



GLEN EIRA  
CITY COUNCIL

BENTLEIGH  
BENTLEIGH EAST  
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CARNEGIE  
CAULFIELD  
ELSTERNWICK  
GARDENVALE  
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MCKINNON  
MURRUMBEENA  
ORMOND  
ST KILDA EAST

Enquiries to: Michael Dowel  
Phone: 9524 3412  
Email: MDowel@gleneira.vic.gov.au

1 December 2023

Urbis JHD Pty Ltd  
Level 10, 477 Collins Street  
MELBOURNE VIC 3000

Dear Sean,

Planning permit no.: GE/DP-34187/2021/A  
Property: 10-16 Selwyn Street Elsternwick  
Permit allows: The demolition of existing buildings, the development of a podium and two towers over a multi-level basement comprising shops, a supermarket, a place of assembly, dwellings and the sale and consumption of liquor (packaged liquor), and the construction and display of advertising signage in accordance with the endorsed plans and with the following planning permissions:

- Use of the land for a shop and a place of assembly (function centre, hall, library, museum, restricted place of assembly (excluding gaming))
- Use of the land to sell or consume liquor
- To demolish buildings
- To construct two or more dwellings on a lot
- To construct a building and construct or carry out works
- To construct and display internally illuminated business identification signage

We have recently been in contact regarding your amended planning permit. I confirm the amendments are now approved, which are detailed in the table at the end of the planning permit.

If you have any queries in relation to this matter, please contact Urban Planning on 9524 3333.

All the best,

Michael Dowel  
PRINCIPAL URBAN PLANNER

**GLEN EIRA CITY COUNCIL**  
CORNER GLEN EIRA AND HAWTHORN ROADS, CAULFIELD, VIC  
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# PLANNING PERMIT

Planning scheme: Glen Eira Planning Scheme  
Responsible authority: Glen Eira City Council



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Permit number:	GE/DP-34187/2021/A
Address of the land:	10-16 Selwyn Street Elsterwick
The permit allows:	<p>The demolition of existing buildings, the development of a podium and two towers over a multi-level basement comprising shops, a supermarket, a place of assembly, dwellings and the sale and consumption of liquor (packaged liquor), and the construction and display of advertising signage in accordance with the endorsed plans and with the following planning permissions:</p> <ul style="list-style-type: none"><li>• Use of the land for a shop and a place of assembly (function centre, hall, library, museum, restricted place of assembly (excluding gaming))</li><li>• Use of the land to sell or consume liquor</li><li>• To demolish buildings</li><li>• To construct two or more dwellings on a lot</li><li>• To construct a building and construct or carry out works</li><li>• To construct and display internally illuminated business identification signage</li></ul>

The following conditions apply to this permit:

- 1 Before the development starts, amended plans and documents 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 amended plans must be drawn to scale with dimensions and must be generally in accordance with the plans identified as TP002, TP003, TP096, TP097, TP098, TP099, TP101, TP102, TP103, TP104, TP105, TP106, TP107, TP108, TP109, TP110, TP200, TP201, TP202, TP203, TP204, TP205, TP250, TP251, TP252, TP253, TP254, TP255, TP400, TP401 and TP500, Revision 04, dated 25.03.2022, TP220 and TP111, Revision 03 dated 25.03.2022 and TP004 and TP100, Revision 05, dated 25.03.2022 prepared by Fender Katsalidis but further modified to show:

Southern tower changes

- (a) Deletion of levels 6, 7 & 8 from the southern tower;
- (b) Modification of levels 2, 3, 4 & 5 of the southern tower, so that they comprise the setbacks and internal layout depicted in the level 8 floor plan contained on Drawing TP109 dated 25 March 2022;

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- (c) All balconies at podium level to comply with Clause 58.05-3;
- (d) Detailed design plans of support structures, materials and drainage measures associated with the tower levels, demonstrating that they are integrated into the design and architecture of the building;

## Northern tower changes

- (e) Modifications to the Level 5 communal terrace in the northern tower to limit overlooking impacts to Apt. 503-N;

