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GLEN EIRA  
CITY COUNCIL

28 October 2019

Auyin Property Development Pty Ltd  
Ratio Consultants  
8 Gwynne Street  
CREMORNE VIC 3121

BENTLEIGH  
BENTLEIGH EAST  
BRIGHTON EAST  
CARNEGIE  
CAULFIELD  
ELSTERNWICK  
GARDENVALE  
GLEN HUNTLY  
MCKINNON  
MURRUMBEENA  
ORMOND  
ST KILDA EAST

Dear Sir/Madam

**Application For Review # P727/2019  
Planning Permit Application #GE/DP-32409/2018  
Property: 7-15 Horne Street ELSTERNWICK VIC 3185  
Proposal: Construction of a multi storey mixed use building comprising dwellings,  
food and drink premises, offices and shops, use of the land for the purpose of  
dwellings and reduction of the car parking requirements for food and drink premises,  
offices and shops**

On 15 October 2019 the Victorian Civil and Administrative Tribunal (VCAT) determined to approve your application for planning permit and directed us to issue the permit. The permit is attached.

Even though the hardest parts are out of the way, this permit comes with conditions you're obliged to meet.

***Helpful hints to consider***

- Amended plans are required to meet the conditions of the permit. Please upload your documents at [www.gleneira.vic.gov.au/planning-online](http://www.gleneira.vic.gov.au/planning-online)
- Each time unsatisfactory plans are submitted, a fee of \$125 will apply (and we can't make any assessments without prior payment)
- You may require a building permit. Contact your Building Surveyor or Council's Building Department to find out if you do
- The commencement and expiry dates are detailed within the permit itself

We aim to make this process efficient and understand you may have questions. Urban Planning are here to assist and can be reached on 9524 3333 during business hours.

All the best,

*Anthony Adams*

**Anthony Adams  
PRINCIPAL URBAN PLANNER**

**GLEN EIRA CITY COUNCIL**  
CORNER GLEN EIRA AND HAWTHORN ROADS, CAULFIELD, VIC  
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**PLANNING PERMIT**  
**GLEN EIRA PLANNING SCHEME**  
**RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL**

**PLANNING PERMIT NUMBER: GE/DP-32409/2018**

<b>PLANNING PERMIT NUMBER:</b>	GE/DP-32409/2018
<b>ADDRESS OF THE LAND:</b>	7-15 Horne Street ELSTERNWICK VIC 3185
<b>THE PERMIT ALLOWS:</b>	Construction of a multi storey mixed use building comprising dwellings, food and drink premises, offices and shops, use of the land for the purpose of dwellings and reduction of the car parking requirements for food and drink premises, offices and shops in accordance with the endorsed plans.

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Drawing No's. TP097A - TP114A and TP097A-TP114A, TP200A, TP201A, TP210A, TP211A, TP220A and DR12A), prepared by CBG Architects & Interior Designers and dated 3 December 2018 but modified to show:
  - (a) A landscape plan in accordance with Condition 5.
  - (b) The building height to be reduced to not more than 8 storeys, achieved through the deletion of 6 levels that contain apartments.
  - (c) The front (north-eastern) setback of the tower element (third floor and above) to Horne Street increased to a minimum of 4.0m.
  - (d) The ground floor setbacks at the side (north) and rear of the building (shown with red hatching on the plans) to provide an effective combined total width (clear of all parts of the building) with the laneways of at least 5.5m (having regard to the trafficable width of the laneways) so that they will allow for 2 way traffic flows with a height clearance of at least 4.0m and the addition of a note to state that the setbacks within the site will be set aside as carriageway easements.
  - (e) The on-site car parking allocation reconfigured to include:
    - i. Not less than one car space for each one or two bedroom apartment;
    - ii. Not less than two car spaces for each three or more bedroom apartment;
    - iii. Not less than 1.5 car spaces to each 100sqm of leasable floor area for the shops and food and drink premises; and
    - iv. Not less than 2.0 car spaces to each 100sqm of net floor area for the office.
  - (f) All sides of all balconies at the front of the building from the fourth to the seventh floors to be open with the deletion of wintergarden louvres and side walls.
  - (g) The first and second floor office windows and the third floor terrace facing the rear laneway to be screened to limit downward views to residential properties within 9 metres. The screening technique employed to the first and second floor office windows can however allow passive surveillance of the adjacent laneway.

