

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P2305/2016

APPLICANT	Sungard Availability Services Pty Ltd
RESPONSIBLE AUTHORITY	Minister for Planning
OTHER PARTY	Port Phillip City Council
SUBJECT LAND	134-142 Ferrars Street SOUTH MELBOURNE VIC 3205
WHERE HELD	Melbourne
BEFORE	S. R. Cimino, Member
HEARING TYPE	Compulsory conference
DATE OF HEARING	5 April 2017
DATE OF ORDER	6 April 2017

ORDER

- 1 Under Section 127 and Clause 64 in Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998* the permit application is amended by substituting plans prepared by Rothe Lowman, identified as Project No. 215225, dated 24 February 2017, marked VCAT Issue, as the permit application plans.
- 2 The decision of the Responsible Authority is set aside.
- 3 In permit application 2013/000088 a permit is granted and directed to be issued for the land at 134-142 Ferrars Street SOUTH MELBOURNE VIC 3205 in accordance with the endorsed plans and on the conditions set out in Appendix A.
- 4 The permit allows:
 - Demolish the existing building, construct a building of no more than 18 levels and construct and carry out works, and use the land for Accommodation in the Capital City Zone. Construct a building of no more than 18 levels and construct and carry out works in the Design and Development Overlay
- 5 The hearing listed to commence on 15 May 2017 is cancelled and the dates vacated.

S. R. Cimino
Member

APPEARANCES:

For Applicant	Ms T. Brezzi, solicitor, Norton Rose Fulbright
For Responsible Authority	Ms C. Robertson, barrister, instructed by DELWP Legal
For Port Phillip City Council	Ms T. Bisucci, solicitor, Best Hooper

REASONS

- 1 This matter relates to an application under Section 79 of the *Planning and Environment Act 1987* to review the Minister for Planning's failure to grant a permit within the prescribed time for the construction of a multi-level mixed use development comprising commercial uses at the lower levels with residential apartments above on the subject land.
- 2 This order is made at the request of the parties and with their consent as an outcome of a compulsory conference.
- 3 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
 - the responsible authority is of the opinion that the permit is appropriate having regard to the matters it is required to consider under section 60 of the Act, including the balanced application of the strategies and policies of the relevant planning scheme and is otherwise in conformity with the provisions of the planning scheme and the *Planning and Environment Act 1987*;
 - the proposed orders will not result in any change to the proposed use or development which would materially affect any person other than the parties to the proceeding.
- 4 Based on the information available to the Tribunal, including the discussion at the compulsory conference, I consider it is appropriate to make these orders pursuant to Section 93 of the *Victorian Civil and Administrative Tribunal Act 1998*.

S. R. Cimino
Member

APPENDIX A

PERMIT APPLICATION NO:	2013/000088
LAND:	134-142 Ferrars Street SOUTH MELBOURNE VIC 3205
WHAT THE PERMIT ALLOWS:	
Demolish the existing building, construct a building of no more than 18 levels and construct and carry out works, and use the land for Accommodation in the Capital City Zone. Construct a building of no more than 18 levels and construct and carry out works in the Design and Development Overlay in accordance with the endorsed plans.	

CONDITIONS

Amended Plans

- 1 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), amended plans must be submitted to and be 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 plans prepared by Rothe Lowman, identified as Project No 215225, dated 24 February 2017, marked VCAT Issue, but modified to show the following:
 - (a) clarify that the roof terrace remains unroofed except for plant and access areas;
 - (b) internal design of the car parking area to be in accordance with Clause 52.06 of the Port Phillip Planning Scheme or as otherwise approved by the Port Phillip City Council.
 - (c) dimension of the loading bay to be consistent with Clause 52.07 of the Port Phillip Planning Scheme or as otherwise approved by the Port Phillip City Council;
 - (d) a canopy over Ferrars Street and Thistlethwaite Street footpaths consistent with the requirements in the Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016);
 - (e) any modifications to the plans as required by the Wind Assessment Report in the corresponding condition below;
 - (f) any modifications to the plans as required by the amended Waste Management Plan in the corresponding condition below;
 - (g) any modifications to the plans as required by the amended Sustainability Management Plan in the corresponding condition below;

- (h) any modifications to the plans as required by the Water Sensitive Urban Design Response in the corresponding condition below;
- (i) any modifications to the plans as required by the Traffic Report in the corresponding condition below;
- (j) any modifications to the plans as required by the Landscape Plan in the corresponding condition below;
- (k) any modifications to the plans as required by the Air Quality and Impact Assessment in the corresponding condition below; and
- (l) any modifications to the plans as required by Melbourne Water in the corresponding conditions below.
- (m) Thirty per cent of dwellings to be three bedroom dwellings, or dual key dwellings or otherwise capable of conversion to three bedroom dwellings.
- (n) Design detail of the architecture, façade treatment and materials to create differentiation between the podium and the tower by applying the material marked “CF05” to the podium.
- (o) Design detail showing the ground floor lobbies.

