

PLANNING PERMIT

Permit No.:	PA2403054
Planning scheme:	Brimbank Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	119 Durham Road, Sunshine

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
37.08-2	Use of land for place of assembly (museum and function centre)
37.08-5	Construct a building or construct or carry out works
52.05-11	Construct and display a floodlit business identification sign
52.06-3	Reduce the number of car parking spaces required under Clause 52.06-5

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Commencement

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

Compliance with documents approved under this permit

2. 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.

Layout not altered

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

Tree Protection Management Plan

4. Before the development starts, including demolition, bulk excavation and site preparation works, a Tree Protection Management Plan (TPMP) must be approved and endorsed by Brimbank City Council. The TPMP must be prepared to the satisfaction of Brimbank City

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Council and must set out the tree protection measures to be followed through all phases of demolition and construction. It must include details of construction staging, a project arborist inspection timeframe and a compliance check list.

5. Before the development starts, including demolition, bulk excavation and site preparation works, a tree protection fence must be erected around all trees retained within and adjacent to site, impacted by proposed works. The fenced 2-metere Tree Protection Zone (TPZ) must be established AND maintained using methods set out in AS4970-2009 "Protection of Trees on a Development Site" for the entire duration of the works onsite.
6. The tree protection fencing and Tree Protection Zone must be established and maintained in accordance with the following requirements to the satisfaction of Brimbank City Council:
 - a. The tree protection fence must be constructed as per the requirements of the TPMP report.
 - b. The tree protection fence must remain in place until the development is completed.
 - c. The Tree Protection Zone must be covered by a 100 mm deep layer of mulch and watered regularly.
 - d. No excavations to occur closer to the base of this tree other than the NDRI trench, if requested, this includes all service connections.
 - e. Works conducted within all Council asset Tree Protection Zones and Structural Root Zones require a AQF level 5 Project Arborist to attend the site to supervise and guide works within tree protection zones.

Construction Environmental Management Plan

7. Before the development starts, including demolition, bulk excavation and site preparation works, a Construction Environmental Management Plan (CEMP) must be approved and endorsed by Brimbank City Council. The CEMP must be prepared to the satisfaction of Brimbank City Council and be in accordance with Council's CEMP template and guidelines.

Stormwater management during construction

8. During the construction phase of the development, the following conditions shall be met:
 - a. Only clean rainwater shall be discharged to the stormwater drainage system.
 - b. Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system.
 - c. Vehicle borne materials shall not accumulate on the roads, naturestrips and footpaths abutting the site.
 - d. All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads.
 - e. All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly.

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Approved and endorsed plans – changes required

9. Before the development starts, excluding demolition, bulk excavation and site preparation works, plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the plans prepared by Konzepte known as TP001 – TP050, dated 5 June 2024; TP100, TP101 and TP111 – TP400 dated 21 August 2024; and TP102 and TP110 dated 1 November 2024, but amended to show the following:
- b. A notation to confirm '2 way access' and the removal of any one-way arrow markings on the rear laneway known as 10A Watts Street, Sunshine.
 - c. Any changes required to be consistent with the endorsed Landscape Plan.
 - d. Any changes required to be consistent with the endorsed Façade Strategy.
 - e. Any changes required to be consistent with the endorsed Sustainable Design Assessment.
 - f. Any changes required to be consistent with the endorsed Traffic and Parking Management Plan.
 - g. Any changes required to be consistent with the endorsed Green Travel Plan.
 - h. Any changes required to be consistent with the endorsed Waste Management Plan.
 - i. Any changes required to be consistent with the endorsed Loading Management Plan.

Landscape Plan

10. Concurrent with the endorsement of plans, a landscape plan must be approved and endorsed by the responsible authority. The 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 Concept Report prepared by Tract, dated 26 September 2024, and must include the following:
- a. Any changes required to ensure consistency with the approved and endorsed plans.
 - b. Tree protection zones consistent with the endorsed tree protection management plan.
 - c. Layout of landscaping and planting within all open areas of the subject land.
 - d. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - e. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - f. Details of surface finishes of pathways and driveways.
 - g. A 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.
 - h. Details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite



use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.