## Podium changes

- (f) The areas currently shown as 'kiosk' to be shown as 'Shop or Food and drink premises';
- (g) The Place of Assembly modified to achieve activation along Selwyn Street in proximity to the internal lift;
- (h) The boundary wall adjacent to 1 St Georges Road to have a red brick appearance.
- (i) The boundary wall adjacent to the Sinclair Street properties and 1 May Street to have a bagged concrete treatment/appearance.
- (j) The brick material at Level 1 above the residential entrance of the northern tower reduced and replaced with glazing consistent with that provided at the Mezzanine Level to achieve a more distinguishable entrance;
- (k) Clear glazed shop fronts to the supermarket, shops and the place of assembly open to the street and not be screened by opaque advertising, opaque materials or internal placement of fittings (including refrigeration/freezer/display units) to the satisfaction of the Responsible Authority;
- (l) The fire booster to Selwyn Street to be glazed;
- (m) The rear of the small shop spaces to be glazed;
- (n) Any amendments to the eastern façade at ground level required to accommodate the tree protection zone for Tree 2 (Pencil Pine) at 1 May Street if necessary pursuant to Condition 13(b) including access for maintenance purposes;
- (o) Details of how access from the supermarket loading bay to the substation will be facilitated without

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impacting the use of the supermarket loading bay and Basement 01 vehicle accessway;

- (p) The supermarket loading dock and plant area in the north-eastern corner of the site must be fully enclosed along the northern and eastern elevations, with the exception of the loading dock entrance door;
- (q) Line marking for the supermarket loading bay turntable to guide vehicles accessing to be centrally aligned;
- (r) The residential loading area in the northern tower to be free of any columns unless evidence from a suitably qualified structural engineer is provided demonstrating that columns within the residential loading area in the northern tower is acceptable to the satisfaction of the Responsible Authority;
- (s) Access to be provided directly from the bike lobby to the shared loading dock to allow for movement of bins transferred from the northern tower bin storage area;
- (t) Detailed advertising signage plans demonstrating how they are integrated into the development;
- (u) Detailed elevations at a scale of 1:50 and sections at a scale of 1:20 showing the podium level streetscape detailing (including window reveals, door profiles and architectural features) along Selwyn Street and Sinclair Street, and to demonstrate all site services are treated in a way that is integral to the design of the building;
- (v) Provision of at least 2.1m headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres in accordance with Figure 5.3 of AS2890.1:2004 must be provided;
- (w) Ramp kerbs must have minimum of 300mm width and maximum of 150mm height;
- (x) At ground level, the structure on the exit side of the driveway setback a further 550mm to achieve a full 2.5 metre long sight triangle compliant with Clause 52.06 of the Glen Eira Planning Scheme;
- (y) The basement ramp gradients modified as follows:
  - i 1 in 16 for 12m measured from the Selwyn Street title boundary;
  - ii 1 in 10 for the next 12m;
  - iii 1 in 7 for the next 8m; and
  - iv 1 in 8 for the next 2m;
- (z) The support columns within the pedestrian pathway to the east of the travelators in the retail car

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parking areas reorientated 90 degrees;

- (aa) 20% of bicycle spaces in Basement Level 3 to be horizontal rails in accordance with AS2890.3;
- (bb) The location of the barrier mechanism that limits access to the residential and staff parking areas clearly shown on Basement Level 02 and in a location to not impact on useability of retail car spaces;

## Communal open space

- (cc) Subject to advice from a suitably qualified wind expert confirming the outside area would result in an acceptable environment in terms of wind, the outside area located east of apartment 106-S and 107-S included as open space for the abutting apartments, with any screening measures to limit overlooking to 1 St Georges Road and 3 May Street;
- (dd) The outside area located east of apartment 105-N included as open space for this apartment;
- (ee) A detailed Level 01 Communal Open Space Plan clearly demonstrating the following:
  - i Design measures limiting overlooking and noise impacts from the communal open space areas to the Level 01 apartments with direct interface to the communal open space.
  - ii Lighting details ensuring that the lighting does not impact on the amenity of the apartments facing directly onto the communal open space.
  - iii Areas delineated where people will be able to use the open space for recreational or place gathering activities, ensuring they are not located immediately adjacent to habitable rooms of adjoining apartments.

