

Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit No.:	PA2302282
Planning scheme:	Whitehorse Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	51 Centre Road, Vermont, VIC 3133

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
32.09-9	Buildings and works associated with a Section 2 Use
42.03-2	Buildings and works within 4m of protected trees, and removal of trees
52.05-13	Display of a Business identification sign

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Approved and endorsed plans

3. Before the development starts, excluding demolition, bulk excavation and site preparation works, amended plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans prepared by Harmen Architecture Drawings TP-01 to TP-10, dated 15 August 2023, Rev 02, but modified to show:
 - a. Details of all recommendations within the Arborist report prepared by Howell Arboriculture Consultants (version 3, dated 22/5/2023).
 - b. The location of earthworks or cut and fill within TPZ of existing trees in accordance with consultant arborist report recommendations.

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- c. TP09 updated to show 1 canopy tree replacement to offset the loss of existing canopy trees and landscape planting around the periphery of the car park and new building.

Tree Protection

4. Before the development starts excluding demolition, bulk excavation and site preparation works, a tree protection fence must be erected around the trees to be protected at a radius of 3 metres from the base of the trunks to define a 'Tree Protection Zone'.
5. The tree protection fencing and Tree Protection Zone must be established and maintained in accordance with the following requirements to the satisfaction of the responsible authority:
 - a. the tree protection fence must be constructed of a material to form a physical and visual barrier that is continuous and will prevent access.
 - b. the tree protection fence must remain in place until the development is completed
 - c. the Tree Protection Zone must be covered by a 100mm deep layer of mulch and watered regularly.
6. During the course of construction, the Tree Protection Zone must not be used for:
 - a. vehicular or pedestrian access
 - b. trenching or soil excavation
 - c. storage or dumping of materials, tools, equipment or waste

The responsible authority may consent in writing to vary any of these requirements.

Landscaping

7. Concurrent with the endorsement of plans, an updated landscape plan, generally in accordance with submitted landscape plan, must be approved and endorsed by the responsible authority. The landscape plan must show:
 - a. Changes required by condition 3c).
8. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.
9. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Whitehorse City Council.

Noise Control

10. At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

Signage

11. The signs, as shown on the endorsed plans, must at all times be maintained in good order and condition, to the satisfaction of the Responsible Authority.
12. No part of the signs shall be internally or externally illuminated.

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13. This permit, in relation to the signs hereby approved, will expire in 15 years from the date of the permit and signs and all supporting structures must be removed, and the surface made good to the satisfaction of the responsible authority, within one month of the expiry date.

Lighting

14. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

Amenity

15. The amenity of the locality must not be adversely affected by the permitted development, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.

Drainage

16. The land must be drained to the satisfaction of Whitehorse City Council.

Expiry – Development

17. This permit will expire if:

- a. The development is not started within two years of the date of this permit; or
- b. The development is not completed within ten years from the date of this permit.

Pursuant to Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend:

- i. The commencement date referred to if a request is made in writing before the permit expires or within six months afterwards.
- ii. The completion date referred to if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.



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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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.

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