PLANNING PERMIT

Permit No.: PA170223
Melbourne Planning Scheme
Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:
253-273 NORMANBY ROAD
SOUTH MELBOURNE

THE PERMIT ALLOWS:
Staged development including demolition of the existing building, the construction of a multi-storey building, use of land for accommodation, and to create or alter access to a road in a Road Zone Category 1, in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. Before the development starts, including demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, 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 three copies (plus an electronic copy) must be provided. The plans must generally be in accordance with the plans TP001-0.00-TP230 Revision 2 dated 25 September 2017, prepared by Plus Architecture, but modified to show the following:

   (a) The built form of the Stage 1 'L' tower modified to reduce overshadowing of Fennel Reserve at the September equinox to the extent detailed in the amended plans prepared by Plus Architecture, Revision 2, dated 13 October 2017;

   (b) The height of the Stage 2 'I' tower to not exceed 40 storeys.

   (c) A demolition plan clearly showing all structures to be removed, including the removal and reinstatement of redundant crossovers.

   (d) The proposed eastern laneway is to be constructed in bluestone paving.

   (e) External and internal lighting to be identified.
(f) The provision of continuous canopies along the Normanby Road, Boundary Street and laneway retail frontages of the site, with heights of between 3m-4.5m above footpath level.

(g) Redesign or relocation of the loading bays to reduce the length of reversing manoeuvres, not block other traffic/parking spaces, and provide satisfactory swept path clearance for delivery vehicles and sightline splays at corners.

(h) The waste and recycling bin rooms to be correctly labelled, and accord with the endorsed Waste Management Plan.

(i) Levels 1 to 4 of the building to be constructed in a manner that allows for them to be adaptively reused in the future by the demolition of the level 2 and level 4 slabs.

(j) The number of car parking spaces for the retail/commercial floor area reduced to not more than 1 space per 100m² (including the residential hotel).

(k) The number of motorcycle parking spaces to comply with Clause 45.09 of the Port Phillip Planning Scheme.

(l) The location and type of not less than 1316 bicycle parking spaces.

(m) End of trip facilities in accordance with the requirements of Clause 52.34 of the Port Phillip Planning Scheme, located in a central location and accessible to all non-residential uses.

(n) Direct access from the lift core (via a corridor) to the podium rooftop provided for dwellings above the residential hotel in the Stage 2 tower.

(o) The allocation of at least 30% of dwellings as three-bedroom dwellings, or otherwise capable of conversion to three-bedroom dwellings.

(p) Dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority.

(q) Architectural features, excluding wind mitigation canopies, revised to not overhang title boundaries more than 300mm.

(r) Revisions to the built form or internal layout of dwellings at the internal ‘L’ junction of the Stage 2 tower to angle and offset views between dwellings.

(s) All plans and elevations to be fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD).

(t) Detailed elevations, renders and sections of the ground level frontages to Normanby Road, Boundary Street, Woodgate Street and the eastern laneway, clearly showing the interfaces at a scale of 1:50.

(u) All plant, equipment and services (including all external air conditioning, heating units and hot water systems) which are to be located externally. Any air-conditioning units on balconies must be located to maximise the availability of balcony space for outdoor living activities and screened to minimise the visibility of the air conditioning units.
(v) Any changes required by the endorsed Environmental Wind Assessment Report as specified by the corresponding condition below (where relevant to be shown on plans).

(w) Any changes required by the endorsed Waste Management Plan as specified by the corresponding condition below (where relevant to be shown on plans).

(x) Any changes required by the Acoustic Report as specified by the corresponding condition below (where relevant to be shown on plans).

(y) Any changes required by the endorsed Sustainability Management Plan as specified by the corresponding condition below (where relevant to be shown on plans).

(z) Any changes required by the endorsed Water Sensitive Urban Design Response as specified by the corresponding condition below (where relevant to be shown on plans).

(aa) Any changes required by the endorsed Traffic Report as specified by the corresponding condition below (where relevant to be shown on plans).