## Privacy

- (ff) The externally accessible area and east facing windows of the 'Supermarket Plant' room and 'Retail – Supermarket Office' screened in accordance Standard D14 (Building Setback) to avoid views onto the secluded private open space and/or habitable room windows of numbers 1 and 3 May Street;
- (gg) Overlooking impacts from the Level 01 communal open space areas, including the pool and secluded private open space of apartment 105- N, screened in accordance with Standard D14 (Building Setback) to avoid direct views to the secluded private open space and/or habitable room windows of the following sites:
  - i 1 St Georges Road;
  - ii 1 and 3 May Street; and

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- iii 16, 18 and 20 Sinclair Street.
- (hh) Additional information demonstrating how overlooking impacts from apartment to apartment is limited in accordance with Standard D15 (Internal views) of the Glen Eira Planning Scheme; and
- (ii) A sectional diagram depicting details of how the material chosen for screening (black steel picket balustrade) prevents overlooking. Details of angling and spacing of pickets is required.

## On-site amenity

- (jj) Detailed and dimensioned floor layout plans of each apartment typology demonstrating that the following objectives are met of Clause 58 of the Glen Eira Planning Scheme, as in place before Amendment VC174:
  - i Clause 58.05-1 (Standard D17 – Accessibility);
  - ii Clause 58.05-3 (Standard D19 – Private open space);
  - iii Clause 58.05-4 (Standard D20 – Storage);
  - iv Clause 58.07-1 (Standard D24 – Functional layout);
  - v Clause 58.07-2 (Standard D25 – Room depth);
  - vi Clause 58.07-3 (Standard D26 – Windows); and
  - vii Clause 58.07-4 (Standard D27 – Natural ventilation);

## Other requirements

- (kk) The Car Parking Schedule in the Project Summary (TP004) amended to separate the 30 'Place of Assembly' car spaces from the retail allocation;
- (ll) The identification of the place of assembly car spaces on the basement floor plans;
- (mm) The location of the rainwater tanks as detailed in the Sustainability Management Plan;
- (nn) A physical materials board showing all external façade materials, colours and finishes.

## Changes resulting from other conditions

- (oo) Any requirement of the Public Lighting plan required under Condition 6;
- (pp) Any requirement of the Landscaping Plan required under Condition 8;

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- (qq) Any requirement of the Landscaping Management Plan required under Condition 10;
- (rr) Any requirement of the Tree Protection Management Plan as required by Condition 13;
- (ss) Any requirement of the Waste Management Plan under Condition 17;
- (tt) Any requirement of the Loading Bay Management Plan under Condition 21;
- (uu) Any noise attenuation measures or requirement of the Acoustic Report under Condition 24;
- (vv) Any requirement of the Environmentally Sustainable Design Report under Condition 29;
- (ww) Any requirements of the Wind Assessment Report under Condition 31; and
- (xx) *-deleted-*

## Layout not to be altered

- 2 The layout of the uses and the development as shown on the endorsed plans, including the location and details of the signs must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.

## Engaged Architect and Landscape Architect

- 3 As part of the ongoing consultant team:
  - (a) Fender Katsalidis Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to oversee the design and construction to ensure that the design quality and appearance of the approved development is realised or otherwise to the satisfaction of the Responsible Authority.
  - (b) Urbis or a landscape architectural firm to the satisfaction of the Responsible Authority must be engaged to oversee the design and implementation of the landscaping to ensure the design quality and appearance of the approved landscaping is realised or otherwise to the satisfaction of the Responsible Authority.

  
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## Communal Areas Management Plan

- 4 Before the development starts a Communal Areas Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Communal Areas Management Plan will be endorsed and will form part of this permit. The Plan must include:
- (a) Hours of operation for all communal areas. Pool and communal terrace areas must operate only between the hours of 6am to 10pm Monday to Sunday;
  - (b) Lighting of communal spaces; and
  - (c) Details of the use of the terraces on Levels 5 and 6.
- 5 The provisions, recommendations and requirements of the endorsed Communal Areas Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

## Public Lighting Plan

- 6 Before the development starts, a Public Lighting Plan must be submitted to and approved by the Responsible Authority. When approved, the public lighting plan will be endorsed and will form part of this permit. The public lighting plan must include:
- (a) Lighting at the entrance to the supermarket and residential lobbies;
  - (b) Lighting along the Sinclair and Selwyn Street interfaces;
  - (c) Lighting to loading docks; and
  - (d) Lighting must be directed, shielded and of an appropriate intensity as to not impact neighbouring residence.
- 7 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all external lighting must be provided on the subject site in accordance with the Public Lighting Plan.

