


## AMENDED PLANNING PERMIT

<b>Permit No.:</b> TP274/2016(3) <b>Planning Scheme:</b> Maribyrnong Planning Scheme <b>Responsible Authority:</b> City of Maribyrnong	 <b>Maribyrnong</b> <small>CITY COUNCIL</small>
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**Address of the land:** 6 Cross Street FOOTSCRAY

**The permit allows:** Construction of a multi level building containing dwellings, use land for a food and drink premises and a place of assembly, and reduction of car parking requirement.

**The following conditions apply to this permit:**

**Amended plans required**

- 1 Before the development starts, amended plans must be submitted to the satisfaction of 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 be provided in digital format. The plans must be generally in accordance with the considered plans but modified to show:
  - (a) Changes provided on plans, prepared by Artisan Architects dated October 2022 (Revision A), addressing:
    - i improved mezzanine flow/corridor layout and lift/stairwell access;
    - ii better passive surveillance to the mail rooms;
    - iii provision of planter boxes at the terraces at 400-600mm depths;
    - iv relocated bicycle spaces on the ground and basement 1 levels;
    - v location of 24,000L rainwater tank at basement 2 level;
    - vi all air conditioning - condenser units to be located centrally on the mezzanine level;
    - vii location of storage and collection points for hard waste;
    - viii screening/integration of services into the façade design;
    - ix mail rooms to include a secure parcel storage area.
  - (b) Removal of the redundant 4.9 metre wide crossover on Cross Street, at the southeast corner of the site, and reinstatement of any affected street assets.
  - (c) Notation to state the relocation or removal of Jemena assets to be undertaken by the applicant/developer, in accordance with Jemena requirements and at no cost to Council.
  - (d) An amended landscape plan to the satisfaction of the Responsible Authority (refer to condition below).
  - (e) Any modifications arising from the revised Waste Management Plan (refer to condition below).
  - (f) Any modifications arising from the Acoustic report (refer to condition below).
  - (g) Notations stating and/or modifications showing public realm works including:
    - i either the introduction of a 1.5m-wide footpath and 0.8m-wide nature strip within the 2.3m-wide verge along Hocking Street or the retention of the full-width concrete footpath with tree cut-outs;
    - ii new street tree plantings;
    - iii new parking signage designating on-street parking as "1P" restricted spaces; etc

- (h) Relocation of the columns away from the vehicle clearance envelopes in accordance with Design Standard 2 – Car parking spaces of Clause 52.06 (Car Parking).
- (i) The proposed ramp grades in Basements 1 and 2 to be shown at 1 in 4 maximum, with transition grades at 1 in 8, with accompanying sections.
- (j) Allocation of car spaces to residential and non-residential uses.
- (k) Provision of bicycle spaces at ground level, adjacent to the apartment entry, and to be allocated as visitor parking spaces.
- (l) Swept path diagrams to demonstrate:
  - i entering and exit of waste trucks in the designated loading bay on the ground floor and
  - ii vehicle movements and propping of waste trucks in the basement levels.
- (m) Provision of electrical parking space/s.
- (n) A 1:50 scale design detail drawing/s of building services integrated into the façade design.
- (o) Dimensioned setbacks to all boundaries.
- (p) Dimensioned overall building height to be 24.99 metres shown on all elevations.
- (q) Any consequential changes as a result of the above requirements.

### **General conditions**

- 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 exemption specified in Clause 62 of the Maribyrnong Planning Scheme. NOTE: This does not obviate the need for a permit where one is required.
- 3 Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
- 4 Artisan Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality is to the satisfaction of the Responsible Authority.
- 5 All visual screening and measures to prevent overlooking to adjoining properties must be erected prior to the occupation of the buildings to the satisfaction of the Responsible Authority.
- 6 All pipes, fixtures, fittings and vents excluding downpipes, servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 7 No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
- 8 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
- 9 All boundary walls must be cleaned and finished using a graffiti proof finish or alternative measure to prevent or reduce the potential of graffiti. Any graffiti that appears on the wall must be cleaned or removed as soon as practicable to the satisfaction of the Responsible Authority. The cost of any clean-up or removal of the graffiti from the wall must be paid for by the developer and/or future owners of the land.
- 10 Prior to the occupation of the development or subdivision of the land, public realm upgrade works are to be constructed to Council's standards and satisfaction. Detailed engineering plans, including footpath works are to be submitted to Council's City

Design and Civil Design and Transport teams for checking and approval. All costs associated with the works, including plan checking and supervision fees, are to be borne by the permit holder.

- 11 No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the provisions of the Maribyrnong Planning Scheme.

