

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



GLEN EIRA
CITY COUNCIL

3 September 2021

Benewer (Aust) Pty Ltd c/o 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 #P454/2021

Planning Permit Application #GE/DP-33820/2020

Property: 99 BREWER ROAD BENTLEIGH VIC 3204

**Proposal: DEMOLITION OF THE EXISTING BUILDING,
CONSTRUCTION OF A FOUR STOREY BUILDING
AND ASSOCIATED WORKS, USE OF LAND FOR A
RESTRICTED RECREATIONAL FACILITY,
MEDICAL CENTRE, CHILD CARE CENTRE AND A
FOOD AND DRINKS PREMISES, REDUCTION IN
THE CAR PARKING REQUIREMENTS AND
DISPLAY OF BUSINESS IDENTIFICATION
SIGNAGE ON LAND AFFECTED BY THE
HERITAGE OVERLAY**

On 1st September 2021 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,

Michael Dowel
SENIOR URBAN PLANNER

GLEN EIRA CITY COUNCIL
CORNER GLEN EIRA AND HAWTHORN ROADS, CAULFIELD, VIC
PO BOX 42, CAULFIELD SOUTH 3162

ABN 65 952 882 314 • P 03 9524 3333 • F 03 9523 0339
NATIONAL RELAY SERVICE TTY 13 36 77 • SPEAK AND LISTEN 1300 555 727
INTERNET-RELAY.NRSCALL.GOV.AU THEN ENTER 03 9524 3333 • MAIL@GLENEIRA.VIC.GOV.AU
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PLANNING PERMIT
GLEN EIRA PLANNING SCHEME
RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL

PLANNING PERMIT NUMBER: GE/DP-33820/2020

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ADDRESS OF THE LAND:	99 Brewer Road BENTLEIGH VIC 3204
THE PERMIT ALLOWS:	Demolition of the existing building construction of a four storey building and associated works, use of the land for a medical centre, childcare centre and food and drink premises, reduction in the carparking requirements and display of business identification signage on the land and affected by a Heritage Overlay in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- Before the development starts, amended and additional 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 identified as DA1.00 (Rev D), DA1.01 (Rev C), DA1.02 (Rev H), DA1.03 (Rev H), DA1.04 (Rev F), DA1.05 (Rev G), DA1.06 (Rev G), DA1.07 (Rev G), DA2.01 (Rev J), DA2.02 (Rev G), DA2.03 (Rev G), DA2.04 (Rev G), DA3.01 (Rev F), DA3.02 (Rev F), DA4.01 (Rev C) and DA5.01 (Rev C) all prepared by MJA Studio and all dated 10 August 2021 but modified to show:

Built form changes

- Colour details to be shown on the signage schedule with muted tones used in accordance that shown in the 3D renders in the Urban Context Report prepared by MJA Studio, Rev. C and dated July 2021;
- Acoustic screening details in accordance with the recommendations within the report prepared by Octave Acoustics dated 4 September 2020;
- All floor plans to have setback dimensions for the walls and balconies to their respective boundaries;
- The locations of all site services along the Brewer Road and Bendigo Avenue frontages. An enlarged elevation (scale 1:20) of these services that includes the design, materials and dimensions of all service provisions and that they are integrated into the development;

Traffic and car parking

- The location of the pick-up/drop-off location annotated for the childcare centre;
- Sectional diagrams demonstrating the height clearances for car space numbers 28 and 29;

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- (g) Dimensions and the locations of the columns within the basement in accordance with Design Standard 2 of Clause 52.06-9 of the Glen Eira Planning Scheme;
- (h) Sectional diagrams of all vehicle ramps and fully dimensioned in accordance with Figure 2.8 of AS2890.1:2004;
- (i) An on-site loading bay to be notated;
- (j) Signage identifying which car spaces are available for the child care centre during drop-off and pick-up times;
- (k) Dimensions and clearances of the bike spaces; and

Other plan requirements

- (l) A landscape plan in accordance with Condition 3.
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.

Landscaping plan

3. Before the development starts, landscape 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 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 landscape plan must generally in accordance with the landscape plans submitted with the application and identified as TP01 to TP04, dated 20 August 2020 and prepared by John Patrick Landscape Architects Pty Ltd, but modified to show:
- (a) any changes resulting from the amended plans endorsed under condition 1;
 - (b) tree species nominated and planted as a row within the northern setback;
 - (c) plant species for planter boxes shown on the plans endorsed under condition 1.

Completion of landscaping

4. 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 Landscaping Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Landscaping Maintenance

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5. The landscaping shown on the endorsed Landscaping Plan must be maintained to the satisfaction of the Responsible Authority including by:
- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape 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.

Public art

6. Before the development starts, details of the public art and sculpture identified on the western elevation, including the design, dimensions, colour and materials must be submitted to and approved by the Responsible Authority. When approved the document will be endorsed and will then form part of the permit.

Hours of operation

7. The uses must only operate between the following hours

Medical centre

- (a) 9am to 9pm, Monday to Friday; and
- (b) 8am to 5pm on Saturdays.

