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Our Ref: 1140/2015/B



2 August 2021

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MELBOURNE VIC 3000

St Kilda Town Hall
99a Carlisle Street
St Kilda
Victoria 3182

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ASSIST Customer Service
☎ 9209 6777

Dear Sir/Madam,

Re: **Application for Planning Permit No. 1140/2015/B**
Address: **157-161 Eastern Road, South Melbourne**

I refer to your application for an amended Planning Permit for use of the land for dwellings; construction of mixed use building, plus 3 basement levels, containing offices at ground level and dwellings at the upper levels; a reduction in the statutory car parking requirements and a waiver of the provision of a loading bay.

It has been decided that it is appropriate that an amended Planning Permit be issued by delegation. I attach a copy of this Planning Permit, which contains certain conditions. You should make sure that you are familiar with these conditions before you act on this permit.

If you are aggrieved by any condition on this permit you may appeal to the Victorian Civil and Administrative Tribunal (VCAT) to have that matter discussed. The last page of the Planning Permit form has some details regarding this process.

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,

Angus Bevan
Principal Planner

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



PLANNING PERMIT

Application Number: **1140/2015/B**
Planning Scheme: **Port Phillip**
Responsible Authority: **City of Port Phillip**

ADDRESS OF THE LAND:

157 – 161 EASTERN ROAD, SOUTH MELBOURNE VIC 3205

THE PERMIT ALLOWS:

Use of the land for dwellings; construction of mixed use building, plus 3 basement levels, containing offices at ground level and dwellings at the upper levels; a reduction in the statutory car parking requirements and a waiver of the provision of a loading bay, generally in accordance with the endorsed plans and subject to the following conditions.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

- 1 Before the development starts, 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 two copies must be provided. The plans must be generally in accordance with the amended plans by KUD Architects, Drawing Nos. A097 to A301 (inclusive) marked Revision B and dated 9 September 2019, but modified to show:
 - (a) The building height must not exceed 30m excluding building services which may have a maximum height of 4m above the building height.
 - (b) The service area above the top level of the building not exceeding 10 per cent of the gross floor area of the top building level or 50 square metres whichever is the greater. This limit does not apply to soar panels.
 - (c) Details of treatment to windows in the light court to ensure appropriate daylight and prevent internal overlooking.
 - (d) Deleted.
 - (e) A storage space for each apartment
 - (f) Urban Art to be included in accordance with Council's Urban Art Strategy and must be clearly indicated on the drawings, as per Condition 12;
 - (g) All plan and elevation drawings to be fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and

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lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels;

- (h) Details of any screening required by this permit including conditions 22 and 22A;
- (i) Any changes required by condition 23 (Green Transport Plan);
- (j) Any changes required by condition 9 (Landscape Plan);
- (k) Any changes required by condition 4 (Sustainable Management Plan);
- (l) Any changes required by condition 5 (Water Sensitive Urban Design);
- (m) Any changes required by condition 8 (Waste Management Plan).
- (n) The northern lightcourt amended to minimum dimensions of 2.5 metres (width) by 5 metres (depth) in the location illustrated in 'VCAT Plan A' dated 30/1/17 without otherwise increasing the envelope of the building, AND
- (o) Any changes required by condition 25A.
- (p) Identification of car parking spaces to be provided with electric vehicle charging capability in accordance with the endorsed Sustainable Management Plan under Condition 4.

No Alterations

- 2** The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

Walls on or facing the boundary

- 3** Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or un-rendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or painted to the satisfaction of the responsible authority. Painted, rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

Sustainable Management Plan

- 4** Before the development starts (other than demolition or works to remediate contaminated land) an amended Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Edefice marked Revision A dated 24 September 2019 but modified to show:

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- a) Removal of 'where appropriate' statement in relation to energy efficient reverse cycle units with minimum 4 star MEPS rating in Section 5.2 of the report.

When approved, the Plan will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

Water Sensitive Urban Design

- 5** Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

- 6** Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority. The program must include, but is not limited to:

- (a) inspection frequency;
- (b) cleanout procedures; and
- (c) as installed design details/diagrams including a sketch of how the system operates.

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

Site Management Water Sensitive Urban Design

- 7** The owner must ensure that:
- (a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - (b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - (c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.