### **Landscape Plan**

- 12 Concurrent with the endorsement of plans, an amended landscape plan must be submitted and be to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The landscape plan must be generally in accordance with the landscape concept plans prepared by Memla P/L, dated 21 June 2022, drawing no.'s LC01 to LC03, except that the plan must show:
- (a) The terraces on Level 7 to incorporate planter boxes with 400-600mm depth planting, with irrigation system and drainage.
  - (b) Section details of the additional planter boxes on the Level 7 terraces and the ground level garden space above the car park basement to demonstrate suitable planting, depth conditions, irrigation, drainage, etc.
  - (c) Introduction of street trees adjacent to the site in consultation with Council's Street Tree Coordinator.
  - (d) Details of the surface finish to the kerb outstands.
  - (e) Street tree planting in accordance with Council's Street Tree strategy.
- 13 Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works (including street trees) shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 14 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, this includes the replacement of any dead, diseased or damaged plants.

### **Acoustics**

- 15 Concurrent with the endorsement of plans, an acoustic report prepared by a qualified Acoustic engineer must be submitted and endorsed to form part of the permit. The report must consider the external and internal impacts of railway, the place of assembly and the food and drink premises and other relevant noise sources on the proposed dwellings and provide solutions to mitigate these impacts. All of the recommendations of the acoustic report must be implemented prior to the occupation of the building, to the satisfaction of the Responsible Authority.

### **Waste condition**

- 16 Concurrent with the endorsement of plans, an amended waste storage and collection management and recycling plan for the development must be prepared and be to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The management plan must be generally in accordance with the report prepared by Low Impact Development Consulting P/L, dated June 2022 and have regard to the following matters:-
- (a) Swept path diagrams to demonstrate: i) entering and exit of waste trucks in the designated loading bay on the ground floor and ii) vehicle movements and propping of waste trucks in the basement levels.
  - (b) Storage and/or collection points for hard waste.
- 17 Waste management must be carried out in accordance with the approved Waste Management Plan to the satisfaction of the Responsible Authority.

**Construction Management Plan**

- 18 Prior to the commencement of the permitted buildings or works a detailed Construction Management Plan (CMP) must be prepared and be to the satisfaction of the Responsible Authority. The CMP must include the following details:
- (a) Staging of construction;
  - (b) Management of public access and linkages around the site during construction;
  - (c) Site access, parking and traffic management;
  - (d) Any works within the street reserves;
  - (e) Any impacts on public transport operations;
  - (f) Sediment control and site drainage;
  - (g) Hours of construction;
  - (h) Control of noise, dust and soiling of roadways;
  - (i) Discharge of polluted waters;
  - (j) Demolition & excavation;
  - (k) Storage of construction materials;
  - (l) Location of site offices and cranes;
  - (m) Public safety;
  - (n) Management of potentially contaminated materials
  - (o) Collection and disposal of building and construction waste;
  - (p) Methodology for responding to complaints associated with the construction works and provide site manager contact details.
- 19 All development must be carried out in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority.

**General amenity conditions**

- 20 The use and/or development must be managed so that the amenity of the area is not detrimentally affected, through the:
- (a) Transport of materials, goods or commodities to or from the land.
  - (b) Appearance of any building, works or materials.
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) Harbourage and/or presence of vermin
- All to the satisfaction of the Responsible Authority.
- 21 All food and drink premises uses may operate only between the hours of:
- 7am and 11pm Sunday to Thursday,
  - 7am and 12 midnight Friday and Saturday
- except with the written permission of the Responsible Authority.
- 22 Any kitchen(s) mechanical exhaust system must be constructed in accordance with the Australian Standard number 1668 and/or to the satisfaction of the Responsible Authority.
- 23 Deliveries to and from the site must occur outside peak demand periods for on-street parking and between the following hours:
- 7am to 10pm (inclusive) Monday to Saturday
  - 9am to 10pm (inclusive) Sunday and/or public holidays
- 24 External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
- 25 Noise levels emanating from the premises must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment

Protection Regulation 2021, or other equivalent policy to the satisfaction of the Responsible Authority.

### **Car Park Construction**

26 Before the use and/or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be to the satisfaction of the Responsible Authority and be:-

- (a) constructed
- (b) properly formed to such levels that they can be used in accordance with the plans
- (c) surfaced with an all weather seal coat
- (d) drained
- (e) line marked to indicate each car space and all access lanes
- (f) clearly marked to show the direction of traffic along access lanes and driveways

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

### **Infrastructure conditions**

27 Vehicular crossing(s) must be constructed and/or modified to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.

28 All disused or redundant vehicle crossings must be removed and the area reinstated with either/or footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.

29 The site must be drained to the satisfaction of the Responsible Authority. Storm water run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.

30 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.

31 Prior to the commencement of any works on the site and/or subdivision of the land, the owner must submit for approval to the Responsible Authority drainage plans to the requirements outlined in the Stormwater Discharge Permit.