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## Landscaping

- 8 Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The Landscape Plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority. The detailed Landscape Plan must be consistent with the Landscape Concept Design, prepared by Urbis, dated 30.03.2022, Revision D and show:
- (a) Details of substantial landscaping in line with TP220 Revision 03, dated 25.03.2022 that will provide privacy to the terrace spaces that boarder the communal terraces;
  - (b) A planting schedule of all proposed vegetation including botanical names, common names, pot sizes, sizes at maturity, planters' volume of soil and depth of planter soil for each tree, quantities of each plant, and details of surface finishes of pathways and driveways;
  - (c) Landscaping and planting within all outdoor areas (level 1 podium, level 5 communal terrace, level 6 communal terrace, planter boxes and green walls);
  - (d) Details of the landscaping assets to be installed including details of:
    - i An automated irrigation system for all landscaped areas.
    - ii The irrigation sources, supply and connections points.
- The development allowed under this permit must be located clear of any easements, septic and soakage areas to the satisfaction of the Responsible Authority.
- (e) Notes and diagrams detailing the establishment of all proposed trees, shrubs and ground covers.
- 9 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
- 10 Before the development starts, a detailed Landscape Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The detailed Landscape Management Plan must be prepared by a person suitably qualified or experienced in landscape management and must be consistent with the Landscape Concept Design, prepared by Urbis, dated

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30.03.2022, Revision D. The Landscape Management Plan must include:

- (a) Details of a maintenance program for the irrigation systems including flushing, checking systems integrity, monitoring sensors and calibration settings.
  - (b) The allocation of responsibility to the owners corporation for the ongoing maintenance of the irrigation systems and all landscaping unless otherwise to the satisfaction of the Responsible Authority, including specific measures relating to:
    - i maintenance of the proposed on-structure landscaping wrapping around the southern tower; and
    - ii obligations on the owners corporation to ensure consistent maintenance and matching themes for the landscaping into the future;
  - (c) Notes and diagrams detailing the maintenance of all proposed trees, shrubs, and ground covers.
  - (d) Protocols for gaining access for maintenance purposes to privately owned land.
- 11 The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed Landscape Management Plan including by:
- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Management Plan.
  - (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose.
  - (c) Replacing any dead, diseased, dying or damaged plants.

## Street Trees

- 12 Before the development is completed, the existing street trees (Trees 9, 15 and 16 as identified in the Arboricultural Assessment and Report, prepared by Glenn Water Arboriculture and dated 19 November 2020) must be removed and replaced at no cost to Council. The street trees will be replaced with the species, maturity and location of which will be selected by Council's Parks Services Department.

  
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## Tree Management

- 13 Before the development starts, including any demolition and excavation, a Tree Protection Management Plan (TPMP) in respect of Tree 2 (Pencil Pine) and Tree 6 (Crimson Bottlebrush) located within 1 May Street and Tree 7 (Washington Palm) located within 18 Sinclair Street (as identified in the Arboricultural Assessment and Report, prepared by Glenn Water Arboriculture and dated 19 November 2020) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The TPMP must show:
- (a) The specification of tree protection zone (TPZ);
  - (b) If considered necessary by a suitably qualified arborist, any required alterations to the eastern façade at the ground level of the development adjacent to 1 May Street to accommodate the tree protection zone for Tree 2 (Pencil Pine, Glen Eira Classified Tree number 28/CTR/2020) to the extent necessary as advised by a suitably qualified arborist, including access for maintenance purposes;
  - (c) The type, installation and maintenance of tree protection fencing;
  - (d) Vehicular or pedestrian access within a tree protection zone;
  - (e) The protection of the canopies and trunks of the specified tree;
  - (f) Specific details of any works proposed in any TPZ and how impacts will be mitigated;
  - (g) How canopies will be managed, including pruning;
  - (h) Excavation within or near a tree protection zone;
  - (i) Maintenance, including mulching and watering, of tree protection zone;
  - (j) Schedule of Project Arborist inspections; and
  - (k) A program to implement the proposed measures before, during and on completing construction (including demolition).
- 14 The tree protection measures set out in the endorsed Tree Protection Management Authority and must not be altered unless with the prior written consent of the Responsible Authority.

