

# City of Whitehorse

## PLANNING PERMIT

Permit Number: WH/2015/284  
Planning Scheme: Whitehorse  
Responsible Authority: City of Whitehorse

### ADDRESS OF THE LAND

711-713 Whitehorse Road, MONT ALBERT (LOT 4 LP 2664 ECSS)

### THE PERMIT ALLOWS

Buildings and works associated with the use of land for a restaurant (cafe) and reduction of the standard car parking requirements, generally in accordance with the endorsed plans and subject to the following conditions.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, or any trees or vegetation removed, amended plans (three copies in A1 size and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - a) The provision of a 2m high solid fixed screening device is to be provided along the boundary of the decking to the rear outdoor dining area.
  - b) The internal layout of the kitchen to be shown in full.
  - c) A material and colour schedule of the proposed finishes to be used on the external façade fronting Whitehorse Road.All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of this permit.
2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. The development and use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.
4. The amenity of the area shall not be detrimentally affected by the use or development, through:
  - a) Transportation 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,
  - e) In any other way.

12 AUG 2015

Date

Planning and Environment Act 1987 Form 4

Signature for Responsible Authority

5. The use may operate only between the hours of:

Monday – Sunday (inclusive): 7am - 4pm

The Responsible Authority may vary these periods referred to if a request is made in writing in accordance with Section 72 of the *Planning and Environmental Act 1987*.

6. Not more than 108 persons are permitted to be on the premises at any one time.
7. This permit will expire if one of the following circumstances applies:
- a) the development is not commenced within two (2) years from the date of issue of this permit;
  - b) the development is not completed within four (4) years from the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing pursuant to the provisions of Section 69 of the *Planning and Environment Act 1987*.

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**Date**

12 AUG 2015  
Planning and Environment Act 1987 Form 4

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**Signature for Responsible Authority**

**Permit Note:**

- A. Prior to the commencement of the use of land, an internal kitchen floor plan layout and any food display areas must be submitted to Council's Health Department for approval. Council's Health Department can be contacted during Council's business hours on 9262 6333.

## IMPORTANT INFORMATION ABOUT THIS NOTICE

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 of Part 4 of the **Planning and Environment Act 1987**.)

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

### WHEN DOES THE PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
  - the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  - the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

A permit for 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 of subdivision or consolidation under the **Subdivision Act 1988**.

A permit for the use of the 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.

A permit for 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 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.

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 a permit contains a different provision –

- the use or development of any stage is to be taken to have started when the plan is certified; or
- the permit expires if the plan is not certified within two years of the issue of the permit.

The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT APPEALS?

- 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 Appeals Tribunal, and be accompanied by the applicable 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 & Administrative Tribunal is 55 King Street, Melbourne. The telephone number is (03) 9628 9777.