(bb) Any changes required by the endorsed Staging Plan as specified by the corresponding condition below (where relevant to be shown on plans).

(cc) Any changes to meet the floor level requirements of Melbourne Water as specified by the corresponding conditions below.

(dd) Any changes to meet the requirements of VicRoads as specified by the corresponding condition below.

**Layout Not Altered and Completion**

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

**Wind Mitigation**

3. Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, an amended comprehensive wind tunnel testing and environmental Wind Impact Assessment Report of the development must be prepared by a suitably qualified engineering consultant. The Wind Assessment must be submitted to and be to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. This report must be generally in accordance with that prepared by Vipac Engineers & Scientists and dated 14 June 2017, but modified to address all changes required under Condition 1 of this permit.

Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high quality solution with the architectural and landscape design and not rely on screens in the public realm, to the satisfaction of the Responsible Authority.
4. The recommendations and requirements of the endorsed Wind Impact Assessment Report must be implemented to the satisfaction of and at no cost to the Responsible Authority prior to the occupation of the development.

Waste Management

5. Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, an amended Waste Management Plan (WMP) shall be submitted to and approved by Port Phillip City Council. The WMP must be generally in accordance with the WMP prepared by Leigh Design and dated 14 June 2017 but further modified to address all required changes under Condition 1 of this permit and must also:

(a) Demonstrate an adequate waste management arrangement for the premises in accordance with the City of Port Phillips Community Amenity Local Law No: 3.

(b) Revise the waste management arrangements to reduce the amount of waste collection traffic (such as incorporation of a compaction unit).

(c) Incorporate one (or more) charity bins.

6. The WMP must comply with Council guidelines. Waste storage and collection arrangements must not be altered without the prior approval of Council.

Noise Attenuation

7. Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, a report from a qualified acoustic consultant, must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Watson Moss Growcott and dated 7 June 2017 but must ensure that external noise intrusion into apartment bedroom and living areas – measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior – must achieve the following:

(a) Between 10pm and 7am, the noise in bedrooms areas must not exceed L\text{Aeq} (9 hour) 40dB(A).

(b) Between 7am and 10pm, the noise in living rooms must not exceed L\text{Aeq} (15 hour) 45dB(A).

The noise attenuation measures specified in the acoustic report for the development must be implemented prior to occupancy at no cost to and be to the satisfaction of the Responsible Authority.

Sustainable Management Plan

8. Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, an amended Sustainable Management Plan (SMP) report must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in
accordance with the report prepared by Sustainability House and dated 9 June 2017, but further modified to address the following:

(a) The proposal is to achieve a 5 star Green Star – Design & As Built v.1.2 (or equivalent certification) rating which will be certified as achieved by an appropriately qualified, independent Green Star Accredited Professional to the approval of the Responsible Authority.

(b) Provision of effective treatment to glazed walls of habitable rooms on the north-east and north-west to improve thermal comfort.

9. The performance outcomes specified in the SMP for the development must be implemented prior to occupancy at no cost to the Responsible Authority or Port Phillip City Council and be to the satisfaction of the Responsible Authority. Any change during design, which affects the approach of the endorsed SMP, must be assessed by an accredited ESD professional. The revised statement must be endorsed by the Responsible Authority before the development starts.

**Water Sensitive Urban Design Response**

10. Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, an amended Water Sensitive Urban Design (WSUD) Response must be submitted to the satisfaction of Port Phillip City Council. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the report prepared by Sustainability House and dated 9 June 2017, but further modified to address the following:

(a) Set out proposed stormwater treatment measures for the development and demonstrate how they would meet the relevant stormwater quality objectives of Clause 22.12 Stormwater Management (Water Sensitive Urban Design) of the Port Phillip Planning Scheme.

(b) Provide a response to the water management requirements of Objectives 7.1 and 7.2 of the Fishermans Bend Strategic Framework Plan dated July 2014 (amended September 2016) which specifies water for toilet flushing to be provided from on-site stormwater collection and a requirement for developments to be third pipe ready for future connection to a precinct-wide alternative water supply.

