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GLEN EIRA
CITY COUNCIL

18 September 2020

Olithorn Pty Ltd
Unit 3 726 High Street
ARMADALE VIC 3143

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

Dear Sir/Madam

Application For Review #P443/2020

Planning Permit Application #GE/DP-33027/2019

Property: 380 Hawthorn Road Caulfield South

Proposal: Construction of a multi storey mixed use building (with 2 basement levels), comprising apartments and shops, use of the land for apartments (frontage greater than 2m), reduction of the car parking requirement for the shop use and alteration of access to a road in a Road Zone, Category 1 in accordance with the endorsed plans.

On 8 September 2020 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
- 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
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PLANNING PERMIT
GLEN EIRA PLANNING SCHEME
RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL

PLANNING PERMIT NUMBER: GE/DP-33027/2019

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ADDRESS OF THE LAND:	380 Hawthorn Road Caulfield South
THE PERMIT ALLOWS:	Construction of a multi storey mixed use building (with 2 basement levels), comprising apartments and shops, use of the land for apartments (frontage greater than 2m), reduction of the car parking requirement for the shop use and alteration of access to a road in a Road Zone, Category 1 in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended plans

- 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. TP02-TP03, TP103-TP113, TP201-TP204 and TP301-TP304, all Revision C, prepared by Armsby Architects and dated 4 December 2019 but modified to show:

Building design

- The deletion of the Fifth and Sixth Floors- (i.e. Levels 6 and 7).
- The height of the podium reduced by not less than 1.0m.
- The height of the life overrun reduced by not less than 1.0m.
- The services to the north of the apartment entry to comprise high quality finishes that enhance the appearance of the building or be relocated to olive Street (design detail drawings should be provided at 1:50 scale). The services must be designed to be integrated with the architecture of the building.
- The west-facing bedroom windows of Apartments 201 and 301 on the first and second floor to be fitted with obscure glass to a height of at least 1.7m above floor level.
- The provision of a 2.0m x 2.0m splay on the north-eastern corner of the building at ground floor level.
- 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).
- 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).

Car park design

- Car parking to be provided in accordance with condition 11.

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- (j) The deletion of the loading bay and associated vehicle crossing with consequential changes to the on-street car parking.
- (k) Notes showing the provision of a sight line splay on the exit side of the driveway generally in accordance with Design Standard 1 – Accessways of Clause 52.06-9 of the Glen Eira Planning Scheme (a 1.0m x 1.5m splay with a warning light for pedestrians can be considered).
- (l) The deletion of the trolley bay in Basement 1.
- (m) Adjustments to the car park layout, including:
 - The widening of ramps or the provision of swept path diagrams to demonstrate that there would be sufficient space for 2 vehicles to pass;
 - The installation of wheel stops for Residential Car Spaces 16-21 and Retail Car Spaces 7-14 to provide adequate clearances from the chainwire fences;
 - The provision of diagrams to demonstrate that there would be no vehicle scraping on the ramps or changes to the ramps to minimise vehicle scraping; and
 - The provision of additional details of the curved section of the ramp to demonstrate compliance with Figure 2.9 of AS2890. 1:200 (i.e. outside radius, inside and outside clearances to obstructions, and superelevation (if applicable)).
- (n) The location of the basement car park columns and the dimensions of all car spaces to be in accordance with the applicable Design Standards of Clause 52.06-9 of the Glen Eira Planning Scheme.

Landscape Design

- (o) A landscape plan in accordance with Condition 4.
- (p) The addition of a shade canopy for the communal open space, adjacent to the lift shaft covering at least 30% of the terrace floor area.
- (q) The location of street trees and street furniture at the front of the site.

Additional design conditions

- (r) The external south facing light court widened by minimum 1.65m in its east-west dimension by shifting the west-facing main bedrooms at the first and second floor levels and the balcony on the third floor towards the east, with consequential internal changes to each of the apartments at the south/east corner at the first and second floor levels;
- (s) Within the south facing light court, the balconies of the two apartments at the south/east and south/west corner at the first-floor level deleted and replaced with windows facing inboard to the light court;
- (t) The external surface of the south facing wall of the south facing light court articulated and/or patterned with a textured finish to provide greater visual interest when viewed from the south; and
- (u) The visual and acoustic screen surrounding the lift overrun deleted except the screen along the north and east boundary of the services area.

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

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2. The development as shown on the endorsed plans 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.