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## Construction Management

- 15 Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:
- (a) Delivery and unloading points and expected frequency;
  - (b) Truck haulage routes, circulation spaces and queuing lanes. Truck haulage routes must exclude Sinclair Street unless agreed to in writing by the Responsible Authority;
  - (c) Details how traffic and safe pedestrian access will be managed, particularly during the drop-off and pick-up times of the Sholem Aleichem College. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
  - (g) Hours for construction activity must only occur within the following hours:
    - i 7am to 6pm – Monday to Friday;
    - ii 9am to 3pm – Saturdays;
    - iii No construction on Sundays or public holidays;
  - (h) Measures to control noise, dust, water and sediment laden runoff;
  - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots; and
  - (k) Measures to prevent vehicles blocking the laneway adjoining the property to the south (rear of properties fronting Glen Huntly Road).

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(l) Vibration intensive activities be conducted away from adjacent vibration sensitive buildings as practical or, where not avoidable, undertake vibration monitoring, with appropriate stop-work triggers, should vibration thresholds be exceeded.

16 All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

## Waste Management

17 Before the development starts, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The WMP submitted to Council must be consistent with the Waste Management Plan prepared by Irwin Consult, Revision 12, dated 4 April 2022, but modified to include the provision of a food organic collection service is to be provided through a private contractor.

18 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

## Venue Management

19 Before the use of the Place of Assembly (function centre, hall, library, museum, restricted place of assembly (excluding gaming)) starts, a Venue Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must include:

(a) A description of the nature, frequency and size of activities on the site;

(b) Layout plans of the various intended land uses and activities;

(c) A limitation on patron numbers as follows:

- i 100 persons at all times except when used for school assemblies and school activities by Sholem Aleichem College; and
- ii 250 persons for school assemblies and school activities for the Sholem Aleichem College;

(d) Operating hours limited to the following:

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- i 7am to 10pm Monday to Friday;
- ii 9am to midnight Saturdays; and
- iii 10am to 10pm on Sundays.

(e) Noise management measures appropriate for the proposed uses of the Place of Assembly, including any measures required by the Acoustic Report approved under Condition 24.

20 The provisions and requirements of the endorsed Venue Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

## Loading Bay Management

21 Before the buildings are occupied, a Loading Bay Management Plan for all loading bays (commercial and residential) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and dimensioned and generally in accordance with the Draft Loading Management Plan, prepared by Stantec, Issue B and dated 5 April 2022, but modified to include the following:

- (a) The statement 'By notification to the Responsible Authority, reasonable additional Supermarket vehicle movements can occur during selected peak trading periods and prior to public holidays (e.g. Christmas and Easter)' deleted from Table 2.3;
- (b) Noise attenuations measures complying with Condition's 24 to 28;
- (c) Routes travelled on the local road network by commercial vehicles to the supermarket loading bay (to be via Glen Huntly Road, St Georges Road and Sinclair Street only between St Georges Road and the loading bay);
- (d) Details of commercial vehicle parking areas while waiting for the loading bay to become available with this not to occur within residential streets including in Sinclair Street;
- (e) Details of the supermarket loading bay entry door which must be acoustically rated and designed in accordance with the acoustic report at Condition 24 and which must remain closed during loading and unloading;
- (f) Specifications of commercial vehicles ensuring they do not exceed 14.7m in length;

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- (g) Commercial vehicles are to enter and exit the supermarket loading bay in a forward direction at all times;
  - (h) Frequency of commercial deliveries and details of the management of such deliveries, including limiting commercial deliveries/collection by semi-trailers to no more than one in any half hour period and any other measures required by the Acoustic Report approved under Condition 24;
  - (i) That there will be no home delivery service vehicles;
  - (j) Maintenance and cleaning of all loading bays;
  - (k) The expected frequency and duration of maintenance of the substation via the supermarket loading dock, including details of how supermarket deliveries will be managed throughout such maintenance periods;
  - (l) Operational details of the residential loading bays including the management of new residents and bulky goods deliveries;
  - (m) Loading and unloading may only take place between the following hours, except during the drop-off (Monday to Friday: 8.15am to 9.00am) and pick-up (Monday to Friday: 3.15pm to 4.00pm) times of the Sholem Aleichem College (excluding school holidays), when no deliveries are to occur:
    - i 7.00am-7.00pm, Monday to Saturday; and
    - ii 9.00am-5.00pm, Sunday except with the written consent of the Responsible Authority.
- 22 The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and thereafter complied with at all times to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

## Trolley Management

- 23 Before the supermarket use starts, a Trolley Management Plan to the satisfaction of the Responsible Authority detailing measures for the efficient management of shopping trolleys including collection and storage must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit. The Trolley Management Plan must be implemented and complied with in association with the supermarket use at all times to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

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## Acoustic attenuation measures