(c) Include justification for how the development meets the objectives of Clause 22.12 if the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) are not met.

(d) Outline details to show the design capturing 100% of stormwater on-site and either re-use or treating the water prior to discharging off-site.

(e) Outline details indicating which catchment areas are connected to their respective treatment types (i.e. rainwater tanks and rain gardens etc.).

11. The performance outcomes specified in the endorsed Water Sensitive Urban Design Response must be implemented prior to occupancy at no cost to Port Phillip City Council and be to the satisfaction of Council.
Traffic and Loading Management

12. Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, a revised Traffic Report must be submitted to and approved by Port Phillip City Council. Except with the prior written consent of the Responsible Authority, all elements of the report must be implemented prior to the occupation of the development. The report must be generally in accordance with the Traffic Impact Assessment Report prepared by TTM Consulting (Vic) Pty Ltd and dated 9 June 2017 but modified to address:

(a) The internal design of the car parking areas is to be in accordance with Clause 52.06 of the Port Phillip Planning Scheme unless otherwise approved by Port Phillip City Council.

(b) At least eight car parking spaces are to be identified as share car spaces.

(c) Detail the dimensions of all aisle and car park sizes.

(d) Remove any non-conforming or potentially unsafe parking spaces.

(e) Provide details on plans of parking allocation for different uses.

(f) Demonstrate satisfactory ramp grades and ramp and car park height clearances.

(g) Provide swept path confirmation that ramps in the ground floor level have sufficient clearance to allow two-way passing of large (B85 and B99) vehicles.

(h) Clarify traffic generation assumptions for the proposal.

(i) Incorporate traffic surveys of SIDRA analysis of nearby critical intersections (including Normanby Road and Boundary Street, and Woodgate Street and Montague Street) to demonstrate the likely traffic impact from the proposal.

(j) Incorporate sightline triangles for all intersections.

13. Car and bicycle parking, loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose to the satisfaction of the Responsible Authority.

14. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.

15. The number of car parking spaces for dwellings must not exceed 0.83 car spaces per dwelling.

Environmental Audit

16. Before the development starts, excluding demolition, bulk excavation, site preparation works and any works to remediate contaminated land, the permit holder must provide:

(a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
(b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. This Statement must state that the site is suitable for the intended uses.

17. Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use of the land must comply with all directions and conditions contained within the Statement.

18. Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the *Subdivision Act 1988 for the approved building*, and before the issue of an occupancy permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

19. Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the permit holder must enter into an agreement with Port Phillip City Council pursuant to Section 173 of the *Planning and Environment Act 1987*, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the *Subdivision Act 1988* for the approved building. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by Council, must be met by the permit holder.

**Staging Plan**

20. Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, a staging plan must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The development must construct all stages in the order as shown on the endorsed plan, unless otherwise agreed by the Responsible Authority. The staging plan must include (but is not limited to) the following:

(a) Timelines of commencement and completion of each stage of development.

(b) Public realm works and landscaping.

(c) Temporary protection works including lighting and safety measures.

(d) Temporary works on the vacant site (where not otherwise being used as a construction work zone or for a temporary land sales office) should it remain vacant for 6 months after completion of the demolition.

(e) Temporary works on the vacant site (where not otherwise being used as a construction work zone or for a temporary land sales office) where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

Temporary works must be constructed to the satisfaction of the Responsible Authority and may include:
The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.

(ii) Landscaping of the site for the purpose of public recreation and open space.

Once each stage of development has started it must be completed to the satisfaction of the Responsible Authority.

Facade Strategy

21. Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, a Facade Strategy must be submitted to and approved by the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy must detail:

(a) A concise description by the architect of the building design concept and how the façade works to achieve this.

(b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.

(c) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, and any special features which are important to the building’s presentation.

(d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.

(e) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.

(f) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built outcome in accordance with the design concept.

