

Enquiries: Ashley Minniti
Telephone: 9209 6424
Facsimile: 9536 2740
Our Ref: 678/2000/A



CITY OF
PORT PHILLIP
ABN 21 762 977 945

13 November 2013

APN OUTDOOR
Level 9/468 St Kilda Rd
MELBOURNE VIC 3004

Dear Sir/Madam,

Re: **Application to amend Planning Permit No. 678/2000/A**
Address: **1 FITZROY STREET, ST KILDA VIC 3182**

I refer to the above matter and associated hearing for application for review to the Victorian Civil and Administrative Tribunal (VCAT) held on 10 & 11 October 2013 and advise that the Tribunal have now advised of their decision to grant an amended permit.

Accordingly, please find attached a copy of the amended Planning Permit No 678/2000/A as per the direction of the Tribunal. You should make sure that you are familiar with these conditions before you act on this permit.

You may also need building or other approvals from the Council, so you should ensure that these matters are also attended to prior to acting on this Planning Permit.

Note: Any variation from the Planning Permit and Approved Plans will require prior written consent from the Responsible Authority, this may require you to submit a new application for a planning permit from Planning & Building Services at the City of Port Phillip. An Enforcement Notice will be issued to a building surveyor who fails to comply with the Building Regulations as they relate to Planning consent. Enforcement action under the Planning & Environment Act 1987 may also involve the owner where they have shown disregard for the conditions of this Planning Permit issued under the Port Phillip Planning Scheme.

PLEASE READ AND CONSIDER THE CONDITIONS CAREFULLY.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Ashley Minniti', written over a circular stamp or seal.

Ashley Minniti
Urban Planner

Planning & Building Services *Located at:-*
St Kilda Office
99A Carlisle Street, St Kilda

Cnr Carlisle St & Brighton Rd,
St Kilda Victoria 3182

Private Bag No 3,
PO St Kilda Victoria 3182

Phone (03) 9209 6777

Facsimile (03) 9534 9105

assist@portphillip.vic.gov.au

www.portphillip.vic.gov.au



PLANNING PERMIT

Application Number: 678/2000/A
Planning Scheme: Port Phillip
Responsible Authority: City of Port Phillip

ADDRESS OF THE LAND:

1 FITZROY STREET, ST KILDA VIC 3182

THE PERMIT ALLOWS:

Reconstruction, enlargement and minor relocation of an existing illuminated major promotional sign

with the following changes

To develop the land for the purpose of a replacement/ reconstruction of an electronic major promotion sign in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The permit shall not be construed as permitting any animation of the sign hereby permitted to the satisfaction of the Responsible Authority.
3. The location and details of the structure shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
4. Sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
5. Any electronic sign must incorporate:
 - a) Luminance sensors that measure ambient light at the sign and technology that enables the luminance of the sign to automatically adjust relative to the measured ambient light levels;
 - b) Technology that enables the luminance of the sign to be set to a maximum luminance level; and
 - c) A control system that will record no less frequently than every 5 minutes:
 - i. The sign's luminance (cd/m² or as a percentage of its maximum luminance); and
 - ii. The sign's luminance sensor reading of the ambient light.
6. Before the existing internally illuminated sign is decommissioned, an all-white vinyl billboard must be displayed and, with that billboard in place, an on-site measurement of

Date Issued:

13/11/2013

Date Amended:

Signature for Responsible Authority

the vertical illuminance (lux) of the internally illuminated sign must be taken and recorded by a qualified lighting consultant:

- i. at a distance of 90 metres standing directly in front of the sign (within Catani Gardens);
- ii. during night time hours while it is dark; and
- iii. while the sign is illuminated.

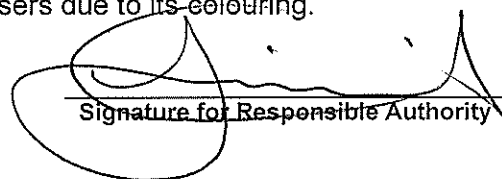
And, on the basis of that measurement the luminance (cd/m^2) at a distance of 90 metres directly in front of the internally illuminated sign must be calculated using the retina illuminance method and recorded by the qualified lighting consultant.

