

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**ADMINISTRATIVE DIVISION**

**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO.P1607/2016  
PERMIT APPLICATION NO. PA15/00060

**CATCHWORDS**

*Section 79 of the Planning and Environment Act 1987, Consent Order*

<b>APPLICANT</b>	Acer Capital Melbourne Pty Ltd as trustee for JS Acer Development 1 Fund
<b>RESPONSIBLE AUTHORITY</b>	Minister for Planning
<b>RESPONDENT</b>	Port Phillip City Council
<b>SUBJECT LAND</b>	Lots 10, 11 and 12 339 Williamstown Road, Port Melbourne
<b>WHERE HELD</b>	Melbourne
<b>BEFORE</b>	Tracey Bilston-McGillen, Member
<b>HEARING TYPE</b>	No Hearing
<b>DATE OF ORDER</b>	16 May 2017

**ORDER**

- 1 In application P1607/2016 the decision of the responsible authority is set aside.
- 2 In planning permit application PA15/00060 a permit is granted and directed to be issued for the land at Lots 10, 11 and 12 339 Williamstown Road, Port Melbourne in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
  - Demolition of existing buildings and construction of a multi-storey building comprising dwellings, retail and offices and associated car and bicycle parking
- 3 The hearing dates scheduled at **10.00AM on 19, 20 & 21 June 2017** are vacated. No attendance is required.
- 4 No order as to costs.

**Tracey Bilston-McGillen**  
**Member**



## REMARKS

- 1 This order is made at the request of the parties and with their consent.
- 2 The Tribunal regards the consent of the responsible authority to be a confirmation to the Tribunal that:
  - a the responsible authority is of the opinion that the permit or amended 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;
  - b 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.
- 3 Based on the information available to the Tribunal, I consider it is appropriate to make these orders.

**Tracey Bilston-McGillen**  
**Member**



## APPENDIX A – PERMIT CONDITIONS

<b>PERMIT APPLICATION NO</b>	PA15/00060
<b>LAND</b>	Lots 10, 11 and 12 339 Williamstown Road, Port Melbourne

### WHAT THE PERMIT ALLOWS

In accordance with the endorsed plans:

- Demolition of existing buildings and construction of a multi-storey building comprising dwellings, retail and offices and associated car and bicycle parking.

### CONDITIONS

- 1 Before the development starts, including demolition, bulk excavation and site preparation 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 (including an electronic copy) must be provided. The plans must generally be in accordance with the plans prepared by Crone Architects, Revision 9, dated 1 March 2017, but modified to show the following:
  - (a) Internal dimensions of finished floor to ceiling heights for all levels to be shown on cross-section plan SK130. All dwellings must achieve a dimension of at least 2.7 metres in habitable rooms. The overall height of the building must not be increased to achieve compliance with this condition.
  - (b) The 'high-level' windows on the southern elevation to incorporate a sill height of at least 1.7 metres above finished floor level and be operable.
  - (c) Plan notations showing sizes of all balconies in square metres.
  - (d) Details of an alternative design treatment in lieu of opaque glass for the west facing podium façade adjacent to the car stacker. The façade treatment should be a high quality solution integrated into the design of the building.
  - (e) Any changes required as a result of the corresponding wind, noise, urban art, waste, traffic, façade strategy, landscaping and environmentally sustainable design conditions specified below.
  - (f) Car stacker and loading bay entries to have a corner splay or area at least 50% clear of visual obstructions extending >2m along the frontage road from the edge of an exit lane & 2.5m along the exit lane from the frontage, to provide a clear view of pedestrians on the



footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided or adjacent landscaped areas provided the landscaping is less than 900mm height.

- (g) Changes to provide convenient access between the loading bay and the lift and stair lobby capable of allowing passage of deliveries, furniture etc.

### **Layout Not Altered and Completion**

- 2 The use or development as shown on the endorsed plans must not be altered in any way without 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.

### **Demolition Management Plan**

- 4 Prior to the commencement of demolition a detailed Demolition Management Plan (DMP) must be submitted to and approved by the City of Port Phillip. This Demolition Management Plan may be staged and is to consider the following, as applicable:
  - The proposed methods of demolition and how retained buildings and works will be protected.
  - Operating hours, noise and vibration controls.
  - Hoardings and site security.
  - Air and dust management.
  - Stormwater and sediment control.
  - Waste and material reuse.
  - Traffic management.
  - Public safety, amenity and site security.
- 5 The Demolition Plan endorsed under this permit must not be altered without the written consent of the City of Port Phillip.
- 6 Demolition must not commence unless the Responsible Authority is satisfied that the permit holder has made substantial progress towards obtaining the necessary building permits for the development of the land generally in accordance with the development proposed under this permit and the permit holder has entered into a bona fide contract for the construction of the development, or otherwise as agreed with the Responsible Authority. Demolition may be permitted prior to satisfying this condition, if required for site contamination testing and remediation purposes to the satisfaction of the Responsible Authority.

