

PLANNING PERMIT

Permit No. MPS/2022/858/A

Planning Scheme: Merri-bek Planning Scheme

Responsible Authority: Merri-bek City Council

ADDRESS OF LAND:

868 Pascoe Vale Road, GLENROY VIC 3046, 870
Pascoe Vale Road, GLENROY VIC 3046

WHAT THE PERMIT ALLOWS: Construction and Use of a Child Care Centre, a reduction in the statutory car parking requirements, alteration of access to a road in a Transport Zone and the display of signs, in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Before the use or development commences, amended plans to the 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 drawn to scale with dimensions and must be generally in accordance with the plans advertised 5 April 2023 but modified to show:
 - a) The Shared Space in the carpark with chevrons and the bollard labelled.
 - b) The dimensions of the accessway as 6.1 metres wide measured along the street frontage, widening to 6.4 metres wide over the first 3 metres inside the property.
 - c) The location of all third-party trees (including Tree 25)
 - d) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
 - e) Tree protection zones in accordance with Condition 7 of this permit, to the Council Street Tree at the front of the subject site.

Compliance with Endorsed Plans

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any

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exemption specified in Clauses 62.01, 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscaping

3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Frater Consulting Services, advertised 5 April 2023 but amended to show:
- a) Any changes required to align with the plans for endorsement.
 - b) A replacement of the *Acacia pycnantha* beside the carpark with species that can be managed for required vehicle clearance (e.g. uplifted to 3 m+).
 - c) Additional canopy trees in the front setback
 - d) Larger canopy trees included along the rear/west and side/north boundaries
 - e) Additional trees providing increased shading of the carpark to reduce heat loading
 - f) If canopy trees are proposed within 3m of buildings; root barriers must be installed.

When submitted and approved to the satisfaction of the Responsible Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
5. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.
6. Prior to the issuing of a Statement of Compliance or Certificate of occupancy, whichever occurs first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Merri-bek Urban Forest

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Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.

7. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites to ensure that all retained trees remain healthy and viable during construction.

The TMP must include the following to the satisfaction of the Responsible Authority:

- a) A tree protection plan to scale that shows:
 - (i) All Tree Protection Zones and Structural Root Zones
 - (ii) All Tree Protection Fencing
 - (iii) Areas where ground protection systems will be used
 - (iv) The type of footings within any Tree Protection Zone
 - (v) The location of services within any Tree Protection Zone
- b) The location and design of Tree Protection Fencing.
- c) Details of appropriate footings within the Tree Protection Zone.
- d) The method of installing any services through the Tree Protection Zone.
- e) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.
- f) A timetable outlining works requiring supervision by the Project Arborist.
- g) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10% into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
- h) All remedial pruning works that are required to be performed on the tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

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When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

8. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction of the Responsible Authority. The Sustainable Design Assessment must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA prepared by Frater Consulting Services, advertised 5 April 2023 but modified to include any changes required to align with the plans for endorsement

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended SDA and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA may occur without the written consent of the Responsible Authority.

9. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the development must be constructed in accordance with the Sustainable Design Assessment (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.
10. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the development must be constructed in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority.
11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (with documented evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.



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Hours of Operation

12. The use allowed by this permit must operate only between the following hours;

- a) Monday to Friday 6:30 a.m. to 6:30 p.m

Maximum Number of Children

13. The maximum number of children cared for in the centre must not exceed 106 at any one time.

Noise

14. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer must be submitted and approved to the satisfaction of the Responsible Authority. The Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics Pty Ltd, advertised on 5 April 2023.

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit. Once approved, the Acoustic Report must not be altered unless with the prior written consent of the Responsible Authority.

15. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021), or any other superseding regulation.

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the Acoustic Report must be implemented no later than three (3) months after the date that the Responsible Authority advises in writing that it is satisfied with the report, or as otherwise agreed in writing by the Responsible Authority. The endorsed plans must also be amended within three (3) months, or as otherwise agreed in writing by the Responsible Authority, to accord with the

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recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

Waste Management

16. Prior to the endorsement of plans, an amended waste management plan must be submitted to the satisfaction of the Responsible Authority. The plan must be modified to include any changes required to align with the plans for endorsement

When submitted and approved to the satisfaction of the Responsible Authority, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Responsible Authority.

17. The Waste Management Plan approved under 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.

Site services

18. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
19. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).

Vehicle Crossings

20. Prior to the issue of an Occupancy Permit whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).

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22. All external lighting must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
23. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing, including the 1 metre splays on the crossing, must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.

Signs

24. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
25. No part of the sign(s) approved by this permit must be internally or externally illuminated.

Department of Transport and Planning Conditions

26. Prior to the occupation of the development, the new access crossover must be constructed to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority and the Head, Transport for Victoria. The crossover must have a clearance of one metre from any fix object, including the exiting street tree.
27. Prior to the occupation of the development, all redundant crossover(s) must be removed, and the area(s) must be reinstated to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority and the Head, Transport for Victoria.
28. All vehicles must enter and exit the site onto Pascoe Vale Road in a forward direction at all times.
29. Regarding the development's interface with the railway land, all necessary construction controls and indemnity agreements as required by VicTrack, the Rail Operator and Head, Transport for Victoria must be in place prior to detail design being finalised and works commencing that may have any impact on existing rail land or rail operations.
30. Prior the commencement of construction works, detailed Construction Plans, Engineering Plans and computations for any construction works likely to have an



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impact on railway operations, railway infrastructure assets or railway land are to be submitted to and approved by VicTrack and the Rail Operator. These plans must detail all excavation design and controls of the site adjacent to the railway land that have any impact on the railway land or rail operations and must satisfy VicTrack Rail Development Interface Guidelines (VicTrack, 2019).