- i. Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
- j. The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.

Completion of landscaping

11. Before the use starts, unless otherwise agreed in writing with Brimbank City Council (e.g. to allow for seasonal planting), the landscaping shown on the endorsed landscape plan must be carried out and completed to the satisfaction of Brimbank City Council.

Landscaping maintenance

12. 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 Brimbank City Council.

Façade Strategy

13. Concurrent with endorsement of plans, a façade strategy must be approved and endorsed by the responsible authority. The façade strategy must be prepared to the satisfaction of the responsible authority, be drawn to scale and be generally in accordance with the plans prepared by Konzepte known as TP001 – TP050, dated 5 June 2024; TP100, TP101 and TP111 – TP400 dated 21 August 2024; and TP102 and TP110 dated 1 November 2024, and must include:
 - a. A concise description by the architect of the building design concept and how the façade works to achieve this.
 - b. A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes, and linking them to a physical sample board with clear coding.
 - c. Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the responsible authority, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
 - d. Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
 - e. Information about how the façade will be accessed, maintained and cleaned.
 - f. Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
 - g. Details of materials and finishes to demonstrate these will be of high quality, robust, and require low maintenance.



- h. Confirmation that the materials and overall building expression will not cause specular light reflectance greater than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.

Retention of architect

- 14. Except with the consent of the responsible authority, Konzepte must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans to the satisfaction of responsible authority.

Sustainable Design Assessment and Water Sensitive Urban Design

- 15. Concurrent with endorsed of plans, a sustainable design assessment (SDA) must be approved and endorsed by the responsible authority. The SDA must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Sustainable Design Assessment (SDA) prepared by Eco Results, dated 1 July 2024, and must include the following:
 - a. The thermal performance of the building envelope to have a minimum 10% increase in performance above that prescribed in the *National Construction Code 2022*. Energy modelling utilised to demonstrate improved thermal performance is to exclude any offset for services including photovoltaic generation.
 - b. Roof colour identified that achieves less than 0.35 absorptance.
 - c. Space heating and cooling systems to have an energy efficiency rating within one star of the most efficient equivalent capacity unit available (or not less than 85% of the most efficient Coefficient of Performance and Energy Efficiency Ratios available).
 - d. Urinals that are waterless, or with a WELS rated a minimum of one star below the best available, with flush sensor devices fitted.
 - e. Appliances with energy efficiency rated within one star (or 15%) of the best rating available.
 - f. Beyond using HVAC systems with best practice EER/COP, provide measures to mitigate HVAC energy use (e.g. full economy-cycles, carbon dioxide monitoring, heat recovery, etc.).
 - g. Movement sensors for lighting in back-of-house and amenities areas (e.g. staff room, toilets, and related corridors) to minimise the hours of operations.
 - h. Best practice efficiency water heating. Note the type of system and efficiency. If electric, provide a high efficiency heat pump, or electric resistant storage system with a minimum 50% solar boost.
 - i. A full copy of the published BESS report is included within the SDA after revision to include changes triggered by other conditions.
 - j. Details of site management procedures to reduce the stormwater pollution during construction.
 - j. A water sensitive urban design drawing to include



- i. the treated and non-treated portion of the roofs, terraces and paved areas and annotate with the area of each
- ii. tank capacity and reuse connections.
- iii. detail of, or reference to an appropriate erosion and sediment control measures to be employed during construction.

Traffic and parking management plan

16. Concurrent with the endorsement of plans, a traffic and parking management plan must be approved and endorsed by the responsible authority in consultation with Brimbank City Council. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Traffic Impact Assessment (TIA) prepared by Ratio, dated 28 November 2024, include the following details:
- a. The means by which the on-site car parking and bicycle parking spaces will be allocated and managed.
 - b. The location of all areas on-site and/or off-site to be used for staff and patron parking.
 - a. Details regarding the management of waste collection and loading and unloading of goods and materials to minimise vehicular and pedestrian conflicts.
 - b. Confirmation that waste collection is via a 6.4m long mini rear loader.
 - c. Owner's permission and any required planning permission for car or bus parking on other land.
 - d. Specification of staff numbers adequate to enable efficient operation of car parking areas both on-site and off-site.
 - e. The means by which the direction of traffic, bicycle and pedestrian flows to and from car parking areas will be controlled both on-site and off-site.
 - f. Measures to preclude staff parking in designated patron car parking areas.
 - k. Confirmation of '2 way access' and the removal of any one-way arrow markings on the rear laneway known as 10A Watts Street, Sunshine.
 - g. Staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups.
 - h. A bus parking plan for visitors to the site.