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- (d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system; and
- (e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Waste Management

- 8** Before the development starts (other than demolition or works to remediate contaminated land), an amended Waste Management Plan based on the draft "Best Practice Guidelines for Kerbside Recycling at Multi-Occupancy Residential Developments (Sustainability Victoria June 2006) must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:
- (a) The estimated garbage and recycling generation volumes for the whole development;
 - (b) The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection;
 - (c) The location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points;
 - (d) The path of access for both users and collection vehicles;
 - (e) How noise, odour and litter will be managed and minimised;
 - (f) Approved facilities for washing bins and storage areas;
 - (g) Who is responsible for each stage of the waste management process, and
 - (h) How tenants and residents will be regularly informed of the waste management arrangements.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

Landscape Plan

- 9** Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- (a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;

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- (b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- (c) Significant trees greater than 1.5m in circumference, 1m above ground;
- (d) All street trees and/or other trees on Council land;
- (e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
- (f) Landscaping and planting within all open space areas of the site, and
- (g) Water sensitive urban design;
- (h) A minimum of 11% of the site area is to be covered in vegetation.

Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.

Completion of Landscaping

- 10** The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

Landscaping Maintenance

- 11** The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Urban Art Plan

- 12** Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

Number of Dwellings

- 13** Without the written consent of the Responsible Authority, no more than 54 dwellings may be constructed on the land.

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Parking and Loading Areas must be available

- 14** Car and bicycle parking and 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 such as storage to the satisfaction of the Responsible Authority.

Vehicle Crossings

- 15** Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to pay for Reinstatement

- 16** Before the occupation of the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:
- (a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the 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 alterations/reinstatement.

Public Services

- 17** Before the occupation of the development allowed by this permit, 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 applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

Car Parking Allocation

- 18** Without the further written consent of the Responsible Authority car parking for the approved development must be allocated as follows:
- (a) Maximum of 1 space per 1 bedroom dwelling;
 - (b) At least 1 space allocated to each 2 bedroom dwelling;
 - (c) Deleted.
 - (d) No visitor spaces.

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On-Site Bicycle Parking

- 19** Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

No equipment and services

- 20** No equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Lighting baffled

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

Privacy screens must be installed

- 22** Prior to the occupation of the development allowed by this permit, privacy screens as required in accordance with the endorsed plans and condition 22A must be installed, and maintained thereafter to the satisfaction of the Responsible Authority.

22A Prior to the endorsement of plans, either:

- (a) Plans showing fixed privacy screens or obscure glazing (not including organic screening) to a height of 1.7 metres to all habitable room windows or private open space of the subject building which overlook within a 9m distance (including downward looking) any private open space, habitable room window, balcony or terrace of 97 (Momentum) and 99 (Orbis) Palmerston Crescent to prevent overlooking (including downward looking) of any private open space, habitable room window, balcony or terrace of 97 and 99 Palmerston Crescent; or
- (b) An assessment illustrating how fixed privacy screens or obscured glazing (not including organic screening) will be installed to prevent overlooking within a 9m distance (including downward looking) from a habitable room window, balcony, or terrace of the subject building to any private open space, habitable room window, balcony or terrace of 97 (Momentum) and 99 (Orbis) Palmerston Crescent. This assessment must include:
 - (i) Cross sections and elevation drawings of the proposed screens drawn to scale and fully dimensioned;
 - (ii) Clear design details of proposed screens including materials;
 - (iii) Clearly illustrate how any screen will limit overlooking (including downward looking) to any private open space, habitable room window, balcony or terrace within a 9m distance;
 - (iv) Show the exact width and thickness of any louver or batten, the exact spacing of any louver or batten;

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- (v) a section detail from behind the screen demonstrating that the screens will prevent overlooking (including downward looking) to a private open space area, window, balcony or terrace within 9m;

must be submitted to satisfaction of the Responsible Authority.

Upon being satisfied that the techniques selected will prevent overlooking (including downward looking) of any private open space, habitable room window, balcony or terrace of 97 (Momentum) and 99 (Orbis) Palmerston Crescent the Responsible Authority must endorse the screening technique as the approved screens.

The approved screens must be installed prior to the occupation of the development allowed by this permit, and thereafter be maintained to the satisfaction of the Responsible Authority.