### **Environmental Audit**

32 Before:

- a) the uses authorised by this permit commences, or
- a) the completion of the development, or
- b) the issue of a Statement of Compliance for a plan of subdivision under the *Subdivision Act 1988*,

whichever comes first

an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

- a Certificate of Environmental Audit for the land in accordance with Section 53Y of the EP Act (Certificate); or
- a Statement of Environmental Audit for the land in accordance with Section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

33 If, pursuant to the above condition, a Statement is issued:

(a) the:

- (i) uses authorised by this permit and
- (ii) occupation of the development,

must not be commenced unless the Statement of Environmental Audit clearly states that the land is suitable for those uses;

b) the uses authorised by this permit must not commence until compliance is achieved with all terms and conditions that the Statement states must be complied with prior to the use commencing;

c) the development authorised by this permit must not be occupied until compliance is achieved with the terms and conditions that the Statement states must be complied with prior to development being occupied;

d) prior to the commencement of the use authorised by this permit, a letter prepared by an Environmental Auditor appointed under Section 53S of the EP Act which states that the terms and conditions contained in the Statement have been complied with must be submitted to the Responsible Authority; and

e) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the Owner must enter into an agreement with Council pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:

- (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement by the owner/ developer; and
- (ii) be executed before the occupation of the development authorised by this permit or the issue of a Statement of Compliance for a plan of subdivision under the Subdivision Act 1988, whichever comes first.

The Owner must pay all expenses involved in the drafting (including legal expenses), negotiating, lodging, recording and execution and enforcement of the Agreement, including those incurred by the Responsible Authority.

### **Melbourne Water conditions**

- 34. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 35. Finished floor levels of the ground floor must be constructed no lower than 25.7 metres to Australian Height Datum (AHD).
- 36. Any entrance or opening to the basement must be set no lower than 25.7 metres to AHD.
- 37. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building.
- 38. The ground floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the

inspection of the subfloor of the development required under the Building Act 1993 and the Building Regulations. This confirmation must be in the form of a certified survey plan, showing finished ground floor levels (as constructed) reduced to the Australian Height Datum. It must be submitted to Melbourne Water and the Responsible Authority to demonstrate that the ground floor levels have been constructed in accordance with Melbourne Water's requirements.

#### **Expiry of permit for use & development**

39. This permit as it relates to use will expire if the use does not commence within four (4) years after the issue date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

40. This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two years of the issue date of this permit.
- (b) The development is not completed within four years of the issue date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

#### **Place of Assembly**

- 41 The place of assembly may only operate between the hours of

- 9am-9pm, Monday to Friday
- 9am-11pm on weekends,

except with the written consent of the Responsible Authority.

- 42 No more than 400 patrons are allowed on the premises at one time except with the written consent of the Responsible Authority.

#### **Development Contributions**

- 43 A Development Infrastructure Levy(s) in accordance with any approved Development Contributions Plan(s) which applies to the Land must be paid to the Collecting Agency prior to the grant of a building approval or the development of any buildings and works associated with the permitted development, whichever occurs first, unless the Collecting Agency agrees to a different time for payment.
- 44 A Community Infrastructure Levy must be paid to the Collecting Agency in accordance with any approved Development Contribution Plan(s) which applies to the land prior to the issue of a building permit under the Building Act 1993 unless the Collecting Agency agrees to a different time for payment.

## Sustainability Conditions

- 45 Concurrent with the submission of plans required by condition 1, an amended Sustainable Design Assessment (SDA) or Built Environment Sustainability Scorecard (BESS) report for the building must be submitted to and approved by the Responsible Authority. Once approved, the report will be endorsed and will then form part of the permit. The report must show how the building meets or exceeds best practice standards (including a minimum 50% score for the four mandatory categories of water, energy, stormwater and IEQ) to the satisfaction of the Responsible Authority. If forming part of the development, the plans must show the following measures:
- a) Provide the owners the option of installing their own Electric Vehicle charge points with electrical provisions at the main switchboard.
  - b) NatHERs requirements in accordance with Standard D6 of Clause 58.
- 46 All recommendations of an approved Sustainable Management Plan must be fully implemented to the satisfaction of the Responsible Authority.

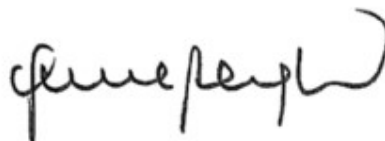
### THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief description of amendment
5 December 2022	Amendment to the existing Planning Permit, including the following key changes: <ul style="list-style-type: none"> <li>• An increase from 84 to 110 apartments (26 additional) including:               <ul style="list-style-type: none"> <li>- 30 x one-bedroom apartments (previously 10)</li> <li>- 75 x two-bedroom apartments (previously 67)</li> <li>- 5 x three-bedroom apartments (previously 7)</li> </ul> </li> <li>• Five food and drink tenancies (previously 2) at ground floor</li> <li>• Introduction of a Place of Assembly with a total area of 1,300sqm over the ground and mezzanine levels</li> <li>• A total of 152 car parking spaces across two basement levels.</li> <li>• Modifications to preamble and conditions.</li> </ul>
21 March 2024	Amended Conditions 32 and 33 (Environmental Audit)

**Date Issued**

7 March 2018

**Signature for the Responsible Authority**



Date of expiry: 7 March 2026 for completion of development



## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.  
(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

### 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 required 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 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 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 APPEALS?

- 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 an Application for Review 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 application for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.