Affordable Housing

22. Before the development starts, excluding demolition, bulk excavation and site preparation works, the owner of the land must enter into an agreement with Port Phillip City Council pursuant to Section 173 of the Planning and Environment Act 1987 regarding the provision of affordable housing. The owner of the land must pay all of Council’s reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide for the following:
(a) 6% of the total number of dwellings (rounded down to the nearest whole number) are to be offered for sale to a registered Housing Association or Housing Provider before the development commences. The number and type of dwellings to be offered for sale to a registered Housing Association or Housing Provider and the price at which they are to be offered is to accord with Table A below:

**Table A**

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Number of dwellings to be offered for sale</th>
<th>Target Income Group</th>
<th>Offer Price</th>
<th>List Price</th>
<th>Economic Benefit per dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>1BR</td>
<td>4</td>
<td>Very Low</td>
<td>$200,000</td>
<td>$450,000</td>
<td>$250,000</td>
</tr>
<tr>
<td>1BR</td>
<td>21</td>
<td>Low</td>
<td>$312,000</td>
<td>$450,000</td>
<td>$138,000</td>
</tr>
<tr>
<td>1BR</td>
<td>20</td>
<td>Moderate</td>
<td>$390,000</td>
<td>$450,000</td>
<td>$60,000</td>
</tr>
<tr>
<td>2BR</td>
<td>3</td>
<td>Low/Moderate</td>
<td>$595,000</td>
<td>$630,000</td>
<td>$35,000</td>
</tr>
<tr>
<td>2BR</td>
<td>2</td>
<td>Low/Moderate</td>
<td>$625,000</td>
<td>$630,000</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

Any dwellings offered for sale in accordance with (a) above which are not purchased by a registered Housing Association or Housing Provider before the development commences must be converted to a residual economic benefit. Before any part of the development is occupied, the owner of the land must gift/transfer (at no cost) to a Housing Association or Housing Provider affordable housing dwellings. The number and type of affordable housing dwellings gifted/transferred is determined by the sum of the economic benefit of each residual/unsold dwelling divided by the corresponding List Prices for each dwelling type. (For the purposes of this condition the terms economic benefit, List Prices and the types of dwellings are those set out in Table A).

(b) If the number of dwellings within the development is altered at any time before the development is completed, the affordable housing offer will be recalculated to ensure that 6% of the total number of dwellings is provided as affordable housing.

(c) In addition to the requirements of (a) and (b), before any part of the development is occupied, the owner of the land must gift/transfer (at no cost) 1 x two bedroom dwelling to a Housing Association or Housing Provider of affordable housing dwellings.

(d) The registered Housing Association or Housing Provider must be to the satisfaction of Port Phillip City Council and the Responsible Authority.

(e) One bicycle space must be allocated to each dwelling.
Development Contributions

23. Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and make an application to the Registrar of Titles to have the agreement(s) registered on the title to the land under Section 181 of the Act, to the satisfaction of the Responsible Authority. The owner of the land must pay all reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must:

(a) Require the developer to pay a development contribution of:
   (i) $15,900 per dwelling.
   (ii) $18,000 per 100m² of gross commercial floor area.
   (iii) $15,000 per 100m² of gross retail floor area.

(b) Require that development contributions are to be indexed annually from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.

(c) Require registration of the Agreement on the titles to the affected lands as applicable.

(d) Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or their successor.

(e) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.

(f) Confirm that the contributions will be used by Victorian Planning Authority or their successor, to deliver the schedule of types of infrastructure.

(g) Require that payments of 10% is at the time of building permit issue for each stage and 90% made prior to the issue of a statement of compliance for each stage in accordance with the Subdivision Act 1988.

(h) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

Landscaping Plan

24. Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, unless otherwise agreed to by the Responsible Authority, a Landscape Plan must be submitted to and be approved by the Responsible Authority in consultation with Port Phillip City Council. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail all hard and soft landscaping proposed on the site and be generally in accordance with the Landscape Plan.
prepared by John Patrick Landscape Architects and dated 14 June 2017 but modified to show:

(a) Bluestone paving within the eastern laneway.

(b) Vegetation provided for wind amelioration is to be semi-mature at the time of planting.