Green Transport Plan

23 Before the development starts (other than demolition or works to remediate contaminated land), a green travel plan to the satisfaction of the Responsible Authority, prepared by a suitably qualified professional, must be submitted to and approved by the Responsible Authority. The green travel plan must provide detailed advice regarding how traffic movements and staff parking will be managed and ensure that alternative, non-private vehicle transport modes will be encouraged. The plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The plan must include but not be limited to:

- (a) Tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
- (b) Bicycle parking areas to be installed in well secured and prominent locations;
- (c) The installation of signs in prominent locations advising of the location of existing car share schemes, bicycle parking facilities for residents and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
- (d) Ensuring that access to the on-site parking is restricted and controlled.
- (e) Funding by the applicant of the purchase of a bicycle as part of the sale for each of the apartments;
- (f) Establishing a car-pooling database for residents;
- (g) Establishing seed funding for the Owners Corporation to allocate for the purchase of public transport fares and on-line shopping deliveries;
- (h) Specific targets to guide the ongoing implementation of the plan;
- (i) Identifying persons responsible for the implementation of actions;
- (j) Estimating timescales and costs for each action; and

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- (k) The inclusion of a plan for monitoring and reviewing the plan on an annual basis for at least three years.

SEPP N1

- 24** All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

Noise Attenuation for Apartments

- 25** External traffic noise intrusion within apartment bedrooms and living areas (upon completion, with furnishing within these spaces and with windows and doors closed and measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior) shall comply with the following:
- (a) Between 10pm and 7am in bedrooms areas must not exceed LAeq, 9hour 40dB(A), and
 - (b) Between 7am and 10pm in living rooms must not exceed LAeq (15hour) 45dB(A).
- 25A** Prior to the endorsement of plans, a report by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The report must assess the acoustic impact of the plant and equipment of 97 and 99 Palmerston Crescent and provide any recommendations to ensure that the subject building on the land is designed so that the amenity experienced on the subject land is not adversely affected by any plant and equipment on 97 and 99 Palmerston Crescent. The report must be to the satisfaction of the Responsible Authority and upon being endorsed, will form part of this permit. Any recommendations in the report must be incorporated into the design of the building and implemented to the satisfaction of the Responsible Authority at the cost of the permit holder.

Treatment of Fumes

- 26** Fumes from any café/restaurant kitchen(s) must be treated within a mechanical exhaust system to ensure that any discharge does not create a nuisance (as defined under the Public Health and Wellbeing Act 2008). Options available include carbon filters, ultra violet ozone producing lamps, electrostatic precipitation, odour neutralising system or other suitable method. The method of treatment must be designed, installed, operated and maintained to the satisfaction of the Responsible Authority.

Time for starting and completion

- 27** This permit will expire if one of the following circumstances applies:

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- (a) The development is not started within three (3) years of the date of this permit.
- (b) The development is not completed within two (2) years of the date of commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Permit Notes:

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.

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Building Surveyor.

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.

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.

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 adjoining building and property.

Asset Protection

Before the development starts (including demolition) an Asset Protection Permit must be obtained from Council's City Permits Unit.

Construction Management

All construction activities associated with the development must comply with the requirements of Council's Local Law No. 1 (Community Amenities) 2013.

Days and Hours of Construction Works

Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

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Expiry Date

The words "date of this permit" in condition 27 refers to 12 August 2016 being the date of planning permit 1140/2015. **See attached "information about this permit" for expiry date relating to the approved amendments.**

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of Amendment
25 March 2020	CHANGE TO PLANS: The changes proposed to be made to the permit are as follows: • Reduction in dwellings from 54 to 32; • Internal amendments to apartment configuration; • Extension to basement level three and further revisions to carpark layout • Various balcony revisions or deletions; • Modification of façade treatment, materials, and fenestrations; • Provision of rooftop terrace; and • Provision of additional screening details. Changes to conditions • Condition 1 (d) Deleted. • Condition 1 (p) added. • Condition 4 amended. • Condition 9 (h) added. • Conditions 18 (c) Deleted.
15 May 2017	• S87 changes as per the VCAT order dated accordingly.
2 August 2021	Change to Conditions • Amended Condition 22A to clarify screening requirements and addresses Change to Plans • Relocated basement columns; • Relocated bicycle parking; • Increase of one parking space; • Storage locations amended (overall number retained); • Amended southern laneway concrete walls • Relocated skylights • Amended concrete materiality finish • Amended internal configuration of several units • 1.7m fixed louvre screens to the north-east façade of the approval within 9m sensitive interfaces to 99 Palmerston Crescent • Use of translucent reeded glazing (obscure glazing) to a height of 1.7m to the north-west façade of the approval along balcony edges abutting 97 Palmerston Crescent • Use of 1.7m obscure glazing within the lightwell on the north west façade adjacent 97 Palmerston Crescent

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if: -
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act, 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five (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 (2) 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 (2) years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or if not time is specified, within two (2) years after the completion of the development or
 - * the use is discontinued for a period of two (2) 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 (2) 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? – ADVICE FOR APPLICANTS

- * The person who applied for the permit may apply for a review any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal (VCAT), in which case no right of appeal 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 (VCAT).
- * 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 VCAT website www.vcat.vic.gov.au or by telephoning VCAT on (03) 9628 9777.