- 24 Before the endorsement of the Condition 1 plans, an Acoustic Report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must prescribe the form of acoustic treatment to:
- (a) Prescribe measures (whether acoustic treatment or management measures) necessary to protect nearby dwelling occupants and future residents within the building with a direct interface to commercial tenancies above, next to or below from associated commercial noise sources, including but not limited to loading dock and reversing beepers, supermarket, place of assembly (including patron and music noise), plant and equipment;
  - (b) Prescribe measures (whether acoustic treatment or management measures) necessary to address noise from use of the outdoor residential communal areas;
  - (c) Prescribe acoustic treatment to the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development.
- 25 Before the development starts, a Mechanical Services Report must be submitted to the satisfaction of the Responsible Authority. The Mechanical Services Report must provide comment on suitability of supermarket equipment noise control measures set out in the Acoustic Report, including with respect to air-flow and ventilation.
- 26 Before the development starts, a further acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority must be submitted. Once approved, the further acoustic report will be endorsed and will then form part of the permit. The further acoustic report must nominate the specific acoustic design and attenuation to address the place of assembly and supermarket land uses and activities and any other plant and equipment (including the condenser area) and demonstrate that the requirements of Condition 28 can be achieved, to the satisfaction of the Responsible Authority.
- 27 Within two months of all of the uses commencing, an updated acoustic report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated acoustic report must demonstrate compliance with Condition 28 and that the required level of noise attenuation has been achieved in accordance with Conditions 24, 25 and 26 of the permit or, if not, what works must be undertaken to achieve the required levels of noise attenuation. Compliance testing must be undertaken with plant equipment operating at practical worst caseloads (as could occur during hot weather in summer during the evening

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and night).

- 28 Noise levels to and from the development must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria, EPA Publication 1254.2 and any other relevant guideline or Australian Standard.

## Environmentally Sustainable Design

- 29 Before the development starts, an Environmentally Sustainable Design Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must outline how the development complies with Standards D6 and D13 of Clause 58 of the Glen Eira Planning Scheme. Any Environmentally Sustainable Design features within the report must be included and shown on the plans.
- 30 The provisions, recommendations and requirements of the endorsed Environmentally Sustainable Design Report must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

## Wind Assessment

- 31 Before the development starts, a Wind Assessment Report (WAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The WAP submitted to Council must be consistent with the Wind Assessment Report provided with the application (Wind Impact Assessment, Vicpac, 11 February 2021) and the letter that accompanied the VCAT substituted amended plans dated 4 April 2022, but modified to include an assessment of the amended design reflected on the plans in Condition 1 of the permit.
- 32 All works must be undertaken in accordance with the endorsed Wind Assessment Report to the satisfaction of the Responsible Authority. No alterations to the endorsed Wind Assessment Report may occur without the written consent of the Responsible Authority.
- 33 Before any use hereby permitted commences, a report from the author of the Wind Assessment Report, approved under 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 all measures specified in the endorsed Wind Assessment Report have been implemented in

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accordance with the approved Plan.

## Car Parking and Bicycle Parking Management Plan

- 34 Before the buildings are occupied, a Car Parking and Bicycle Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and dimensioned. The plan must include:
- (a) The allocation of car spaces to residential and place of assembly uses within the development;
  - (b) The number and location of the car spaces in the basement retail car park. All these spaces must be available for public use;
  - (c) Details of any intended sharing of retail and place of assembly car parking;
  - (d) Barrier mechanisms and/or paid parking arrangements, including license plate recognition measures detailed in Section 5.3 of the Transport Impact Assessment prepared by Stantec and dated 5 April 2022;
  - (e) Details of the access arrangements through the barrier mechanisms for resident car parking, ensuring they are convenient and efficient;
  - (f) Details of the system to be installed to manage car parking time restrictions and any payment for the car park;
  - (g) Bicycle parking facilities including end of trip facilities and public access arrangements;
  - (h) An internal signage plan for the retail carpark including directional arrows and signage, informative signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc;
  - (i) The security arrangements for occupants of the development;
  - (j) Details of way finding, cleaning, security of end of trip bicycle facilities; and
  - (k) Any policing arrangements and/or formal agreements.