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved landscaping works must be completed. Once completed, the landscaping works must be maintained in accordance with the endorsed plan to the satisfaction of Port Phillip City Council by:

(a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan.

(b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose.

(c) Replacing any dead, diseased, dying or damaged plants.

3D Model

26. Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

Street Trees

27. The proposed development and works must not cause any damage to any existing street tree to be retained. Root pruning of any adjacent street tree must be carried out to the satisfaction of Port Phillip City Council prior to the construction of any crossover/works.

28. All adjacent street trees to be retained will require a tree protection zone which complies with AS4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction. The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of Port Phillip City Council.

29. The provision of additional street trees is to be coordinated with Port Phillip City Council and all costs associated with additional street tree planting are to be met by the permit holder.
SEPP N-1 and N-2

30. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises) to the satisfaction of the Responsible Authority.

Public Transport Victoria Conditions

31. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Normanby Road are kept to a minimum during the construction of the development. Foreseen disruptions must be communicated to Public Transport Victoria fourteen (14) days prior.

32. The existing bus stop and associated infrastructure on Normanby Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

Melbourne Water Conditions

33. The ground floor must be constructed with finished floor levels set no lower than 2.4 metres to Australian Height Datum (AHD).

34. The ramp servicing the basement must be constructed at ground level no lower than 3.0 metres to Australian Height Datum (AHD).

35. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

36. All electrical and plumbing fittings must be to the standards of the Relevant Authority for areas subject to inundation, for all services contained within the lower ground floor.

37. All open space within the property must be set at existing natural surface level so as not to obstruct the passage of overland flows.

38. Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of floodwaters/overland flows.

39. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water’s drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

40. The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water’s specification. Refer to the Melbourne Water Web site Standard Drawing: 'Angle of Repose - Footing Design' for details.
VicRoads Condition

41. Before the use approved by this permit commences the following must be completed at no cost to and to the satisfaction of the Roads Corporation:

   (a) install a “Left in only” sign from Normanby Road into the porte cochere;
   (b) install a “No Entry” sign from Woodgate Street into the porte cochere;
   (c) line marking for one way traffic flow (southbound) along internal eastern accessway.

   This condition is open and flexible as to how the material for the access way is governed, provided the directional arrow is white in colour.

Building Appurtenances

42. All building plant and equipment on roofs and public thoroughfares must be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.

Materials and Finishes

43. Except with the consent of the Responsible Authority, all external materials must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the surface.

Services and Infrastructure

44. Before the development is occupied, vehicle crossings must be constructed in accordance with Port Phillip City Council’s current Vehicle Crossing Guidelines and standard drawings and all redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at cost of the permit holder to the satisfaction of Port Phillip City Council.

45. Before the development is occupied, the permit holder shall:

   (a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.
   (b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
   (c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

46. Before the development is occupied, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the permit holder.
47. Before the occupation of the development allowed by this permit, the
development must include dual reticulation and a connection point to connect to a
potential future precinct scale alternative water supply via a third pipe network to
the satisfaction of the relevant water authority to the satisfaction of the Responsible
Authority.

48. All new services to the property including water, electricity, gas, sewerage, telephone
and telecommunications (whether by means of a line or cable) must be installed
underground and located in a position approved by Port Phillip City Council. All costs
associated with any such works must be borne by the permit holder.

49. All lighting of external areas must be suitably baffled so as not to cause nuisance or
annoyance to nearby properties or roads.

Walls on or facing a Boundary

50. Before the development is occupied, all new or extended walls on or facing the
boundary of adjoining properties and/or a laneway must be cleaned and finished to
a uniform standard to the satisfaction of the Responsible Authority. Unpainted or
unrendered masonry walls must have all excess mortar removed from the joints and
face and all joints must be tooled or pointed also to the satisfaction of the
Responsible Authority. Painted or rendered or bagged walls must be finished to a
uniform standard to the satisfaction of the Responsible Authority.

Permit Expiry

51. This permit will expire if:

(a) The development is not commenced within three years of the date of
this permit.

(b) The development is not completed within six years of the date of this permit.

