse City Council must be created at the subdivision stage prior to issuing of Statement of compliance. New easement drain must be constructed prior to works Design (to cater for 10% AEP Storm) of drain must be submitted to Council for approval.
- 32 No trees are permitted within the new easement. Any planting must not affect the stormwater pipe within the easement and have shallow roots that do not impact upon the functionality of the stormwater pipe. Please reflect this on the landscaping plans. Council's arborist must approve the landscaping plans.
- 33 Before the development starts, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

#### **Early Works**

- 34 Except with the prior written consent of the Responsible Authority, prior to the commencement of any buildings and works, an Early Works Plan must be prepared to the satisfaction of the Responsible Authority. The Early Works Plan must provide details of all works which comprise the 'early works', including but not limited to:
- (a) Piling works (Bored Piers), including Capping Beams.
  - (b) Retention system including structural columns, shotcrete walls and rock anchors.
  - (c) Bulk excavation.
  - (d) Detailed excavation.
  - (e) Excavation and pouring of pad footings, pile caps and basement slabs.
  - (f) Civil drainage retention system.
  - (g) Crane pad footing system.
- 35 Before the Early Works commence, a Construction Management Plan for the Early Works to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will form part of this permit. The plan must include:

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**Condition 35 (Continued)**

- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
- (b) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.
- (c) Site security.
- (d) Management of any environmental hazards including, but not limited to:
  - i Contaminated soil.
  - ii Materials and waste.
  - iii Dust
  - iv Stormwater contamination from run-off and wash-waters.
  - v Sediment from the land on roads.
  - vi Washing of concrete trucks and other vehicles and machinery; and spillage from refuelling cranes and other vehicles and machinery.
  - vii An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
- (e) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - i Using lower noise work practice and equipment.
  - ii The suitability of the land for the use of an electric crane.
  - iii Silencing all mechanical plant by the best practical means using current technology.
  - iv Fitting pneumatic tools with an effective silencer.
  - v Any other considerations

**Expiry**

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

- (a) The development is not commenced within four (4) years from the date of issue of this permit;
- (b) The development is not completed within eight (8) years from the date of this permit;

The Responsible Authority may extend the periods referred to in Condition 47 if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

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## IMPORTANT INFORMATION ABOUT THIS NOTICE

### 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:

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

### WHEN DOES A PERMIT EXPIRE?

A permit for development of land expires if –

- the development or any stage of it does not start within the time specified in the permit; or
- 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
- 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**.

A permit for the use of the land expires if –

- 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
- the use is discontinued for a period of two years.

A permit for development and use of land expires if –

- the development or any stage of it does not start within the time specified in the permit; or
- 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
- 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
- the use is discontinued for a period of two years.

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 a permit contains a different provision –

- the use or development of any stage is to be taken to have started when the plan is certified; or
- the permit expires if the plan is not certified within two years of the issue of the permit.

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 appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal 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 appeal 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.
- A copy of 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. The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne. The telephone number is (03) 9628 9777.