### **Materials and Finishes**

- 7 Before the development starts, excluding demolition, bulk excavation and site preparation works, a Facade 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 Crone Architects, Revision 9, dated 1 March 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) Details of the colour, manufacture, product name, catalogue number and finish type of all materials proposed.
  - (d) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, and any special features which are important to the building's presentation.
  - (e) 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.
  - (f) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.
  - (g) Example prototypes and/or precedents that demonstrate the intended design outcome indicated plans and perspective images to produce a high quality built outcome in accordance with the design concept.
- 8 Before the development starts, excluding demolition, bulk excavation and site preparation 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.
- 9 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.

### **Noise Attenuation**

- 10 Before the development starts, excluding demolition and site preparation works, an acoustic report prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority. The report must provide for noise attenuation measures to achieve a maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the



maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms must be achieved with all the windows half open and the doors closed. The report must be based on average external noise levels measured as part of a noise level assessment. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwellings.

- 11 Prior to the occupation of the building(s) allowed by this permit, the project must incorporate the noise attenuation measures listed in the endorsed Acoustic Report and shown on the endorsed plans to the satisfaction of the Responsible Authority.

### **SEPP N-1 and N-2**

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

### **Wind Assessment**

- 13 Before the development starts, including demolition, bulk excavation and site preparation, an amended comprehensive wind tunnel testing and environmental Wind Climate Assessment report of the development by a suitably qualified engineering consultant must be undertaken which considers the required changes under Condition 1 of this permit. The Wind Assessment must be submitted to and be to the satisfaction of the Responsible Authority. This report must be generally in accordance with that prepared by MEL Consultants, dated 18 March 2016.

Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high quality solution with the architectural and landscape design and not rely on street trees to the satisfaction of the Responsible Authority.

The wind report must confirm that the amended proposal would not generate adverse wind impacts on adjacent access ways and the J L Murphy Reserve.

- 14 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.

### **Development Contribution**

- 15 Before the development starts, excluding demolition and site preparation works, the owner of the land must enter into agreement(s) pursuant to Section 173 of *the Planning and Environment Act 1987* with the Responsible Authority 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 Act to the satisfaction of the Responsible Authority. The agreement(s) must:



- (a) Require the developer to pay a development contribution of:
- \$15,900 per dwelling,
  - \$180 per sqm of gross commercial floor area,
  - \$150 per sqm 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 Metropolitan Planning Authority or their successor.
- (e) Confirm that contributions will be payable to the Metropolitan Planning Authority or their successor.
- (f) Confirm that the contributions will be used by Metropolitan Planning Authority or their successor, to deliver the schedule of types of infrastructure.
- (g) Require that payments of 10% is at the time of building permit issue for each stage and 90% made prior to the issue of a statement of compliance for each stage in accordance with the *Subdivision Act 1988*.
- (h) 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.
- (i) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.
- (j) Require a bank guarantee to the value of 50% of the development contribution must be deposited with the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.

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.

### **Environmental Audit**

16 Before the development starts (or the certification or issue of a Statement of Compliance under the *Subdivision Act 1988*), with the exception of any works required by the Auditor, the Responsible Authority must be provided with:

- (a) A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970;  
or



- (b) A Statement in accordance with Part IXD of the Environmental Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use.

Where a Statement of Environmental Audit is provided, all the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

If there are conditions on a Statement of Environmental Audit that the Responsible Authority considers require significant ongoing maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the *Planning and Environment Act 1987*. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the Responsible Authority.

