

PLANNING PERMIT PLN21/0384

Address of the land: 233-239 Blackburn Road DONCASTER EAST
CP 169283T

The permit allows: Use of land for a shop (Supermarket), buildings and works and the display of illuminated business identification signs

The following conditions apply to this permit:

Amended Plans

1. Before the development commences, amended plans to 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 generally in accordance with the decision plans (prepared by AXE Architects, Town Planning issue A), but modified to show:
 - 1.1 The removal of Sign 5 from the proposal (the PVC Banner).

Endorsed Plans

2. The development as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

Landscaping

3. Before the development starts, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the approved plan, and must show species, locations, approximate height and spread of proposed planting to renew and reinvigorate the existing landscaping regime on site. The plan is to retain existing trees and shrubs where possible and strengthen planting along the western and southern residential boundaries of the site, and in the front setback to George Street where the landscape bed is currently barren.
4. Before the commencement of the use, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.

Drainage

5. Stormwater and overflow from the subject site must not be discharged from the subject land other than to the legal point of discharge, to the satisfaction of the Responsible Authority.

Use

6. Except with the prior written consent of the Responsible Authority, the use may only operate between the following hours:
 - 6.1 Monday to Thursday – 8am to 8pm
 - 6.2 Friday to Sunday – 8am to 9pm

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7. Except with the prior written consent of the Responsible Authority, unloading and loading of goods for the permitted use must only be carried out between the hours of 8.00am and 6.00pm to the satisfaction of the Responsible Authority.
8. The collection of garbage from the premises (other than any Manningham City Council collection) must be conducted between the hours of 8.00 am to 6.00 pm Mondays to Fridays to the satisfaction of the Responsible Authority.
9. Parking areas and access lanes must be kept available for these purposes at all times and must be maintained to the satisfaction of the Responsible Authority.
10. The use and development be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
 - 10.1 Transport of materials, goods or commodities to or from the land;
 - 10.2 Storage of goods and wastes;
 - 10.3 Appearance of any building, works or materials;
 - 10.4 Emission of noise, light, vibration, odour & dust.
11. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose to the satisfaction of the Responsible Authority.
12. Noise levels emanating from the premises must not exceed those required to be met under the Environment Protection Regulations 2021.
13. All external lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority. Any communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
14. All security alarms or similar devices installed on the land must be of a silent type and be connected to a registered security service.
15. Rubbish, including bottles and packaging material, must at all times be stored within the building or within the bin area shown on the endorsed plan that is screened from external view.

Waste Management Plan

16. All waste collection and recycling collection is to be undertaken in accordance with the approved Waste Management Plan (prepared by Frater Consulting, dated 28 September 2021) to the satisfaction of the Responsible Authority.

Maintenance

17. Buildings, paved areas, drainage, landscaping and all external areas must be maintained to the satisfaction of the Responsible Authority.

Construction Management

18. The owner must use appropriate site management practices during construction to prevent the transfer of mud, dust, sand, slurry, litter, concrete or other construction waste from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.



Signage

19. Except with the written consent of the Responsible Authority, the approved sign must not:
 - (a) Be altered in any way (including the location, size, and structure);
 - (b) Be animated, flood-lit or illuminated;
 - (c) Contain intermittent or flashing light;
 - (d) Contain a degree of illumination/lighting that causes glare/distraction to motorists or an unreasonable loss of residential amenity.
20. The approved sign including all structures and advertising material shall at all times be maintained in good order and condition to the satisfaction of the Responsible Authority.
21. The approved sign/s must not be illuminated outside the hours of operation provided to the use under this Permit without the written consent of the Responsible Authority.
22. Before the display of approved signs, all other signs must be removed from the building to the satisfaction of the Responsible Authority.
23. The signage approved by this permit will expire fifteen (15) years from the date of its issue.
24. Upon the expiry of the signage approval, the approved sign and any associated support structures and/or illumination/flood-lighting must be removed from the subject site, to the satisfaction of the Responsible Authority.

Permit Expiry

25. This permit will expire if one of the following circumstances applies:
 - 25.1 The use is not commenced within two (2) years of the date of this permit;
 - 25.2 The development is not started within two (2) years of the date of this permit; and
 - 25.3 The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

Notes:

Submission of Plans

All plans submitted in accordance with the Permit should be submitted online. Search for your planning application on the [planning applications portal](#) and select request **Endorse Plans**.

How to avoid the expiry of this permit

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- Before it expires; or
- Within 6 months of the expiry if the permit has not been acted on; or
- Within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

Construction

Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website or by contracting the Statutory Planning Unit on 9840 9470.

Health approval

The premises is to comply with the *Health Act 1958*, as amended. Premises to be used for the sale or storage of food in any manner are to be registered under the Food Act and Council's Health and Local Laws Unit should be contacted before the use starts.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

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 –
 - (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?

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 –
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- 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?

- 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.