(c) The use is not commenced within six years of the date of this permit.

Pursuant to Section 69 of the Planning and Environment Act 1987, the Responsible
Authority may extend:

(i) The commencement date referred to if a request is made in writing
before the permit expires or within six months afterwards.

(ii) The completion date referred to if a request is made in writing
within 12 months after the permit expires and the development
started lawfully before the permit expired.

Date Issued: 5-12-2017
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.
Note: This permit has been issued in accordance with the Victorian Civil and Administrative Tribunal (VCAT) Order P1604/2017 dated 27 November 2017.

Notes:
National Building Code
Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the National Construction Code or the Building Act 1993 and its regulations. It is the responsibility of the permit holder to ensure compliance with all relevant building codes, regulations and Australian Standards. Where inconsistencies occur between the endorsed town planning drawings/documents approved under this permit and the construction drawings, an amendment to the town planning drawings/documents may be required.

Building Approval Required
This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Building Works to Accord With Planning Permit
The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

Due Care
The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

Days and Hours of Construction Works
Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council’s Local Laws Section:
- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

Drainage Point and Method of Discharge
The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

Permit required for signs
This permit relates only to the use and development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land and not exempt pursuant to the Port Phillip Planning Scheme, must be the subject of a separate planning permit application.

Waste Collection
The applicant must consult with Council’s Waste Management Department regarding the location of waste bins and collection options. Waste management must be in accordance with Council’s Community Amenity Local Law No. 3.

Roads and laneways to be kept clear
During the construction of the buildings and works allowed by this permit, the roads and laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or
any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.

Parking Infringements
Any parking infringement relating to the proposed development may be reported to Council’s Parking Enforcement Section on 9209.6751 (B.H.) or 9209.666 (A.H.)

No resident or visitor parking permits
The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

Cross-over Permit Required
A cross-over permit must be obtained from Council (contact 9209.6216) prior to the carrying out of any vehicle crossing works (including removal of a redundant crossing).

Air Conditioning Plant
Any air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary;
- Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

Construction Management Plan
Before the development starts, a Construction Management Plan in accordance with Council’s Local Law, must be submitted to and approved by Council.

Building Projections Beyond Site Boundaries
Any building projection beyond the site boundary may require the developer / property owner to enter into a S173 Agreement and/or licence with the Council to authorise occupation of Council land, and may be subject to an annual license fee.

Broadband, Communications and Digital Economy
The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update updated dated 22 June 2011 (as amended).

Council contacts
Approval may be required from other Council Departments (where relevant) before the proposal may commence, and discussion with Council’s Development Engineer is recommended prior to the submission of plans for standards of construction of crossovers and stormwater drains. The following contact details are provided for your assistance:

- Building Department 9209.6253
- Health Department (Community Amenity) 9209.6262
- Local Laws 9209.6852
- Development Engineer 9209.6774

High Pressure Gas Transmission Pipelines
The subject site abuts the Port Melbourne 150mm high pressure gas transmission pipeline (along Boundary Street) and is in the buffer zone of the South Melbourne to
Brooklyn 750mm high pressure gas transmission pipeline.  
These pipelines are considered by APA GasNet to be major assets and pipeline protection works may be required for asset integrity and public safety reasons. The development must be referred to APA GasNet for review and comments.
IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit at the direction of the Victorian Civil and Administrative Tribunal. (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?

If this permit was not issued at the direction of the Victorian Civil and Administrative Tribunal or if this permit was issued at the direction of the Tribunal but the Tribunal did not direct that the permit or part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—

The responsible authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987.

If the Victorian Civil and Administrative Tribunal directed that the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—

The Victorian Civil and Administrative Tribunal directed that this permit must not be amended by the responsible authority under Division 1A of Part 4 of the Planning and Environment Act 1987.

If the Victorian Civil and Administrative Tribunal directed that a specified part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—

The Victorian Civil and Administrative Tribunal directed that the following specified part(s) of this permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act.

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 a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; 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 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 of 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—
   * 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 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.