

## PLANNING PERMIT

<b>Permit No.:</b>	PA2504105
<b>Planning scheme:</b>	Moorabool Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	30 Fisken Street, Maddingley

### THE PERMIT ALLOWS:

<b>Planning scheme clause</b>	<b>Matter for which the permit has been granted</b>
32.04-2	Use the land for a retail premises (restricted retail), trade supplies and convenience restaurant.
32.04-10	Construct a building or construct or carry out works associated with a Section 2 land use (retail premises, trade supplies, convenience restaurant)
52.05-13	Construct and display business identification signage, internally illuminated signage and pylon signage.
52.29-2	Alter access to a road in a Transport Zone 2.
52.34-2	Reduce the bicycle parking requirements of Clause 52.34-5 (Bicycle Facilities).

### 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.

Date of issue: 25 May 2026 Signature for the responsible authority:



### Early Works

3. Before the development starts, the following plans must be submitted to and approved by the responsible authority in consultation with the Moorabool Shire Council and the Head, Transport for Victoria:
- a) An early works plan showing the extent of demolition, bulk excavation, site preparation works to be completed prior to the commencement of the approved development; and
  - b) An early works construction environmental management plan (CEMP) that identifies the measures to be taken to minimise adverse environmental effects of the early works, including construction staging and traffic management.

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

### Amended Plans

4. Before the development starts (excluding early works in the endorsed Early Works Plan), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the architectural plans and elevations, revision 3, dated 20 January 2026, by Architecture HQ but amended to show the following details:
- a) Show location of ESD commitments in accordance with SMP in Condition 11 including:
    - I. Annotate the location and capacity of minimum 99kW solar panels on roof plan.
    - II. Amended material and colour palette amended to demonstrate use of high solar reflectivity colour and materials for the roof and pavement.
    - III. Individual utility metering for all tenancies.
  - b) Show location of the stormwater management treatments such as raingardens and water tanks in accordance with Stormwater Management Plan (SWMP) in Condition 27.
  - c) Show location of bins and waste collection areas for all tenancies in accordance with the Waste Management Plan (WMP) in Condition 10.

### Layout not altered

5. The use and development as detailed on the endorsed plans/reports must not be altered (unless the Moorabool Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.



### **Amended Landscape Plan**

6. Concurrent with the endorsement of plans, excluding early works in the endorsed Early Works Plan, an amended landscape plan must be approved and endorsed by the responsible authority in consultation with Moorabool Shire Council. The amended landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the Landscape Plan, revision F, dated February 2026, and must include the following:
- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed, numbered in accordance with the Arboricultural Impact Assessment and Report prepared by Axiom Tree Management dated 17 February 2026.
  - b) An updated planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - c) The location of all raingardens in accordance with the Stormwater Management Plan in accordance with Condition 27.
  - d) The location and type of sub-surface irrigation systems to be used in accordance with the SMP in Condition 11.

### **Erection of tree protection fencing**

7. Before the development starts (excluding early works in the endorsed Early Works Plan), tree protection fencing must be erected around any trees identified for retention on the endorsed plans in accordance with the Arboricultural Impact Assessment and Report prepared by Axiom Tree Management dated 17 February 2026 and the Australian Standard AS4970-2009 - Protection of Trees on Development Sites, to the satisfaction of the responsible authority.

### **Landscaping completion**

8. Prior to commencement of the use, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the Moorabool Shire Council.

The responsible authority may consent in writing to vary this requirement.

### **Landscaping maintenance**

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 the Moorabool Shire Council.

### **Waste management plan (WMP)**

10. Concurrent with the endorsement of plans, excluding early works in the endorsed Early Works Plan, a waste management plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the Waste Management Plan prepared by O'Brien Traffic dated 16 February 2026.



**Sustainable management plan (SMP)**

11. Concurrent with the endorsement of plans, excluding early works in the endorsed Early Works Plan, a SMP must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the SMP prepared by Sustainable Development Consultants, revision 4, dated October 2025.

**Implementation of ESD Statement Initiatives**

12. Within six months of the occupation of the development or by such later date as agreed to by the responsible authority in writing, a report from the author of the endorsed report, or similarly qualified person or company, must be submitted to and approved by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.