31. The development must comply with building clearances to aerial power lines as per the applicable Victorian Electrical Safety (General) Regulations 2019 (Part 6, Sections 610 and 615).
32. The development and its building materials must avoid interferes with train driver's visibility or train driver's interpretation of rail signals by:
 - a) Not erecting light onto the railway tracks, and not reflecting or refracting artificial light.
 - b) Not causing reflected sunlight.
 - c) In its exterior, avoiding the use of red, green or yellow colour schemes or shapes capable of being mistaken for train signals.
33. Unless otherwise agreed in writing with VicTrack, prior to the commencement of construction, the permit holder must demonstrate to the satisfaction of VicTrack that entry onto railway land or air space over railway land is not required for fire, light, ventilation and maintenance for all buildings and works on site. The development must be designed and operated in a way that its maintenance works can occur from within the site without requiring access to the railway land.
34. Any wall, balcony balustrade, opening window or other opening above ground level in the vicinity of the railway land boundary must be designed in accordance with VicTrack Rail Development Interface Guidelines (VicTrack, 2019) to prevent objects being thrown into or trespasses accessing the railway land.
35. Prior to the commencement of construction works, an application to the Rail Operator must be made through the Internet website portal address www.metrotrains.com.au/metrositeaccess to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
36. Prior to the commencement of construction works including demolition and bulk excavation, Demolition Plan and Construction Management Plan as applicable must be submitted to VicTrack and the Rail Operator for approval. The Demolition and Construction Management Plans must include details of (but not limited to) management proposals to minimise impacts to VicTrack assets and the operation of



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the railway during construction works. The Plans must set out performance and monitoring requirements for:

- a) Access to the railway land if required, including designation of any areas to be used under license during works.
 - b) Approvals and permits required from VicTrack, the Rail Operator or Head, Transport for Victoria prior to works commencing and prior to accessing the railway land.
 - c) Rail safety requirements that must be adhered to by the permit holder.
 - d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction works.
 - e) Minimising disruption to train services and railway commuter access.
 - f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure VicTrack land is not used for, or impacted on by these activities outside of the licence area.
 - g) Public safety, amenity and site security.
 - h) Operating hours, noise and vibration controls.
 - i) Air and dust management.
37. All demolition and construction works must be carried out in accordance with the approved Demolition Plan and Construction Management Plan at no cost to VicTrack, Rail Operator and Head, Transport for Victoria.
38. The permit holder must make all reasonable steps to ensure that the disruption to train operation within the railway corridor are kept to a minimum during the construction of the development and in compliance with the Rail Operator's Safety and Environmental requirements contained within the Rail Operators construction control and indemnity agreement.
39. Any damage to the Rail Operator's infrastructure because of the development construction works must be rectified to the satisfaction of the Rail Operator at full cost of the permit holder. The permit holder or the developer must also pay any Rail Operator's costs if required for the development documentation reviews associated with the development having any potential impact on railway land, rail infrastructure or rail operations.



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40. Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operator's Site Access Procedures and conditions during and post construction. Access can be applied for through the Internet web site:
www.metrotrains.com.au/metrositeaccess
41. No drainage, effluent, waste soil or other materials from the development site are allowed to be directed to railway land or to be stored on railway land by the development. Permanent or temporary soil anchors must not be installed on railway land.
42. Unless otherwise agreed by VicTrack or Head, Transport for Victoria, a minimum 1800mm high boundary fence or wall along the rail boundary must be provided by the permit holder/ developer in accordance with VicTrack Rail Development Interface Guidelines (VicTrack, 2019). The boundary fence or wall must not allow access to the railway land. Any fence or wall which may be permitted to be located on or in the vicinity of the railway land boundary must not have any fitting, window or doorway when opened intrudes into the railway land. The fence or wall must be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti.

Permit Expiry

43. This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.
44. 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 issue of this permit;
 - c) the use is not commenced within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;



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- within six months after the permit expires to extend the commencement date.
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

Notes: These notes are for information only and do not constitute part of this permit or conditions of this permit.

Note 1: It may be necessary to obtain a building permit prior to the commencement of any demolition, building works or occupation of the building. It is strongly recommended that you consult with a registered building surveyor to advise on any requirements under the Building Act, the Building Regulations and any other subordinate legislation. Further information can be sought from the Victorian Building Authority, Phone 1300 815 127 or www.vba.vic.gov.au. Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.Merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

Note 2: Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 3: Unless no permit is required under the Merri-bek Planning Scheme, no sign must be constructed or displayed on the land without a further planning permit.

Note 4: The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport and Planning about working within the road reserve prior to commencing any works.

Date of amendment: 19-May-2024
Amendment Number: MPS/2021/858/A
Brief description of amendment: <ul style="list-style-type: none">▪ Alterations to the endorsed SDA report.▪ Internal layout alterations.▪ Alterations to permeable paving and removal of raingardens.▪ Removal of north facing windows.

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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:

1. from the date specified in the permit; **or**
2. if no date is specified, from:
 - a. the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, **or**
 - b. 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:
 - (a) the development or any stage of it does not start within the time specified in the permit; **or**
 - (b) 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**
 - (c) 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**.
2. A permit for the use of land expires if:
 - (a) 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**
 - (b) the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - (a) the development or any stage of it does not start within the time specified in the permit; **or**
 - (b) 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**
 - (c) 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**
 - (d) 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—
 - (a) the use or development of any stage is to be taken to have started when the plan is certified; and
 - (b) 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.
- 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.