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- (h) The services area on the third floor to be relocated so that it is internal to the building.
- (i) The planter box along the rear section of the residents' lounge terrace on the third floor will be required to be extended to adjoin the services area to limit views toward the Ross Street properties.
- (j) Bicycle parking room on the ground floor to show the provision of 31 spaces to the satisfaction of the Responsible Authority.
- (k) The provision of at least 4 staff bicycle parking spaces for the shops and food and drink premises to be located within the building to the satisfaction of the Responsible Authority.
- (l) The provision of change rooms and showers for cyclists within each of the first and second floor office areas.
- (m) The width of the accessible car space and the adjacent shared area to be dimensioned on the plans and to be in accordance with the relevant Australian Standard.
- (n) The addition of a note to state that street trees and bicycle hoops at the front of the site will be located to the satisfaction of the Responsible Authority.
- (o) Notes to demonstrate the achievement of the required cooling load as prescribed in Standard D6 of Apartment Developments (Clause 58.03-1 of the Glen Eira Planning Scheme).
- (p) Notes to demonstrate rainwater collection for non-drinking purposes and the provision of a stormwater management system as prescribed in Standard D13 of Apartment Developments (Clause 58.03-8 of the Glen Eira Planning Scheme).
- (q) Detailed notes and information describing accessibility features to demonstrate compliance with Standard D17 of Apartment Developments (Clause 58.05-1 of the Glen Eira Planning Scheme).
- (r) Notes stating that heating and cooling units will not be located on balconies unless the balcony size accords with Standard D19 of Apartment Developments (Clause 58.05-3 of the Glen Eira Planning Scheme).
- (s) Detailed notes and information showing the location and dimensions of storage spaces to demonstrate compliance with Standard D20 of Apartment Developments (Clause 58.05-4 of the Glen Eira Planning Scheme).
- (t) Any changes required by the Sustainability Management Plan.
- (u) Laneway widths to be correctly dimensioned.

When approved, the plans will be endorsed and will then form part of this Permit.

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Layout not to be altered

2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.

Section 173 Agreement

3. Before the development starts, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to provide for the following:
  - (a) The owner will construct the shared space side laneway in accordance with plans and specifications to the satisfaction of Glen Eira City Council and complete the works before the occupation of the building.
  - (b) The owner will maintain the shared space side laneway for not less than 1 year after the date of its completion to the satisfaction of Glen Eira City Council.
  - (c) The owner will set aside the land adjacent to the side and rear laneways (shown with red hatching on the plans with a height clearance of 4.0m) as a carriageway easement in favour of the Glen Eira City Council.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Urban Design and Landscaping

4. Before the development starts, a plan detailing the urban design streetscape treatment of the public realm must be submitted to and approved by the Responsible Authority. The plan must show the proposed urban design treatment of public areas within the subject land site and surrounding public realm area to ensure the integration of the site with these areas and consistency in the urban design treatment. The plan must be developed in consultation with the Glen Eira City Council Urban Planning, Urban Design and Engineering Departments and be to the satisfaction of the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plans must show:
  - (a) Detail of all proposed hard surface materials/paving.
  - (b) The inclusion of water sensitive urban design features.
  - (c) The pedestrian path along the northern edge of the development to include safety measures to separate the path from the road/carriageway.
  - (d) Bicycle facilities.
  - (e) Disabled access features where applicable.

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- (f) Any other feature deemed appropriate, to the satisfaction of the Responsible Authority.
5. 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 the Landscape Plan is approved, it will be endorsed and form part of the permit. The Landscape Plan must incorporate:
- (a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
- (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
- (c) Landscaping and planting as shown on the development plans.
6. Before the occupation of the buildings allowed by this permit, landscaping and urban design works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Management Plans

7. Concurrent with the endorsement of any plans pursuant to Condition 1, a Sustainability Management Plan (SMP), generally in accordance with the Sustainability Management Plan prepped by Sustainable Development Consultants and dated November 2018, must be submitted to the Responsible Authority for approval. The report must address Environmentally Sustainable Development (ESD) principles proposed for the site including, but not limited to, energy efficiency, stormwater collection (including the provision of water tanks) and reuse on the site for toilet flushing within the commercial toilets and for garden irrigation (note that Stormwater management must satisfy the requirements of Clause 53.18 of the Glen Eira Planning Scheme), and waste management and building materials. Any recommended changes to the building must be incorporated into the plans required by Condition 1.

Once approved, the SMP will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The SMP must not be varied except with the written approval of the Responsible Authority.

8. Before the development starts, the permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site, generally in accordance with the Waste Management Plan prepared by Ratio Consultants and dated 1 November 2018, with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:
- (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible

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areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.

- (b) Designation of methods of collection including the need to provide for private services. This method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
- (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
- (d) Details for best practice waste management once operating.