**Loading and Unloading**

13. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority

**Head, Transport for Victoria (HTfV) conditions**

14. Prior to the commencement of works, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plan must be generally in accordance with the submitted plans, but modified to show details of the following:
- a) The installation of ALL turning deceleration lanes at the required length in according to Austroads guides.
  - b) Left IN/OUT treatment at the access to Fiskin Street south of Bacchus Marsh - Geelong Road (Parwan Road).
  - c) The installation of double barrier line on Bacchus Marsh - Geelong Road (Parwan Road) to enforce no right IN/OUT movement at the proposed access points.
  - d) The installation of the appropriate signages within the subject site, including no right turn out signage onto the Bacchus Marsh - Geelong Road (Parwan Road).
  - e) The installation of appropriately designed line marking within the subject site and at the accessway points (i.e. the accessways must be clearly marked to show the direction of traffic as left out only).
  - f) The installation of street lighting, as required.
  - g) The installation of road furniture and fittings, as required.
15. Prior to commencement of works (excluding early works such as demolition, bulk excavation and site preparation works hereby approved), or unless otherwise agreed to in writing by the



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Head, Transport for Victoria, all road works must be delivered as per the approved plans under the Road Works Agreement, to the satisfaction of and at no cost to the Head, Transport for Victoria.

16. Prior to commencement of works within the Bacchus Marsh-Geelong Road reserve, the applicant must enter into a Works Agreement with the Head, Transport for Victoria which will include the processes for the approval of designs and works, fees and charges, maintenance arrangements and the level of service obligations of the Head, Transport for Victoria, any before any works. Contact: [regionalexternalworks@transport.vic.gov.au](mailto:regionalexternalworks@transport.vic.gov.au)
17. Prior to commencement of works on Bacchus March-Geelong Road (Parwan Road), the alteration to access for private properties on Bacchus March - Geelong Road (Parwan Road) must be in consultation with the affected neighbouring private properties by providing notice of works impacting access to land, to the satisfaction of and at no cost to the Head, Transport for Victoria.
18. Prior to the commencement of the use, the associated road works on the Bacchus Marsh - Geelong Road must achieve Practical Completion, to the satisfaction of the Head, Transport for Victoria.
19. The proposed signs must operate to the satisfaction of and at no cost to the Head of Transport for Victoria and is subject to the following requirements:
  - a) The sign must not dazzle or distract drivers due to its colouring.
  - b) The sign must not display content, images or text:
    - i. Giving the illusion of continuous movement.
    - ii. Capable of being mistaken for traffic signals or traffic control devices, including red, amber or green circles, octagons, crosses or triangles.
    - iii. Capable of being mistaken as an instruction to a road user, including the wording stop, give way, slow down, turn left or turn right.
    - iv. With a flashing background, flashing text, flashing images, blinking or fading elements that create the illusion of movement.
    - v. Contain any animation.
  - c) The maximum average luminance must not exceed:
    - i. 6000 cd/m<sup>2</sup> at Daytime,
    - ii. 700 cd/m<sup>2</sup> - Morning time,
    - iii. 150 cd/m<sup>2</sup> - Night-time.

**General amenity**

20. The development - including construction activities - must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected, through the:
  - a) Transport of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.

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- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- d) Presence of vermin;
- e) Inappropriate storage of any works or construction materials.
- f) Or in any other way as determined by the Responsible Authority.

### Hours of Operation

21. The restricted retail premise, trade supplies and convenience restaurant uses must only operate between the following times:
- a) 6 am and 11 pm Monday to Saturday.
  - b) 6 am and 10 pm Sunday or public holiday.

The responsible authority may consent in writing to vary these requirements in consultation with the Moorabool Shire Council.

### Security alarms

22. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

### Loudspeakers

23. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

### Soundproofing of plant and equipment

24. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.

### Control of light spill

25. 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.

### Noise and amenity

26. 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.

**Noise Protocol** means the *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, published by the Environment Protection Authority on its website, as in force from time to time.