Green travel plan

17. Concurrent with the endorsement of plans, a Green Travel Plan must be approved and endorsed by the responsible authority. The plan must be generally in accordance with the Green Travel Plan prepared by Ratio, dated 26 June 2024, but amended to include the following details:
- a. Any changes required to be consistent with the endorsed architectural plans.



Waste management plan

18. Concurrent with endorsement of plans, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the waste management plan prepared by Ratio, dated 5 July 2024, but modified to show:
- a. Any changes required to ensure consistency with the approved and endorsed plans.
 - b. Confirmation that waste collection is via a 6.4m long mini rear loader, generally consistent with the endorsed traffic and car parking management plan
 - c. Swept path diagrams demonstrating appropriate access, egress and collection for a 6.4m long mini rear loader generally consistent with the endorsed traffic and car parking management plan.

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

Loading Management Plan

19. Concurrent with the endorsement of plans, a loading management plan must be approved and endorsed by the responsible authority in consultation with Brimbank City Council. The loading management plan must be prepared to the satisfaction of the responsible authority and include the following details:
- a. Details of access and egress to the loading bay to ensure no impacts to rear laneway or queuing.
 - b. Lighting of the loading bay and rear building entry from the loading bay.
 - c. The management of waste collection, loading and unloading of goods and materials to minimise vehicular, pedestrian and cyclist conflicts.
 - d. Details of how all users of the loading bay will be managed and coordinated to ensure loading and waste access is coordinated ahead of arrival time.
 - e. Confirmation that all loading will occur outside of commuter peak periods to avoid potential conflicts with motorist accessing the car park and rear laneway as well as coinciding with bus access and access to the tenancies located east and south of the site.
 - f. Details of hours and mitigation measures to ensure noise and amenity impacts are minimised.
 - g. The proposed loading area of the museum is to have mirrors or flashing lights to warn other motorists or pedestrians of potential conflict when loading vehicles enter/exit. As a minimum, a Convex mirror opposite the loading area must be provided to assist with sightlines.
 - h. The largest vehicle permitted to access the site is a medium rigid vehicle (MRV).

Car park construction

20. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

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- a. Constructed in concrete or asphalt.
- b. Properly formed to such levels that they can be used in accordance with the plans.
- c. Drained.
- d. Illuminated.
- e. Line marked to indicate each car space and all access lanes.
- f. Clearly marked to show the direction of traffic along access lanes and driveways.

to the satisfaction of the responsible authority.

21. At all times car spaces, access lanes and driveways must be kept available for these purposes.
22. Once constructed, these areas must be maintained to the satisfaction of the Brimbank City Council.
23. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of Brimbank City Council to prevent damage to fences or landscaped areas and to control drainage flows.
24. Access to the site and ancillary road works must be constructed in accordance with the requirements of Brimbank City Council.

Noise and amenity plan/patron management plan

25. Before the place of assembly (function centre) use starts, a noise and amenity plan/patron management plan must be approved and endorsed by the responsible authority in consultation with Brimbank City Council. The plan must be prepared to the satisfaction of the responsible authority and must include:
 - a. Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.
 - b. Signage to encourage responsible off-site patron behaviour.
 - c. The training of staff in the management of patron behaviour.
 - d. The keeping of a logbook of complaints including date, time and nature of complaint received and what action was taken to address the complaint. The log must be made available to and provided when requested to Liquor Control Victoria, Victoria Police or Brimbank City Council.
 - e. Staff communication arrangements.
 - f. Measures to control noise emissions from the premises including details of any amplified music, whether doors will be propped open etc.
 - g. Management and disposal of waste generated from the premises to minimise noise on sensitive nearby land uses.
 - h. Management and collection of litter within 100 metres of the site, arising from the use of the land hereby approved.
 - i. Should a liquor licence be in place for the consumption of liquor, any relevant details.