Food and drink premises

- (c) 8am to 5pm, 7 days a week.

Child care centre

- (d) 6.30am to 6.30pm, Monday to Friday; and
- (e) The outdoor play areas must not be used by children before 9am.

except with the prior written consent of the Responsible Authority.

Number of practitioners

8. No more than 19 practitioners may be present on the land for the purpose of providing health services as part of the medical centre uses, except with the prior written consent of the Responsible Authority.

Children numbers

9. No more than 120 children may be present on the land at any one time for the child care centre use, except with the prior written consent of the Responsible Authority.

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Acoustic requirements

10. The acoustic report, prepared by Octave Acoustics and dated 4 September 2020 is to be endorsed as part of the permit. The provisions, recommendations and requirements of the endorsed Acoustic 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.
11. Before the development is completed, all acoustic screening shown on the endorsed plans must be erected and thereafter maintained in accordance with the endorsed plans and acoustic report. The screening measures as shown on the endorsed plans and acoustic report are not to be altered or removed without the written consent of the Responsible Authority.
12. Within two months of all of the uses starting, a further Acoustic Report prepared by an acoustic engineer must be submitted to the Responsible Authority to its satisfaction. The further report must detail whether the noise levels associated with the uses are in accordance with the requirements of the endorsed Acoustic Report at Condition 10 during a time where the children are using the outdoor balconies during a peak time of operation. If the noise levels exceed those specified in the endorsed Acoustic Report at Condition 10, the report must outline a program or measures to ameliorate or attenuate noise to ensure that the levels are met, to the satisfaction of the Responsible Authority. The uses must not continue until such time that the attenuation measures have been implemented to the satisfaction of the Responsible Authority.
13. Noise levels to and from the development and use 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.

Management plans

14. 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 WMP must be generally in accordance with the Waste Management Plan prepared by Ratio and dated 3 September 2020, but modified to show:
 - (a) An on-site loading bay for the waste collection truck.
15. 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.
16. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be

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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;
 - (c) Details 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:
 - (i). Hours for construction activity must only occur within the following hours: 7am to 6pm – Monday to Friday;
 - (ii). 7am to 1pm – Saturdays;
 - (iii). No construction on Sundays or public holidays;
 - (g) Measures to control noise, dust, water and sediment laden runoff;
 - (h) Measures to ensure that subcontractors/tradespersons operating on the site are aware of the contents of the CMP;
 - (i) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
17. 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.

Car Parking and Bicycle Parking Management Plan

18. Before the development is occupied, a Car Parking and Bicycle Parking Management Plan (CPBPMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CPBPMP will be endorsed and will then form part of the permit. The CPBPMP must be drawn to scale and dimensioned. The plan must include:
- (a) The allocation of car spaces to each use within the development as follows:
 - (i) 23 car spaces for the medical centre;
 - (ii) 13 spaces for the child care centre parents/guardians/waste collection;
 - (iii) 13 spaces for the child care centre staff;

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- (iv) 2 spaces for the food and drink premises (café) staff.
- (b) Measures to enable the sharing of car spaces allocated to the child care centre parents/guardians by the medical centre outside of child care centre drop off/pick up times;
- (c) The number and location of the car spaces in the car park;
- (d) Barrier mechanisms;
- (e) Bicycle parking facilities including end of trip facilities and public access arrangements;
- (f) An internal signage plan for the commercial carpark including directional arrows and signage, informative signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc;
- (g) Details of way finding, cleaning, security of end of trip bicycle facilities; and
- (h) Any policing arrangements and/or formal agreements.

Car parking

19. Before the building 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.

Vehicular crossings

20. Before the building is occupied, vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing vehicle crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Public Services

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21. Any modification to existing infrastructure and services within the road reserve (including, but not limited to electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority. All expenses to undertake modification to infrastructure and services must be met by the owner of the land.

Construction over an easement

22. No buildings are to be constructed over or works undertaken under any easement or other area of land where there is a restriction (including sewers, drains, pipes, wires or cables) under the control of a public authority, except with the prior written consent of the relevant authority.

General amenity

23. 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;
 - (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.
24. All security alarms or similar devices installed on the land must be of a silent type.
25. 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.
26. All pipes, fixtures, fittings and vents servicing the building must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
27. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.
28. Before the building is occupied, the walls on the boundary of the adjoining property 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.

Environmental assessment

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29. 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.
30. If, in accordance with Condition 29, 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.
31. Where an Environmental Audit Statement is issued for the land in accordance with Condition 29:
- (a) The buildings and works and the uses 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.

Signage

32. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
33. All business identification signage must not be externally illuminated.

Permit expiry

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

- (a) The development is not started within three years of the date of this permit.
- (b) The development is not completed within five years of the date of this permit.
- (c) The use is not started within five years of the date of this permit.
- (d) The use is discontinued for a period of two years.

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*.

35. 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.

Conditions End

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

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

- A. 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.
- B. 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.
- C. 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.

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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](#).

The Victorian Civil and Administrative Tribunal directed that this permit must not be amended by the responsible authority 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)