

# City of Whitehorse

## PLANNING PERMIT

Permit Number: WH/2017/974  
(Corrected)  
Planning Scheme: Whitehorse  
Responsible Authority: City of Whitehorse

### ADDRESS OF THE LAND:

677 WHITEHORSE ROAD, MONT ALBERT (LOT 1 TP 101739R 0)

### THE PERMIT ALLOWS:

Buildings and works to existing building, use of land for food and drink premises, display of business identification signage and reduction of car parking, generally in accordance with the endorsed plans and subject to the following conditions.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. 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.
2. Once the use is commenced it must only be used for the above purpose, to the satisfaction of the Responsible Authority.
3. Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
4. 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 provision of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.
5. Unless with the prior written consent of the Responsible Authority, the use of the land may only operate between the hours of:
  - Monday-Thursday & Sunday – 6.30am - 6.30pm
  - Friday-Saturday – 6.30am – 10pm
6. Not more than 20 (dine-in) patrons are permitted on the premises at any one time.

25 June 2018

Date Issued

Planning and Environment Act 1987 Form 4

*C. Varvaris*

Signature for Responsible Authority

PLANNING AND ENVIRONMENT ACT 1987  
WHITEHORSE PLANNING SCHEME

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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.
  - c) The use is not commenced within 6 months of the completion of the development.

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*.

Signage

- 8. The location and details of the signage shown on the endorsed plans shall not be altered without the written consent of the Responsible Authority.
- 9. The signage shall be located so that is wholly within the boundary of the land.
- 10. The signage shall not contain any flashing light.
- 11. No bunting, streamers or festooning shall be displayed.
- 12. The signage shall only contain an advertisement which provides or supplies information relating to the business conducted on the abovementioned land.
- 13. The business identification signage shall be constructed and maintained to the satisfaction of Responsible Authority. Any sign in a state of disrepair shall, at the direction of the Responsible Authority, be removed from the site.
- 14. This permit for signage expires fifteen years after the date it is issued.

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25 June 2018

*C. Varvaris*

**Date Issued**

**Signature for Responsible Authority**

Planning and Environment Act 1987 Form 4

**This Permit has been amended as follows:**

Date of amendment	Brief Description of Amendment
19 July 2018	List changes approved <ul style="list-style-type: none"><li>• Condition 6</li></ul>

**Permit Note:**

- A. The use approved shall comply with the requirements of the Health Act, the Food Act and Council Policy for Food Establishments to the satisfaction of the Environmental Health Officer. Prior to the commencement of any buildings or works and shopfitting on the land, contact is to be made to Council's Environmental Health Department (9262-6447) to seek approval.

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**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 or 6 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 A 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 and 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.

**PLANNING AND ENVIRONMENT ACT 1987  
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**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 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 and Administrative Tribunal where, in which case no right of appeal 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 appeal 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. The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne. The telephone number is (03) 9628 9777.