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Noise control

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.

Loudspeakers

27. No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the responsible authority.

Development Contributions

28. Before a building permit is issued, a Development Infrastructure Levy must be paid to Brimbank City Council in accordance with the approved Sunshine Development Contributions Plan. In accordance with the approved Development Contributions Plan, these amounts will be indexed annually on 1 July.

The levy amount must be paid prior to the issue of a building permit and the total amount payable will be dependent on the levy amount at the time of payment, as the levy amount is adjusted annually based on the Consumer Price Index (CPI).

Transport for Victoria conditions

29. The demolition and construction of the development must not disrupt bus operations on Durham Road without the prior written consent of the Head, Transport for Victoria.
30. Any request for written consent to disrupt bus operations on Durham Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.
31. During demolition and construction of the development, the existing bus stop infrastructure on Durham Road must not be damaged or altered without consent from Head, Transport for Victoria. Any damage or alteration to bus infrastructure must be rectified at no cost to and to the satisfaction of the Head, Transport for Victoria.

Hours of operation

32. The place of assembly (museum) use may only operate between the hours of 9am to 5pm 7 days a week unless with the prior written consent of Brimbank City Council.
33. The place of assembly (function centre) use may only operate between the hours of 6pm and 11pm 7 days a week unless with the prior written consent of Brimbank City Council.



Limit on number of persons

34. Not more than 410 patrons may be present on site in association with the place of assembly (museum) use at any one time unless with the prior written consent of Brimbank City Council.
35. Not more than 200 patrons may be present on site in association with the place of assembly (function centre) use at any one time unless with the prior written consent of Brimbank City Council.

Limit on functions

36. Not more than 120 functions per calendar year may occur for the place of assembly (function centre) unless with the prior written consent of Brimbank City Council.

General amenity provision

37. The use and development must be managed 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.
 - 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.

To the satisfaction of the responsible authority.

Plant/equipment or features on roof

38. No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the building.

Goods, equipment or machinery

39. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from Durham Road without the written consent of Brimbank City Council.

Discomfort glare

40. Extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing (including tilted glazing) and external cladding materials and finishes with specular or glossy finishes (including polished metal cladding, lished stainless steel, glazed tiles, high gloss paint finishes) must be avoided or minimised, to the satisfaction of the responsible authority.

Disability glare to transport

41. External glazing and cladding materials and finishes must avoid disability glare to public transport operators, road users and aircraft, to the satisfaction of the responsible authority.



Disability glare

42. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.

Signs

43. The location and details of the sign, and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.
44. The sign must not be animated or contain any flashing or intermittent light.
45. 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.
46. The sign must not create glare, reflection or reflection of illumination so as to affect the safety, appearance or efficiency of the road.
47. The sign, including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority

Drainage and stormwater

48. The entire development site must be connected to the existing underground drainage and sewerage systems to the satisfaction of Brimbank City Council.
49. Stormwater from the land, where not collected in rainwater tanks for re-use, must be collected by an underground pipe drain designed, approved and to the satisfaction of Brimbank City Council.

Expiry – Use and development

50. This permit will expire if one of the following circumstances applies:
- The development is not started within three years of the issued date of this permit.
 - The development is not completed within five years of the issued date of this permit.
 - The use does not start within two 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.

Expiry – Signs

51. This permit as it relates to 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.



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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.

USEFUL INFORMATION:

(the following information does not form part of this permit)

- This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the permit holder must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- The permit holder will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the permit holder and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.
- Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the *Building Act 1993* and its regulations.
- An owner/occupier is required by law to ensure full compliance with the requirements of the *Building Regulations 2018* and the *Building Act 1993*. Before any building work starts, the *Building Act 1993* requires that a building permit is obtained and be available for inspection during all times of construction.

Transport for Victoria notes

- Foreseen disruptions to bus operations and mitigation measures must be communicated to Department of Transport and Planning eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@transport.vic.gov.au.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

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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