Once approved the WMP will be endorsed to form part of this permit and must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

9. Before the development starts including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
- (a) Delivery and unloading points and expected frequency;
  - (b) Truck haulage routes, circulation spaces and queuing lanes;
  - (c) Details of how traffic and safe pedestrian access will be managed. 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 in accordance with any other condition of this permit;
  - (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; and
  - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots.

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Green Travel Plan

10. Before the office use starts, a Green Travel Plan (GTP) must be prepared and submitted to the Responsible Authority for approval. The plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by staff. The plan must include, but not be limited to, the following:
- (a) A description of the location in the context of alternative modes of transport, including walking, cycling and objectives for the Green Travel Plan;
  - (b) Outline Green Travel Plan measures for the development including, but not limited to:
    - i. The distribution of information packs to staff (train, tram and bus timetables relevant to the local area must be included);
    - ii. Car pooling;
    - iii. Bicycle parking and facilities available on the land;
    - iv. Local walking paths and networks to key destinations;
    - v. A plan showing the bicycle parking areas to be provided for use by staff; and
    - vi. Monitoring and review.
  - (c) The Green Travel Plan must not be amended without the written consent of the Responsible Authority.
  - (d) Once approved, the Green Travel Plan will be an endorsed plan under the planning permit to ensure that the Green Travel Plan continues to be implemented by staff to the satisfaction of the Responsible Authority.

Car Parking

11. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all weather sealcoat;
  - (d) drained;
  - (e) line-marked to indicate each car space and all access lanes;
  - (f) clearly marked to show the direction of traffic along the access lanes and driveways;
- to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

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12. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

Wind Effects Report

13. Before the development starts, a wind modelling assessment undertaken by a suitably qualified person to assess the wind impact of the development at ground level must be submitted to the Responsible Authority. Any recommendations or required modifications to the building must be implemented to the satisfaction of the Responsible Authority.

General

14. Before the development is occupied, the provision and design of bicycle parking and associated facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.

15. During the construction of the building allowed by this permit, the laneways adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment and the like, so as to maintain free vehicular passage to abutting benefiting properties at all times, unless otherwise allowed with the written consent of the Responsible Authority.

Permit expiry

16. This Permit will expire if:

- The development does not start within four (4) years from the date of this Permit; or
- The development is not completed within two (2) years of the commencement of the development

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date if the use/development has not commenced.

If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date.

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*Conditions End*

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<b>Date of amendment</b>	<b>Description of amendment</b>	<b>Name of authority that approved the amendment</b>
15 October 2019	• Modifications to Conditions 1(e), 1(g), 1(k), 1(m), 3(b), 7, 8 and 16	Victorian Civil and Administrative Tribunal

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

- A. Residents of the apartments allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- B. Before the construction or carrying out of buildings and works, either:
  - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
  - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
- C. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- D. If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.
- E. 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. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- F. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- G. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- H. There must be no net increase in peak stormwater runoff in Council’s drainage network. Post development peak stormwater discharge to Council’s drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations prepared by a registered consulting Civil Engineer should be submitted to Council for approval prior to any construction works.

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- I. All stormwater runoff must be connected to Council's drainage network. There must be no uncontrolled stormwater discharge to adjoining properties and footpaths.
- J. There must be no net increase in peak stormwater runoff in Council's drainage network. Post-development peak stormwater discharge to Council's drainage network must be maintained to the predevelopment level for a 10 year ARI. Detailed plans and computations prepared by a registered consulting Civil Engineer should be submitted to Council for approval prior to any construction works.
- K. Engineering Services encourage the use of rainwater tanks for storage and re-use for toilet and irrigation purposes and/or the installation of a stormwater detention system.
- L. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- M. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

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# PLANNING PERMIT

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit at the direction of the Victorian Civil and Administrative Tribunal.

(Note: This is not a Permit granted under Division 5 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 & 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 5 years of the certification of the plan or 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 the 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 & Administrative Tribunal where, in which case no right of appeal exists.
- \* An appeal 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 appeal is lodged with the Victorian Civil & Administrative Tribunal.
- \* An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil & Administrative Tribunal, and be accompanied by the prescribed fee.
- \* An appeal must state the grounds upon which it is based.
- \* An appeal must also be served on the Responsible Authority.
- \* Details about appeals and the fees payable can be obtained from the Victorian Civil & Administrative Tribunal.
- \* The address of the Victorian Civil and Administrative Tribunal is Level 7, 55 King Street, Melbourne 3000. The telephone number is 03 9628 9777.

**(LAST PAGE OF PERMIT)**