Endorsed Plans

- 2 The use and development as shown on the endorsed plan(s) must not be altered without the prior written consent of the Responsible Authority.
- 3 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Façade Strategy

- 4 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), a Façade Strategy must be submitted to and be to the satisfaction of 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 for the development must be generally in accordance with plans prepared by Rothe Lowman dated 24 February 2017 and 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 buildings 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 in plans and perspective images, to produce a high quality built outcome in accordance with the design concept.

Materials and Finishes

- 5 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), a schedule and coded sample board including a colour rendered and notated plan /elevation that illustrates the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans. All finishes and surfaces of all external buildings and works, including materials and colours must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.
- 6 Except with the consent of the Responsible Authority, all external glazing 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 glass surface.

Wind Assessment

- 7 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), a comprehensive wind tunnel testing and environmental Wind Climate Assessment report of the development by a suitably qualified engineering consultant must be undertaken, having regard to the development approved by this permit including any changes as a consequence of Condition 1. The wind assessment must with the requirements in Schedule 1 to the Capital City Zone of the Port Phillip Planning Scheme. The Wind Assessment must be submitted to and be to the satisfaction of the Responsible Authority. Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and communal areas must be carefully designed as an integrated high quality solution with the architectural and landscape design and not rely on street trees to the satisfaction of the Responsible Authority.
- 8 The recommendations and requirements of the endorsed Wind Assessment Report must be implemented at no cost to and be to the satisfaction of the Responsible Authority.

Waste Management Plan

- 9 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), a Waste Management Plan (WMP) shall be prepared and submitted to Port Phillip

City Council (Waste Management Services). The WMP should include on site collection arrangements from within the on-site loading bay. Waste storage and collection arrangements must not be altered without the prior approval of the Port Phillip City Council.

Environmentally Sustainable Design (ESD)

- 10 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), a Sustainability Management Plan (SMP), shall be submitted to the satisfaction of the Responsible Authority. The SMP must demonstrate compliance with Clause 22.13 of the Port Phillip Planning Scheme.
- 11 The performance outcomes specified in the Sustainability Management Plan (SMP) for the development must be implemented prior to occupancy at no cost to Port Phillip City Council and be to the satisfaction of the Responsible Authority. Any change during detailed design, which affects the approach of the endorsed SMP, must be assessed by an accredited ESD professional. The revised plan must be endorsed by the Responsible Authority before the development starts.

Water Sensitive Urban Design

- 12 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), a Water Sensitive Urban Design Response, shall be submitted to and approved by the Responsible Authority. The Design Response must:
 - (a) Set out proposed stormwater treatment measures for the development and how they would meet the relevant Policy objectives of Clause 22.12 Stormwater Management (Water Sensitive Urban Design) of the Planning Scheme;
 - (b) Meet Objective 7.3 Standard 2 of the *Fishermans Bend Strategic Framework Plan Design Guidance* (Amended September 2016)
- 13 Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design (WSUD) Initiatives must be submitted to and approved by Port Phillip City Council. The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:
 - (a) Inspection frequency.
 - (b) Cleanout procedures.
 - (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.

- 14 Prior to the occupation of the buildings, the proposal must incorporate the water sensitive design initiatives listed in the endorsed Water Sensitive Urban Design Response. The development must also include dual

reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network unless otherwise agreed to by the relevant water authority.

Parking and Loading

- 15 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), a traffic management report must be submitted to the Port Phillip City Council for endorsement. The traffic management report and plans must:
- (a) address the internal design of the car park and loading areas, traffic generation and capacity of the surrounding road network, the positioning of any boom gates, card readers, control equipment, including car park control points, and ramp grades generally in accordance with the requirements of Clause 52.06 of the Port Phillip Planning Scheme and/or Australian Standard or as otherwise agreed to by Port Phillip City Council; and
 - (b) provide that the traffic generated by the development is acceptable regarding the capacity and operation of the surrounding road network, to the satisfaction of the Responsible Authority.
- 16 All mechanical exhaust systems for the car park must be designed or sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.

Landscape Plan

- 17 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), a landscape plan to the satisfaction of the Responsible Authority, in consultation with Port Phillip City Council, must be submitted to and be approved by the Responsible Authority. When approved the landscape plan will be endorsed and will then form part of the permit. The landscape plan must include details about:
- (a) areas set aside for landscaping and paving;
 - (b) planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
 - (c) details of surface finishes, lighting and any furniture.