### **Remediation Works Plan**

- 17 Before any remediation works are undertaken in association with the 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 plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

### **Walls on or facing the boundary**

- 18 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 a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or un-rendered masonry or concrete walls must have all excess mortar and dirt removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

### **Environmentally Sustainable Design (ESD)**

- 19 Before the development starts, including demolition, bulk excavation and site preparation works, an amended Sustainable Management Plan (SMP) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The Plan must be generally in accordance with the SMP submitted with the application but modified to show:



- (a) Visual Light Transmission levels of 60% or higher will be provided.
- (b) External shading devices to glazing all habitable spaces (living and bedrooms) except for south facing bedrooms, with adjustable or fixed shading devices to north facing glazing and adjustable shading devices to all east and west facing glazing.
- (c) Sample ratings for apartments on levels to confirm the average 6.5 star thermal performance rating can be achieved.
- (d) Further information for non-residential area energy efficiency.
- (e) Confirmation of appliances and their related efficiencies rather than examples.
- (f) A roof plan showing the number and location of solar panels.
- (g) Commitment to providing a third pipe to supply non-potable water uses in the development such as toilet flushing, fire services, irrigation and cooling, including a building connection point that ensures readiness to connect to future precinct scale alternative water supply.
- (h) A best practice storm water assessment (preferably MUSIC) to demonstrate compliance with clause 22.12 Water Sensitive Urban Design of the Port Phillip Planning Scheme.
- (i) Ability to capture runoff from 100 per cent of the roof area and successfully retain on-site at least 50 per cent of the volume of runoff derived from a 5 year 72 hour storm event;
- (j) A rainwater tank of sufficient capacity connected to all toilets within the development for flushing.
- (k) The volume of fire system test water required and re-use of the water within the tank.
- (l) A Maintenance Manual for Water Sensitive Urban Design Initiatives.
- (m) The total number of bicycle parking spaces that are being provided.

Upon approval the Plan will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed.

- 20 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.

- 21 Before the occupation of the development approved under this permit, a report from the author of the Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Environmentally Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

### **Drainage/Recycled Water/Infrastructure**

- 22 Before the development starts, other than demolition and site preparation works, a detailed plan showing the proposed stormwater drainage system design must be submitted to and approved by Port Phillip City Council. The plan must have regard to the Best Practice Environmental Management Guidelines for Urban Stormwater and incorporate water sensitive urban design principles. The stormwater drainage system must be constructed for the development and provision made to connect this system to council's underground stormwater drainage system and, where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by Port Phillip City Council.
- 23 The construction of the development must comply with the provisions of any agreements between the owner and the relevant water authority relating to the supply of water, recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant water authority.
- 24 The construction of the development must comply with the provisions of any agreements between the owner and the relevant energy authority relating to the supply of energy as appropriate. All works in relation to the supply of energy must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant energy authority.
- 25 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.
- 26 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.

### **Landscaping and Public Realm**



- 27 Before the development starts, including demolition, bulk excavation and site preparation, unless otherwise agreed to by the Responsible Authority, a Landscape and Public Realm Plan must be submitted to and be approved by the Responsible Authority in consultation with Port Phillip City Council. 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 must be provided. The plans must generally be in accordance with the Without Prejudice plans prepared by Crone Architects, Revision 9, dated 1 March 2017, and should address the following matters:
- (a) The landscape treatment of the existing at grade car park spaces depicted Plan No. SK004 – Revision 9 dated 1/3/2017 prepared by Crone Architects. The landscaping of this area may consist of soft or hard landscaping services or a combination of both to the satisfaction of the Port Phillip City Council.
  - (b) Planting design and specifics including locations along with sufficient structural capacity to support successful growth of all planting locations including proposed vertical growing walls.
  - (c) WSUD techniques and supporting rationale.
  - (d) Street furniture and paving in accordance with the relevant Council specifications.
  - (e) Wayfinding signage to assist in identifying connections through the site.
  - (f) Details of access arrangements and supporting strategies to JL Murphy Reserve including materials and finishes, opening hours, detailed design of ‘gate’ elements, maintenance arrangements and management facilities.
  - (g) Details of wind mitigation as required.
  - (h) Public lighting (which must be metered and installed in accordance with the relevant Australian Standards).
  - (i) Details of access arrangements for the landscaped pedestrian link along the south side.
  - (j) Provision of pedestrian arrangements to ensure an efficient, comfortable, safe and DDA-compliant method of building access from nearby streets and public open space areas.
- 28 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved Landscape and Public Realm must be completed. Once completed, the landscape and public realm works must be maintained in accordance with the endorsed plan to the satisfaction of Port Phillip City Council.
- 29 Before the development starts, excluding demolition, bulk excavation and site preparation, or as may otherwise be agreed with Port Phillip City Council, a lighting plan must be prepared and submitted to the satisfaction of Council. The lighting plan must address energy efficient security lighting of the lanes located adjacent to the site. The plan should be



generally consistent with Council's Lighting Strategy and conform with relevant Australian Standards, and include details of proposed fittings in a schedule on the plan and must be designed, baffled and located to the satisfaction of Council.