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- 35 The provisions, recommendations and requirements of the endorsed Car Parking and Bicycle Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

## Public Realm Management

- 36 Before the development is completed, a Public Realm Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified urban design professional and must be drawn to scale and dimensioned. The plan must include:
- (a) Plans, elevations, treatments and materials schedules prepared in conjunction with the responsible authority for the following public areas:
    - i Selwyn Street between Glen Huntly Road and Sinclair Street (frontage of the subject site);
    - ii Sinclair Street between 16 Sinclair Street and Selwyn Street (frontage of the subject site); and
    - iii Laneway south of the subject site between 277 and 297 Glen Huntly Road;
  - (b) Description of proposed works, including proposed landscaping, surface treatments, street furniture (including signage, bins, seats, bicycle facilities, gates, fences and the like);
  - (c) Details of water sensitive urban design;
  - (d) A plan defining the area the works are to be undertaken; and
  - (e) Vehicle and pedestrian access arrangements including any signage or safety measures.
- 37 Before the buildings are occupied, the requirements of the endorsed Public Realm Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.

## May Street is not a road

- 38 The development hereby approved must not commence on the land shown as part of Lot 1 on TP896250M and labelled 'May Street' until evidence is provided to the satisfaction of the Responsible Authority that May Street (part of Lot 1 on TP896250M) is not a road at law.

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## Environmental investigation

- 39 Before the development starts (other than for necessary demolition and investigation works forming part of the environmental site assessment process), a Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Preliminary Risk Screen Assessment Statement must be prepared by a suitably qualified environmental professional in accordance with the Potentially Contaminated Land General Practice Note (Department of Environment, Land, Water and Planning, July 2021). The report must include recommendations as to whether the condition of the land requires an Environmental Audit to be conducted taking into account the proposed uses. The permit holder must comply with the findings of the Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority, including if required the preparation of an Environmental Audit.
- 40 If, in accordance with Condition 39, an Environmental Audit is required, then before the development starts (other than for necessary excavation, demolition and investigation works) an Environmental Audit must be undertaken pursuant to section 208 of the Environment Protection Act 2017 and an Environmental Audit Statement prepared and provided to the Responsible Authority:
- 41 Where an Environmental Audit Statement is issued for the land in accordance with Condition 40:
- (a) 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;
  - (b) Before the use or development starts (other than for necessary excavation, demolition and excavation works) and before the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Division 1 of Part 8.3 of the Environment Protection Act 2017 must be submitted to the Responsible Authority to verify the directions and conditions contained in the Environmental Audit Statement are satisfied; and
  - (c) Where any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner must enter into an Agreement with Council under section 173 of the Planning and Environment Act 1987. Where a section 173 Agreement is required, the Agreement must be executed before the development starts. 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.

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## Engineering Requirements

- 42 Before the development starts, functional layout 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 prepared by a suitably qualified engineer and must be drawn to scale and dimensioned. The plans must:
- (a) Include the signalisation of Selwyn Street and Glen Huntly Road with any associated widening of the Selwyn Street carriageway to facilitate separate left and right turn lanes on the south approach, generally in accordance with that shown on the Concept Plan identified as DWG No. G24495-01-01, dated 23 October 2019 and set out at Appendix A to the GTA Consultants Transport Impact Assessment, Issue D and dated 12 February 2021;
  - (b) Minimum 600mm clearances to be provided to existing canopies on both sides of Selwyn Street, with the two exit lanes each narrowed to no less than 2.9m in width if required;
  - (c) The measures required to the St Georges Road and Glen Huntly Road intersection as shown in the Appendix D. Swept Path Assessments – External Intersections section of the Draft Loading Management Plan, prepared by Stantec, Issue B and dated 5 April 2022; and
  - (d) If required by Council, a 'Keep Clear' on Glen Huntly Road at the intersection with Riddell Parade.
- 43 Before the development is completed, the requirements of the endorsed functional layout plans must be carried out and completed at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.

## General Amenity

- 44 Before the development is completed, all screening shown on the endorsed plans must be erected and thereafter maintained in accordance with the endorsed plans. The screening measures as shown on the endorsed plans are not to be altered or removed without the written consent of the Responsible Authority.
- 45 The amenity of the area must not be adversely affected by the uses or development including through the:
- (a) Transport of materials, goods or commodities to or from the land;
  - (b) Appearance of any building, works, stored goods or materials;

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- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
  - (d) Traffic generated by the use, or in any other way, to the satisfaction of the Responsible Authority.
- 46 All security alarms or similar devices installed on the land must be of a silent type.
- 47 All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority
- 48 All pipes, fixtures, fittings and vents servicing any building must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 49 No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- 50 Before the buildings are occupied, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
- 51 Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

## Restrictions on the use of the land

- 52 The supermarket use must operate only between the hours of 7am and midnight, seven days a week (Monday through Sunday).
- 53 The bottle shop must operate only between the hours of:
- (a) 9am to 10pm Monday to Sunday;
  - (b) 12pm to 10pm ANZAC Day;
  - (c) No trading on Good Friday or Christmas Day.

