

Manningham City Council (Responsible Authority) available for the sole purpose of enabling its consideration and review,  
Manningham Planning Scheme as part of a planning process under the Planning and Environment Act 1987.  
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MANNINGHAM

## AMENDED PLANNING PERMIT PL14/024675

**Address of the land:** 1001 Doncaster Road DONCASTER EAST, 999 Doncaster Road  
DONCASTER EAST

Lot 1 TP 140221 Vol 9836 Fol 282, Lot 7 LP 38992

**The permit allows:** Buildings and works for the construction of car parking associated with a convenience restaurant, use of the land for the sale and consumption of liquor (Restaurant and Cafe Licence), display of internally illuminated signage, reduction in the amount of car parking required pursuant to Clause 52.06 and, a reduction in the amount of bicycle spaces required pursuant to Clause 52.34


### The following conditions apply to this permit:

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#### Development/use

1. Before the development starts, two copies of an amended plan drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plan will then form part of the permit. The plan must be generally in accordance with the plan prepared by Studio IOD (ref 14.108, TP02) but modified to show:
  - 1.1 Provision of an amended 'red line' plan which references the most current internal layout;
  - 1.2 The 3 car spaces at the rear of the building to be indicated with minimum dimensions of 2.6m x 4.9m (eastern space to have a minimum width of 2.9m);
  - 1.3 The eastern and western paling fences at the rear of the site tapered down to provide adequate sightlines in accordance with Design Standard 1 of Clause 52.06-8 of the Manningham Planning Scheme;
  - 1.4 A minimum of 5 bicycle spaces provided to the rear of the existing building to the satisfaction of the Responsible Authority;
  - 1.5 A Waste Management Plan in accordance with Condition 3 below;
- 1A. Before the development approved by the amended permit starts, amended plans drawn to scale and dimensioned, must be submitted via email and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (drawn by Studio Equator, project number 4359, dated 28 May 2018) but modified to show:
  - 1A.1 A waste storage area;
  - 1A.2 Heights of the boundary fencing, generally in accordance with Condition 1.3;
2. The buildings and works to be used as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the development approved by the permit starts, a Waste Management Plan (WMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan

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will form part of the permit. The Waste Management Plan must detail the proposed waste collection methodology, including but not limited to:

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- 3.1. Who will undertake the waste collection;
  - 3.2. Where the bins will be placed for collection; and
  - 3.3. How the private truck will collect the bins and egress the site in a forward direction.
4. The Waste Management Plan approved under Condition 3 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.
  5. Prior to the commencement of use, the car parking and bicycle parking areas are to be constructed, line marked and drained to the satisfaction of the Responsible Authority.
  6. All stormwater runoff from the building and car parking area must be directed to a legal point of discharge to the satisfaction of the Responsible Authority.
  7. The bin and bottle waste area must be maintained in a neat condition to the satisfaction of the Responsible Authority.
  8. All noise emanating from any mechanical plant/equipment located on the land must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
  9. Any security alarm system installed on the subject premises must be of a silent type.

#### Car and bicycle parking reduction

10. This permit includes a reduction in the amount of car parking required of 19 car spaces and a reduction of bicycle parking required of 2 spaces.

#### Liquor licence


11. Except with the prior written consent of the Responsible Authority, seating for no more than 100 patrons may be provided at any one time.
12. Except with the prior written consent of the Responsible Authority, the hours of liquor sale and/or consumption must be restricted to between:
  - Monday – Sunday: 10am – 11pm.

#### Signage

13. The location, size, structure and details, including the advertisement wording and colours, of the approved sign shown on the approved plans, must not be altered without the written consent of the Responsible Authority.
14. Except where no permit is required under the provisions of the Manningham Planning Scheme, no advertisement or sign may be erected on the site without the prior written consent of the Responsible Authority.

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15. The intensity of the light in the approved sign must be limited so as not to cause glare or distraction to motorists, or loss of amenity in the surrounding area, to the satisfaction of the Responsible Authority.
16. The approved sign must be constructed and maintained in good condition to the satisfaction of the Responsible Authority.
17. Before the display of approved sign can begin, all other signs on the subject land must be removed.

Expiry

18. This amended permit will expire if one of the following circumstances apply:
- 18.1 The development as approved by this amended permit is not started within five (5) years of the issue date of this permit; and
  - 18.2 The development as approved by this amended permit is not completed within seven (7) years of the issue date of this permit; and
  - 18.3 The approved use of 999 Doncaster Road, Doncaster East is not commenced within two (2) years of the completion of the development.
19. This permit, as it relates to signage, will expire 15 years from the issue 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*.

**Note:** 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.

**Note:** 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.


**Note:** It is the responsibility of the Applicant/owner and the relevant Building Surveyor to ensure that all development works approved by any building permit is consistent with the requirements of the *Disability Discrimination Act 1991*.

**Note:** Before the display of any other advertising signs on the land, the owner must enquire with Council's Planning Unit to determine whether any additional permits are required.

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

Amendment No.	Description	Date
PLA18/0054	<ul style="list-style-type: none"> <li>• Addition of land at 999 Doncaster Road</li> <li>• Reduction of bicycle parking added to preamble</li> <li>• Addition of Conditions under 1A</li> <li>• Condition 10 amended to reference reduction of 2 bicycle spaces and 19 car spaces (previously 14)</li> </ul>	14 September 2018

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	<ul style="list-style-type: none"> <li>Condition 11 amended to reference 100 patrons (previously 70)</li> <li>Condition 18 – amended expiry dates</li> <li>Condition 19 – signage expiry moved to a separate condition</li> </ul>	
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**This permit has been amended under Section 71(1)(a) of the Planning and Environment Act 1987 as follows:**

Description	Date
<ul style="list-style-type: none"> <li>Deletion of Conditions 1A.3, 1A.4, and 1A.5</li> <li>Condition 11 amended to reference 100 patrons (previously 94)</li> </ul>	20 September 2018

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### 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

### 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.