Public Realm Works and Landscaping

3. Before the development starts, an urban Design Plan detailing any works in the public realm must be submitted to and approved by the Responsible Authority. The plan must show the proposed urban design treatment in the adjoining public realm areas in Hawthorn Road and Olive Street to ensure the integration of the site with these areas and consistency in the urban design treatment for the Caulfield South Neighbourhood Centre. The plan must be developed in consultation with the Council and be to the satisfaction of the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plan must show:
- (a) The repaving of footpaths along the Hawthorn Road and Olive Street frontages;
 - (b) Changes to the on-street parking and street lighting;
 - (c) Street trees; and
 - (d) Any other feature deemed appropriate such as bicycle parking facilities;
- To the satisfaction of the Responsible Authority.
4. 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 planning 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) The provision or irrigation systems for planter boxes.
 - (d) Landscaping and planting as shown on the development plans.
5. Before the occupation of the building 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 the landscaping maintained to the satisfaction of the Responsible Authority.

Street Trees

6. The existing street trees to be removed must be replaced by new trees, the species, maturity and location of which must be to the satisfaction of Council's Park Services Department. The new trees must be planed and maintained to the satisfaction of Council at no expense to the Council.

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Management Plans

7. Concurrent with the endorsement of any plans pursuant to Condition 1, a Sustainability Management Plan (SMP), generally in accordance with the Sustainable Management Plan prepped by GIW Environmental Solutions Pty Ltd and dated 14 August 2019, 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 Leigh Design and dated 5 December 2019, 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 the following:
- (a) The collection of waste associated with all of the uses on the land from within the basement, 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 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 include the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with 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.

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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, particularly during the drop-off and pick-up times of the Caulfield Primary School. 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.

Acoustic report

10. Concurrent with the endorsement of any plans pursuant to Condition 1, an Acoustic Report, generally in accordance with the Acoustic Assessment report prepared by Acoustic Logic and dated 2 August 2019, must be submitted to the Responsible Authority for approval. The purpose of the Acoustic Report is to protect residents within the building and in dwellings on adjoining land from external noise from any mechanical plant and equipment servicing the development and to protect residents within the building from noise intrusion from the adjoining roads. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and be submitted to and approved by the Responsible Authority. The report must demonstrate that the building will be designed and constructed to include noise attenuation measures. These measures must achieve noise levels in the bedrooms and other rooms in accordance with Australian Standard AS2107, or otherwise, to the satisfaction of the Responsible Authority.

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

Car parking

11. The car parking allocation for the approved development must be:
 - Not less than one (1) car space for each one or two bedroom apartment;

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- Not less than two (2) car spaces for each three or more bedroom apartment; and
- Not less than 2.5 car spaces to each 100sqm of lettable floor area for the shops.

With all car spaces to be marked accordingly.

12. 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.

VicRoads requirements

13. Prior to the commencement of the use hereby approved, the redundant crosser at Hawthorn Road is to be removed and the area re-instated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.

General requirements

14. Before the development starts, the walls on or facing the boundary of a directly adjoining property must be cleaned and finished in a good state 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.
15. Before the development is occupied, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.31-993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.

Permit expiry

16. This Permit will expire if:
- The development does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.

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.

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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.

Conditions End

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.

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.

- D. 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.
- E. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968.
- 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.

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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. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- I. 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.

VicRoads Note

- J. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from the Department VicRoads (Head, Transport for Victoria). Please contact VicRoads prior to commencing any works.

Asset Engineering Notes

- K. The existing vehicle crossing in Olive Street is to be fully reconstructed as commercial type vehicle crossing with splays to Council's standards.
- L. The existing vehicle crossing in Hawthorn Road must be removed and footpath, kerb and channel and naturestrip reinstated to match the abutting conditions to the satisfaction of VicRoads.
- M. Consent/conditions from United Energy are to be sought for proposed power pole near the existing vehicle crossing in Olive Street; a minimum 1m clearance from an existing power pole shall be maintained from the played section of vehicle crossing.
- N. 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 pre-development level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior to any construction works.
- O. All stormwater runoff must be connected to Council's underground drainage network. There must be no uncontrolled stormwater discharge to adjoining properties and footpaths.
- P. Drainage associated with basement (seepage and ground water and agriculture waters are to be filtered to rainwater clarity) and must be discharged to the nearest underground Council Pit/Drain and not be discharged to the kerb and channel.
- Q. Asset Protection Permit must be obtained from Council's Engineering Services Department prior to the commencement of any building works.

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- R. All relevant Engineering Permits must be obtained prior to any works within the Road Reserve and or stormwater connection to Council's drainage network.
- S. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services Department prior to issuing a planning permit.

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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)