  
Signature for the responsible authority Michael Dowel  
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## Car and Bicycle Parking

- 54 The car parking allocation for the approved development must be:
- (a) Not less than one car space per one or two bedroom dwelling;
  - (b) Not less than two car spaces per three or more bedroom dwelling;
  - (c) Not less than five car spaces to each 100 square metres of leasable floor area for the supermarket use; and
  - (d) Not less than 30 spaces for the place of assembly.
- 55 The bicycle allocation for the approved development must be:
- (a) Not less than 13 spaces for the supermarket (at least six for employees and at least seven for shoppers);
  - (b) Not less than four spaces for the place of assembly (at least one of employees and at least three for visitors); and
  - (c) Not less than 46 for the dwellings (at least 31 for residents and at least 15 for visitors).
- 56 Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) fully constructed;
  - (b) properly formed to such levels that may be used in accordance with the plans;
  - (c) surfaced with an all-weather surface or seal coat (as appropriate);
  - (d) drained and maintained in a continuously usable condition;
  - (e) line marked to indicate each car space, loading bay and/or access lane;
  - (f) clearly marked to show the direction of traffic along access lanes and driveways, all to the satisfaction of the Responsible Authority.

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- 57 Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
- 58 Before the buildings are occupied, all bicycle parking facilities must be installed and thereafter maintained to the satisfaction of the Responsible Authority.

## Signage

- 59 The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
- 60 External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
- 61 The signage light source must be designed to minimise light spillage onto surfaces other than the sign to the satisfaction of the Responsible Authority.

## Permit Expiry

- 62 This permit will expire if one of the following circumstances applies:
- (a) The development is not started within four years of the date of this permit.
  - (b) The development is not completed within six years of the date of this permit.
  - (c) The use is not started within six years of the date of this permit. The Responsible Authority may extend the permit if a request is made in writing in accordance with section 69 of *Planning and Environment Act 1987*.
- 63 The permit as it relates to the display of signs will expire fifteen years from the date on which the use commences, at which stage all signs and structures built specifically to support and illuminate the signs must be permanently removed from the land.

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This Permit was issued at the direction of the Victorian Civil and Administrative Tribunal pursuant to Section 85(1)(b) of the Planning and Environment Act 1987

The following permit notes are for information only and do not constitute part of this permit or conditions of this permit:

## General

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the Planning and Environment Act 1987.
- This planning permit represents the planning approval for the use and/or development of the land. This planning permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.
- Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

## Asset Engineering

- No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works.
- Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- All stormwater runoff must be connected to Council drainage network with independent connection for each unit. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.

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- All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.

Date of correction	Description of correction	Name of authority that approved the correction
13 September 2022	This permit has been corrected as follows: <ul style="list-style-type: none"><li>Condition 1(n) to reflect condition 13(b)</li><li>Condition 1(ww) to reflect condition 31</li><li>Condition 19(e) to refer to condition 24</li><li>Condition 21(b) to reflect conditions 24-28</li><li>Condition's 21(e) &amp; 21(h) to reflect condition 24</li><li>Condition 26 to reflect condition 28</li><li>Condition 27 to refer to refer to condition 28 and conditions 24, 25 &amp; 26</li><li>Condition 40 to refer to condition 39</li><li>Condition 41 to refer to condition 40</li></ul>	Glen Eira City Council
Date of amendment	Description of amendment	Name of authority that approved the amendment
1 December 2023	<ul style="list-style-type: none"><li>Deletion of Condition 1(xx): Any requirement of the Public Realm Management Plan under Condition 36.</li></ul>	Glen Eira City Council

  
Signature for the responsible authority: Michael Dowel  
Date issued: 13 September 2022

# PLANNING PERMIT

## Important information about this notice



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### 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–
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  - (ii) 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–
  - 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 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–
  - 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.
3. A permit for the 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 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
  - 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.
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–
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - 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.
- 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.