Social Housing

- 18 Within 12 months of the commencement of construction, including demolition, bulk excavation and site preparation works (but excluding any clean up works), the owner must:
- (a) enter into an agreement under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority;
 - (b) register the agreement on the title(s) for the land in accordance with Section 181 of the *Planning and Environment Act 1987*; and

- (c) provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- (i) the provision of 6% of the total number of dwellings (rounded down to the nearest whole number) as affordable housing 1 bedroom dwellings within the building;
- (ii) the dwellings to be tenure blind;
- (iii) title to the dwellings to be transferred to a Housing Trust approved by the Responsible Authority and the City of Port Phillip
- (iv) dwellings must be managed as social housing in perpetuity in accordance with the Trust Deed by a registered Housing Association or Housing Provider approved by the Responsible Authority and the City of Port Phillip.
- (v) the dwellings be set aside for occupation by low income residents to the satisfaction of the Responsible Authority and the City of Port Phillip; and
- (vi) one bicycle space must be allocated to each affordable housing dwelling.
- (vii) in the event the permit holder is unable to achieve an arrangement in accordance with this condition, to Council's satisfaction, the City of Port Phillip would be responsible for locating a Housing Association or Housing Provider.

Environmental Assessment

19 Before the development starts, including demolition (but excluding any clean up works required by the Auditor for this condition), the owner must provide either:

- (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* (Statement). This Statement must state that the site is suitable for the intended uses.

Where a Statement is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. The written

confirmation of compliance must be in accordance with any requirements in the Statement conditions regarding verification of required works.

If there are any conditions of a Statement that the Responsible Authority, considers requires significant ongoing maintenance and/or monitoring, the owner of the land must enter into a Section 173 Agreement under the *Planning and Environment Act 1987* with the Port Phillip City Council. This Agreement must be executed on title prior to the occupation of the building. The owner must meet all reasonable costs associated with the drafting and execution of the Agreement including those incurred by the Port Phillip City Council.

Remediation Works Plan

- 20 Before any remediation works are undertaken in association with the Certificate or Statement of Environmental Audit, a 'remediation works plan' must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan(s) are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

Air quality and Impact Assessment

- 21 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), an Air Quality and Threshold Distance Assessment must be prepared by a suitably qualified consultant must be submitted to and be to the satisfaction of the Responsible Authority. The assessment must assess airborne and other contaminants and determine the steps/ design changes required to the development (if any) to ensure the continued operation of adjacent industrial/warehouse uses and a reasonable level of amenity for future residents. The assessment must consider statutory regulations and any other relevant best practice guidelines of the Environmental Protection Agency.

Noise Attenuation

- 22 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), an Acoustic Report from a qualified acoustic consultant, must be submitted to the satisfaction of the Responsible Authority. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority and be to the satisfaction of the Responsible Authority. The report must certify that:
- (a) between 10pm and 7am in bedrooms areas must not exceed LAeq (9 hour) 40dB(A) in accordance with relevant Australian Standards for acoustic control; and
 - (b) between 7am and 10pm in living rooms must not exceed LAeq (15 hour) 45dB(A) in accordance with relevant Australian Standards for acoustic control.

- 23 Before the occupation of the dwellings, acoustic testing must be conducted by a qualified acoustic consultant. The test must verify that the maximum noise level specified in the Acoustic Report is achieved, to the satisfaction of the Responsible Authority. A report containing the results of the testing must be submitted to the Responsible Authority prior to the occupation of the dwellings.

Development Contributions

- 24 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), the owner of the land must enter into an agreement(s) pursuant to Section 173 of the *Planning and Environment Act 1987* with the Victorian Planning Authority or their successors as the Responsible Authority for development contributions, and make application to the Registrar of Titles to have the agreement(s) registered on the title to the land under Section 181 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. The agreement(s) must:
- (a) require the developer to pay a development contribution of:
 - (i) \$15,900 per dwelling (except any dwelling to be provided as affordable housing pursuant to condition 18),
 - (ii) \$180 per square metre of gross commercial floor area,
 - (iii) \$150 per square metre of gross retail floor area, or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority;
 - (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 Responsible Authority.;
 - (e) confirm that contributions will be payable to the Responsible Authority or their agent;
 - (f) confirm that the contributions will be used by the Responsible Authority or their agent, 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) confirm the procedure for refunding monies paid if an approved development contribution plan for the area is less than the amount stipulated in the Section 173 agreement; and

- (i) make provision for its removal from the land following completion of the obligations contained in the agreement.