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**Amended Stormwater Management Plan (SWMP)**

27. Before the development starts (excluding early works in the endorsed Early Works Plan), a stormwater management plan must be approved and endorsed by the responsible authority. The stormwater management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Stormwater Management Plan, dated 13 February 2026 prepared by Dryside Engineering and must:
- a. Include the Technical Memorandum prepared by Dryside Engineering dated 21 April 2026.
28. Within twelve (12) months following occupancy or by such later date as agreed to by the authority responsible in writing, a report from the author of the Stormwater Management Plan (SWMP), approved under this permit, or similarly qualified person or company, must be submitted to the authority responsible. The report must be to the satisfaction of the responsible authority in consultation with the Moorabool Shire Council and must confirm all measures specified in the endorsed SWMP (as amended from time to time) have been implemented in accordance with the approved plan and is operating to the satisfaction of the responsible authority.
29. Any recommendations made within the report prepared by the author of the SWMP, approved under this permit, or similarly qualified person or company must be implemented to the satisfaction of the Responsible Authority within 6 months of the report being finalised, or by such later date as agreed to in writing by the Responsible Authority.

**Drainage – Fisken Street**

30. Prior to the issue of certificate of occupancy, Fisken Street fronting the property must be upgraded to the satisfaction of the Responsible Authority in consultation with the Moorabool Shire Council with:
- a) Kerb and channel and pavement widening as required along the frontage of the site.
  - b) Stormwater drainage as required along the frontage of the site.
  - c) Nature strip and landscaping.
  - d) Public lighting.
  - e) A 1.5m concrete footpath along the frontage of the property.
31. Stormwater drainage must be designed to enable connection into the broader drainage system, including the drainage infrastructure on the site to the north (40 Fisken Street, Maddingley), with the connection to be made when that infrastructure has been constructed. No drainage works are required beyond the connection to the drainage infrastructure constructed or to be constructed on the site to the north (40 Fisken Street, Maddingley).

**Public Lighting Plan**

32. Before the development starts (excluding early works in the endorsed Early Works Plan), a detailed lighting plan must be approved by the responsible authority in consultation with Moorabool Shire Council. This plan must:

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- a) Be generally consistent with Moorabool Shire Council's Lighting Strategy.
- b) Identify all proposed lighting sources, lux levels and spillage details and address how the lighting will integrate with the existing lighting in the interfacing public spaces.
- c) Show all public lighting in conformity with AS1158.3.1-2000 Lighting for roads and public spaces Pedestrian area (Category P) lighting – Performance and design requirements and AS/NZS 428:2019.2 Control of the obtrusive effects of outdoor lighting and the Public Lighting Code December 2015 (v2).

The approved lighting plan must be implemented as part of the development to the satisfaction of Moorabool Shire Council.

### **Moorabool Shire Council – Development Infrastructure Conditions**

33. Before the development starts (excluding early works such as demolition, bulk excavation and site preparation works hereby approved), engineering drainage plans and detailed computations must be submitted and approved by the responsible authority in consultation with the Moorabool Shire Council. The drainage plans shall be undertaken in accordance with the Infrastructure Design Manual and Australian Rainfall & Runoff 2019 and shall incorporate (but not limited to) the following:
  - a) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.
  - b) Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)";
  - c) The drainage system must be designed to include provision to intercept litter.
  - d) The drainage design must take into account any applicable drainage or flood management strategy.
34. The stormwater drainage from the proposed buildings and impervious surfaces must be disposed of to the satisfaction of Moorabool Shire Council. Overflows from on-site storage systems must be directed away from any wastewater disposal areas.
35. Prior to the works commencing on the development, notification including photographic evidence must be sent to Moorabool Shire Council's Community Assets and Infrastructure department identifying any existing damage to council assets.
36. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Moorabool Shire Council. If photographic evidence cannot be provided, then the damage must be fully reinstated at no cost to and to the satisfaction of the Moorabool Shire Council.

### **Environmental Construction Management Plan**

37. Prior to the commencement of development, an Environmental/Construction Management Plan for the construction works must be submitted to the and approved by the Responsible Authority



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in consultation with the Moorabool Shire Council and Head, Transport for Victoria. All works must be performed in accordance with the approved Environmental/ Construction Management Plan to the satisfaction of Moorabool Shire Council. The Environmental/Construction Management Plan shall include (but not limited to the following items):

- a) Details of Site security.
- b) Off Street parking for employees and site access for construction vehicles and equipment.
- c) Public safety in the event that the construction site is adjacent to public active areas.
- d) Provisions for loading and unloading.
- e) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.
- f) Details of management of storm water run-off and the proposed sediment and erosion control measures including the location of any rubble grids.
- g) Details of any air and dust management.
- h) Details of noise and vibration controls.
- i) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TCP);
- j) Proposed start and completion time of construction activities including the delivery of material to site.

38. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).

39. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line marking and drainage to the satisfaction of the Moorabool Shire Council, and shall incorporate the following:

- a) Parking bays and aisle widths of the car park shall comply with the dimensions outlined within Table 2 to Clause 52.06 of the Moorabool Planning Scheme. Disabled Parking bays shall comply with the dimensions outlined within Table 2 to Clause 52.06 of the Moorabool Planning Scheme.
- b) Designated loading areas shall be shown on layout plans.
- c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.
- d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
- e) The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval. Moorabool Shire Council Engineering Services
- f) The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

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40. Prior to the issue of any Occupancy Permit for the development, an industrial standard vehicle crossing must be provided on Fisken Street to the satisfaction of the Moorabool Shire Council.
41. Prior to the issue of any Occupancy Permit for the development, the intersection of Fisken and Bacchus Marsh Road must be upgraded generally in accordance with the submitted Traffic Report prepared by O'Brien Traffic (dated 12 Nov 2025) to the satisfaction of the Moorabool Shire Council.
42. Prior to the commencement of the development (excluding early works on the endorsed Early Works Plan), plans and specifications of all road and drainage works must be prepared, submitted and approved by Moorabool Shire Council, detailing but not limited to the following:
  - a) location of vehicle crossings
  - b) details of road upgrade works including appropriate signage and line marking.
  - c) details of the underground drainage.
  - d) location of drainage legal points of discharge
  - e) civil notes as required to ensure the proper construction of the works to Council standard.
  - f) location of a 1.5m concrete footpath along the frontages of the property.
43. All road, drainage and infrastructure works must be maintained in good condition and repair for a minimum of three (3) months after completion of the works, to the satisfaction of Moorabool Shire Council.
44. Prior to the issue of any occupancy permit for the development, a security deposit of 5% of the total value of engineering works as approved by the Moorabool Shire Council must be lodged with the Moorabool Shire Council, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all required maintenance and rectification works.
45. The developer must pay Moorabool Shire Council:
  - a) 0.75 % of the total estimated cost of works for the checking of engineering plans associated with that stage of the development.
  - b) 2.5% of the total estimated cost of works for the supervision of works associated with that stage of the development.
  - c) The fees are to be determined based on the requirements as specified within the Infrastructure Design Manual
46. After all engineering works pertaining to the stage have been completed in accordance with the approved plans and the following "as constructed" details must be submitted in the specified format and approved by the Moorabool Shire Council:
  - a) Drainage construction details in "D-Spec" format.
  - b) Roadworks construction details in "R-Spec" format.
  - c) Open space details in "O-Spec" format.
  - d) As built plans clearing detailing any changes from the as approved drawings

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- e) CCTV for all stormwater drainage infrastructure
- f) All relevant test results, including but not limited to, compaction test of each road layer, compaction test of earthworks and certificates for the soil used
- g) Proof that disposal of all earthworks has been undertaken in line with EPA guidelines and to the satisfaction of the responsible authority

### Signage

- 47. The location and details of the signs, and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.
- 48. The signs must not be animated or contain any flashing or intermittent light.
- 49. The sign lighting must be designed, baffled and located to prevent any adverse effect of light spill on adjoining land to the satisfaction of the responsible authority.
- 50. The signs, including the structure and content, must be constructed and maintained to the satisfaction of Moorabool Shire Council.
- 51. This permit as it relates to a signage will expire 15 years from the issued date of this permit.

On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

### Expiry

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

- a) The development is not started within 3 years of the issued date of this permit.
- b) The development is not completed within 5 years of the issued date of this permit.
- c) The use does not start within 3 years of completion of the development.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

### USEFUL INFORMATION (the following information does not form part of this permit):

- The permitted use or development may need to comply with, or obtain the following further approvals such as a building permit under the *Building Act 1993* and a vehicle crossing permit must be obtained from Council's Assets Department prior to construction of vehicle crossing.

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit

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### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

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### WHEN DOES A PERMIT BEGIN?

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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.

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### WHEN DOES A PERMIT EXPIRE?

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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.

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### WHAT ABOUT REVIEWS?

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- 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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