### **Urban Art**

- 30 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.
- 31 Prior to the occupation of the building(s) allowed by this permit, urban art in accordance with the endorsed Urban Art Plan must be installed to the satisfaction of the Responsible Authority.

### **Reinstatement of Public Authority Assets**

- 32 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.

### **Traffic Management, Car Parking, Loading and Unloading & Bicycle Facilities**

- 33 Before the development starts, excluding demolition and site preparation works, a traffic engineering assessment including functional layout plans and other supporting information as appropriate which addresses impacts associated with traffic and loading movements, visitor parking and anticipated residential and commercial parking demand must be prepared to the satisfaction of the City of Port Phillip.
- 34 Bicycle parking and facilities must be provided, located and appropriately signed generally in accordance with Clause 52.34 of the Port Phillip Planning Scheme to the satisfaction of the City of Port Phillip.
- 35 Before the occupation of the development begins, the area(s) set aside for the parking of vehicles and bicycles as shown on the endorsed plans must be constructed to the satisfaction of the City of Port Phillip.
- 36 Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible



Authority, a mechanical car parking system management plan including but not limited to the following:

- (a) Allocation of car parking spaces according to vehicle size and type;
- (b) Ongoing maintenance of the mechanical car parking system;
- (c) Instructions to owners/occupiers about the operation of the mechanical car parking system; and
- (d) Communicating to prospective residents about the availability of car parking spaces and sizes.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

- 37 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.
- 38 The mechanical car parking must be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

### **Waste Management**

- 39 Before the development starts, including demolition, bulk excavation and site preparation works, a Waste Management Plan (WMP) must be submitted to and approved by the City of Port Phillip. The WMP should detail waste storage and collection arrangements and these arrangements must not be altered or modified without the prior consent of the City of Port Phillip. The WMP must demonstrate compliance how the development complies with Council Local Law No.1 (Community Amenity) 2013 to the satisfaction of the City of Port Phillip.
- 40 No garbage bin or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection to the satisfaction of the City of Port Phillip.
- 41 Waste management for the development must be in accordance with the endorsed WMP to the satisfaction of the City of Port Phillip.

### **Mechanical Exhaust Systems**

- 42 All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the City of Port Phillip.

### **Building Appurtenances**

- 43 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.

- 44 Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the City of Port Phillip, unless otherwise approved to the satisfaction of the City of Port Phillip.

### **Flooding**

- 45 Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 46 Unless with the further written consent of the Responsible Authority the ground floor must be constructed with finished floor levels no lower than 3.0 metres to Australian Height Datum.
- 47 Flood resistant materials must be used for the construction of floor levels and walls located below the applicable flood level.

### **3D Model**

- 48 Before the development starts (other than demolition or works to remediate contaminated land in accordance with an Auditors direction, or site preparation works), a 3D digital model of the overall development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and the City of Port Phillip and be to the satisfaction of the Responsible Authority and the City of Port Phillip in conformity with the Department of Environment, Land, Water and Planning 'Advisory Note - 3D Digital Modelling'.
- 49 In the event that substantial modifications are made to the overall development, a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority and the City of Port Phillip.
- 50 The 3D model must be accompanied by a signed statement declaring that by submitting the model, the applicant / owner grants, and warrants they are authorised to grant, the State of Victoria and the City of Port Phillip free of charge a sub-licensable, irrevocable, non-exclusive worldwide licence to use the model for any planning related purpose, and that further the applicant / owner indemnifies the State of Victoria and the City of Port Phillip against any loss, damage, claim, action or expense which the State of Victoria and the City of Port Phillip (including their officers, employees and agents) suffer as a direct result of a breach of this warranty.

### **Advertising Signs**

- 51 No further 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 Port Phillip Planning Scheme to the satisfaction of the City of Port Phillip.

### **Public Areas**



- 52 All public lighting should conform to AS1158, AS3771 and the Public Lighting Code September 2001 and must be designed, baffled and located to the satisfaction of the Responsible Authority.
- 53 The owner of the subject land must reconstruct the footways adjacent the subject land in accordance with plans and specifications first approved by the City of Port Phillip.

**Permit Expiry:**

- 54 In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years of the date of this permit.
  - The development is not completed within two (2) years of the commencement of the development.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

– End of conditions –