PLANNING COMPLIANCE

Common planning compliance issues when developing land

Fact sheet

Planning and building permit compliance

Building permit plans must match planning permit plans for development. While building permit plans will have more technical and structural detail than planning permit plans, they must be consistent with the endorsed planning permit plans.

Council will enforce compliance with the endorsed planning permit plans, even in cases where an error in the building permit plans causes an inconsistency.

Expired planning permits

You must pay careful attention to any conditions relating to the expiration of your planning permit. Once the permit expires you may no longer be able to lawfully commence or continue any building and works allowed by the permit.

You can apply to extend your planning permit by contacting Council's Planning Department. This must be done while the permit is still valid; within six months of the permit's expiry date if the development has not commenced or within 12 months of the permit's expiry date to complete the development.

Additional reports and documents

Most planning permits require you to submit additional documentation to Council prior to commencing the development allowed by the permit. These documents must be endorsed by Council by the times specified.

Typical examples of documents still required after the issue of a planning permit include revised plans, demolition method statements, arborist reports, sustainable design statements and acoustic reports.

Please pay careful attention to the conditions of your permit, as failure to comply with the requirements of these conditions can result in enforcement action being taken with no notice to you.

Demolition within Heritage Overlay sites

Heritage Overlays are used to protect sites that have heritage significance, and are contained within Council's planning schemes.

Much of the municipality is covered by a Heritage Overlay, and as such, many planning permits deal with partial demolition of protected heritage buildings.

It is essential that you take particular care not to exceed the extent of any demolition that has been allowed by the planning permit. You should ensure that you are familiar with the Demolition Method Statement and the plans indicating the extent of demolition permitted.

Council takes illegal demolition very seriously and offenders may be referred to the Magistrates Court for prosecution.

Landscaping

Landscaping must be completed in accordance with the permit, usually before or within a set period of time after the occupation of the building.



PLANNING COMPLIANCE

Tree protection

Some planning permits require you to take special measures to protect trees located on your land or on neighbouring properties.

If your planning permit includes conditions regarding tree protection, you must ensure you comply with these conditions. This often means, installing protective fencing around trees and maintaining the fence during construction.

You may also be required to employ the services of a qualified arborist to supervise areas of construction near protected trees.

Building heights and setbacks

Floor levels and parapets must comply with the approved heights indicated on the endorsed plans. Over-height buildings are considered a serious breach and can be very expensive to rectify.

Any changes to the height of a building must be approved prior to carrying out any building works, even if these changes are required for technical reasons.

Screening – windows and decks

All privacy screening must be installed as approved prior to occupation of the building. Screening must comply with the conditions outlined in the approved permit and plans including materials, heights and design.

Generally, windows that require screening must not be able to be opened below a height of 1.7metres above floor level.

Screening materials must not be altered from those approved without first gaining further planning approval for the alternative screening proposal.

Domestic services

In heritage areas, domestic services including air conditioners, solar panels, heaters and hot water services require planning approval if visible from a street (front or side) or public park. A condition on the planning permit may also restrict domestic services except with further Council consent. Consideration should be given to any noise issues that may result for neighbours from the placing and operation of these types of units.

Any domestic services you intend to install must be shown on the endorsed plans forming part of your planning permit, including any proposed screening, prior to the unit's installation.

Finishes on boundary walls

Finishes must be completed to an acceptable standard in accordance with the conditions of the planning permit, prior to occupation.

Brick boundary walls must have any excess mortar removed and the brick face cleaned with joints tooled to a consistent finish, prior to occupation of the building.

For more information contact

Planning Compliance, St Kilda Town Hall
99A Carlisle St, St Kilda, 3182

Ph: (03) 9209 6293

Email: planningcompliance@portphillip.vic.gov.au