- 7 Once installed and commissioned, the electronic sign must be set to display an all-white screen and, while displaying that screen, set to operate so that during hours of darkness (that is after the sun has fully set and before the sun starts to rise) the sign's luminance levels 90 metres standing directly in front of the sign do not exceed the luminance 90 metres in front of the internally illuminated sign as recorded pursuant to condition 6.
- 8 Once installed and commission, the electronic sign must be set to operate so that at all times other than those referred to in condition 8 (that is, during daylight and twilight hours) the luminance of the sign will automatically adjust relative to the measured ambient light levels.
- 9 Records of the sign's luminance levels must be retained for a period of 6 months after the recordings were made.
- 10 The cladding on the sign's structure of the sign must extend vertically to ensure there is no gap between the cladding and the sign to prevent inadvertent light shining between the cladding and the sign.
- 11 No advertisement or image may be displayed for less than 30 seconds.
- 12 The transition from one advertisement to another must be instantaneous.
- 13 The rear of the sign should be finished/clad and present a well- maintained appearance to the satisfaction of the responsible authority.
- 14 In relation to the images displayed on the sign:
 - a. Sequences of images giving the illusion of continuous movement must not be displayed.
 - b. Images capable of being mistaken for traffic signals or traffic control devices because they, for example, contain red, amber or green circles, octagons, crosses or triangles must not be displayed.
 - c. Images or text capable of being mistaken as an instruction to a road user must not be displayed.
 - d. Flashing background, flashing text or flashing images must not be displayed.
- 15 The sign must not dazzle or distract road users due to its colouring.

Date Issued:

13/11/2013

Date Amended:


Signature for Responsible Authority

Planning and Environment Regulations 1998 Form 4

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon

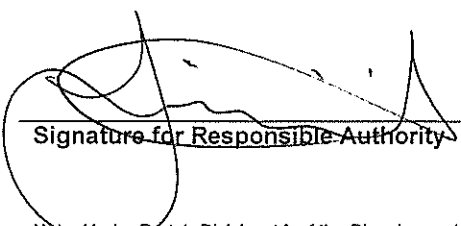
- 16 The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.
- 17 In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign is to shut down and cease any form of visual output until the malfunction is repaired.
- 18 The permit expires 10 years from the 1 November 2013, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

Notes:
N/A

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of Amendment
13 November 2013	<ul style="list-style-type: none"> • Amendment to preamble and replacement of all permit conditions.

Date Issued:
13/11/2013
Date Amended:


Signature for Responsible Authority

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

WHEN DOES A PERMIT BEGIN?

A permit operates:

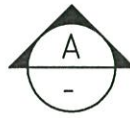
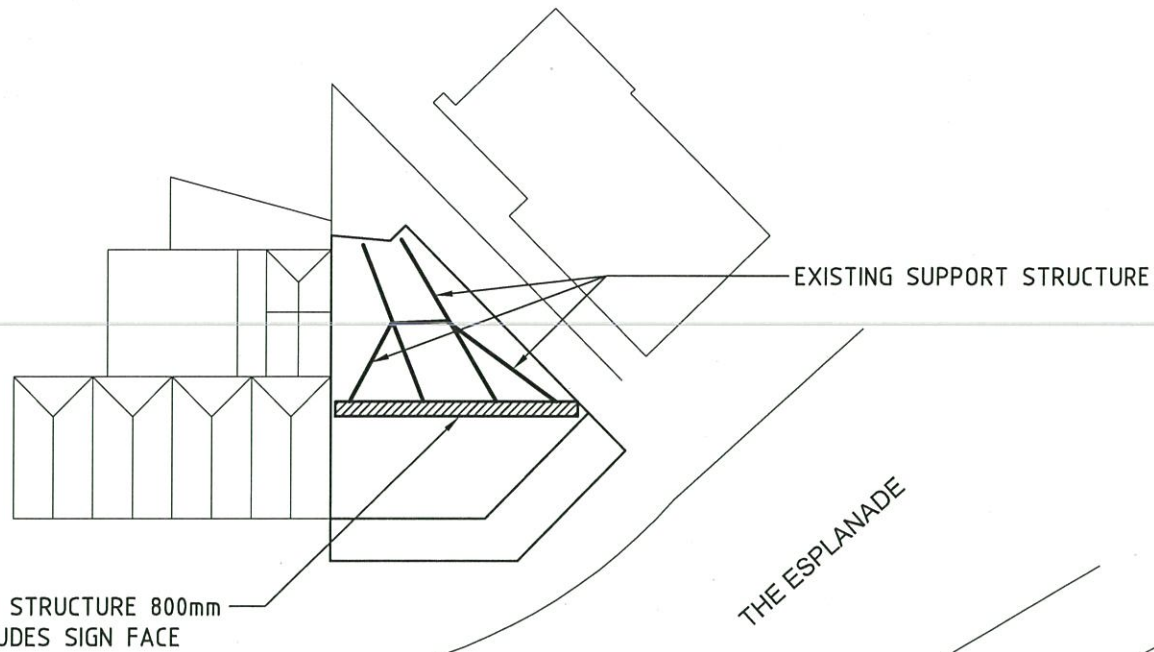
- * from the date specified in the permit, or
- * if no date is specified, from
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - (ii) the date on which it was issued, in any other case.

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 (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: -
 - * 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 (2) 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 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 difference provision -
 - * 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.