The owner of the land to be developed must pay all reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must contain covenants to be registered on the Title of the property so as to run with the land.

3D Model

- 25 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), 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.

Demolition Management Plan

- 26 Before the development starts, including demolition, bulk excavation and site preparation works (but excluding any clean up works), a detailed Demolition Management Plan must be submitted to and approved by the Port Phillip City Council. This Demolition Management Plan may be staged and is to be prepared in accordance with the Port Phillip City Council's Local Laws and is to consider the following, as applicable:
 - (a) public safety, amenity and site security;
 - (b) operating hours, noise and vibration controls;
 - (c) air and dust management;
 - (d) stormwater and sediment control;
 - (e) waste and material reuse;
 - (f) traffic management.
 - (g) The proposed methods of demolition and how retained buildings and works will be protected.
 - (h) Hoardings and site security.

The Demolition Plan endorsed under this permit must not be altered without the written consent of the City of Port Phillip.

Drainage

- 27 Before the development starts, excluding demolition, bulk excavation and site preparation, a stormwater drainage system design must be submitted to, and approved, by Port Phillip City Council (Asset Management). The plan must have regard to the Best Practice Environmental Management Guidelines for Urban Stormwater and incorporate water sensitive urban design principles. This system must be

constructed prior to the occupation of the development and provision made to connect this system to the Port Phillip City Council's stormwater drainage system, and where necessary, upgrade the system at the applicants expense to accept the discharge from the site in accordance with plans and specifications first approved by Port Phillip City Council.

Vehicle Crossings

- 28 Prior to the occupation of the building allowed by this permit, 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 the cost of the owner to the satisfaction of the Responsible Authority.

Walls on the boundary

- 29 Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or laneways must be cleaned and finished to a uniform standard to the satisfaction of the Port Phillip City Council. 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 Port Phillip City Council. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of Port Phillip City Council.

Residential Facilities

- 30 Any recreational facilities within the building must only be accessible to persons who are residents or guests of the residents. It is the responsibility of the owner to ensure that the access is restricted to persons registered to stay on the premises and their guests, who hold a security pass or key to a dwelling on the relevant date.

Projections

- 31 Any projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by Port Phillip City Council.

Street Trees

- 32 No street tree adjacent to the site may be removed, lopped, pruned or root- pruned without the prior written consent of Port Phillip City Council.
- 33 Street trees adjacent to the site must be shown as retained and must be protected by barriers, to prevent damage or soil compaction in the root zone during building operations, to the satisfaction of Port Phillip City Council.

Melbourne Water

- 34 Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains and waterways.

- 35 Prior to the endorsement of plans, amended plans must be submitted to the Responsible Authority and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
- 36 Finished floor levels of the entry airlock must be constructed no lower than 1.9 metres to Australian Height Datum (AHD).
- 37 Finished floor levels of the shop, office, gas room, water meter room, rain water harvest, fire service tanks, bike workshop and bike store must be constructed no lower than 2.4 metres to Australian Height Datum (AHD).
- 38 Finished floor levels of the lobby, generator, substation, switch room, fire pump room, bin store, lift area must be constructed no lower than 3.0 metres to Australian Height Datum (AHD).
- 39 Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building.
- 40 Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with the Melbourne Water requirements.

Reinstatement of Public Authority Assets

- 41 Prior to the occupation of the building(s) allowed by this permit, the Applicant/ Owner shall 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 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.

Council requirements

- 42 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 unless otherwise agreed by South East Water and the Responsible Authority.
- 43 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 the Responsible Authority. All costs associated with any such works must be borne by the applicant / owner.

- 44 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.

Building Appurtenances

- 45 No equipment services and exhausts other than those shown on the endorsed plans must be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
- 46 All building plant and equipment on the roofs, balcony areas, common areas, public through fares are to be concealed to the satisfaction of the City of Port Phillip. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures down pipes, aerials, satellite dishes, air-conditioning, equipment, ducts, flues, all exhausts including car parking and communications equipment must include appropriate screening to the satisfaction of the City of Port Phillip.
- 47 Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on the building to the satisfaction of the City of Port Phillip, unless otherwise approved to the satisfaction of the City of Port Phillip.

Time Expiry

- 48 This permit will expire if:
- (a) the development is not commenced within three (3) years of the date of this permit;
 - (b) the development is not completed within six (6) years of the date of this permit; or
 - (c) the use is not commenced within six (6) 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 (6) months afterwards.
- (ii) The completion date referred to if a request is made in writing within twelve (12) months after the permit expires and the development started lawfully before the permit expired.

--- End of Conditions ---