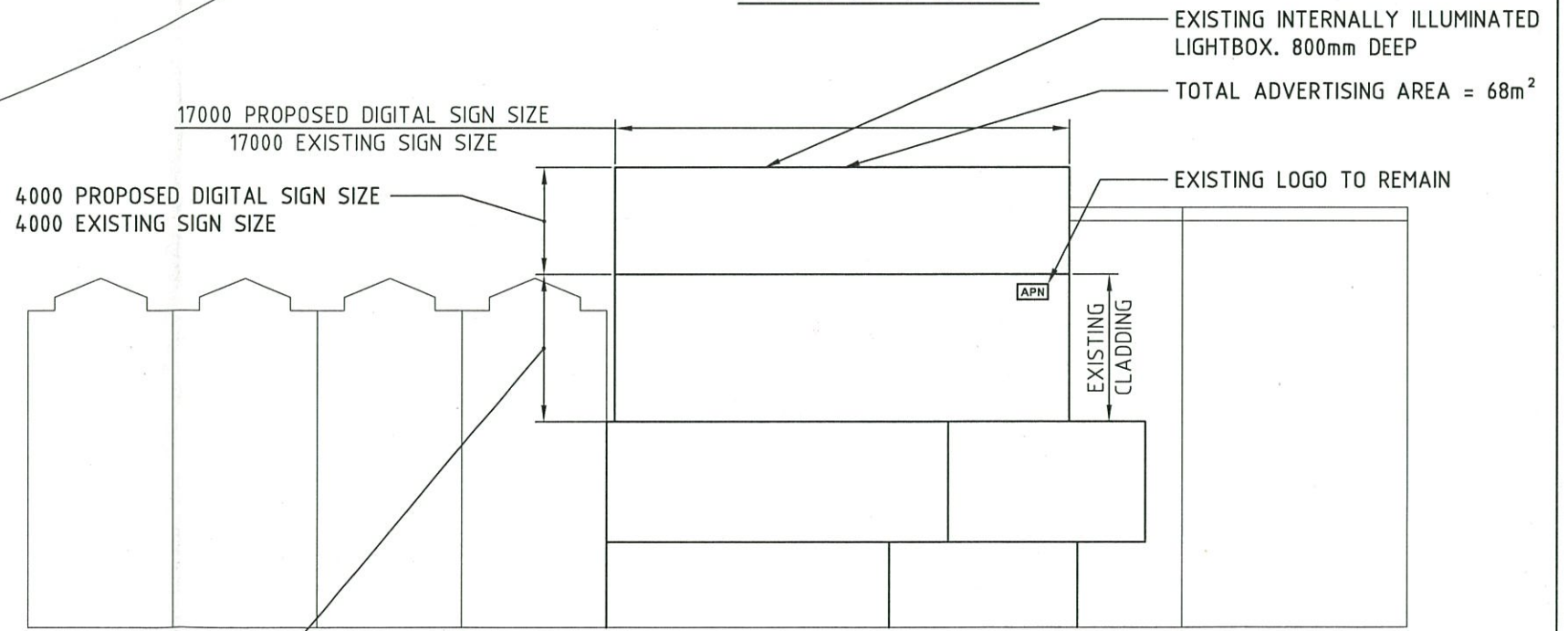
WHAT ABOUT APPEALS?

- * 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 and 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 and Administrative Tribunal.
- * An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed 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 and Administrative Tribunal.
- * The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne. The telephone number is (03) 9628 9777.



AERIAL PHOTO

PLANNING SCHEME ACT 1987
 PORT PHILIP PLANNING SCHEME
 Plan referred to in permit to use and/or develop land.
 Permit No. 678/2000PA.
 Sheet: (SITE PLAN) Town Plan Am
 SCALE 1:500
 20/11/2013



5500 APPROX
 NOTE: EXISTING CLADDING TO BE EXTENDED VERTICALLY TO ENSURE NO GAP BETWEEN CLADDING & PROPOSED SIGN

ELEVATION A

NOT FOR CONSTRUCTION

ISS	DATE	COMMENT
A	12/03/12	ISSUED FOR APPROVAL
B	27/03/12	RE-ISSUED FOR APPROVAL
C	27/04/12	RE-ISSUED FOR APPROVAL
D	31/05/13	RE-ISSUED FOR APPROVAL



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 P.O. Box 652, Forestville, NSW 2087
 Ph: 02 9451 3455 Fax: 02 9451 3466
 Email: info@dbce.com.au
 ABN 23 039 013 724

CLIENT:
 APN OUTDOOR PTY LTD

PROJECT:
 1 FITZROY ST, MELBOURNE, VIC

TITLE:
 PROPOSED SIGN UPGRADE

DRAWN SRS	DESIGN DB	DATE:
		MAR 2012
JOB NO: 12028/02		DWG NO: A01
SCALE: AS SHOWN		REV: D