

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**ADMINISTRATIVE DIVISION****PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO. P1604/2017

APPLICANT	SM253 Pty Ltd
RESPONSIBLE AUTHORITY	Minister for Planning
RESPONDENT	Port Phillip City Council
SUBJECT LAND	253-273 Normanby Road SOUTH MELBOURNE VIC 3205
WHERE HELD	Melbourne
BEFORE	S. R. Cimino, Member
HEARING TYPE	Compulsory conference
DATE OF HEARING	1 November 2017
DATE OF ORDER	27 November 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:
 - (a) Substituting plans TP001-0 – TP230, Revision 2 dated 25 September 2017, prepared by Plus Architecture as the permit application plans; and
 - (b) Including ‘use of the land for accommodation pursuant to the provisions of the Capital City Zone – Schedule 1’ as a permission sought under the permit application.
- 2 In application no P1604/2017, the decision of the Responsible Authority is set aside.
- 3 In permit application PA170223 a permit is granted and directed to be issued for the land at 253-272 Normanby Road SOUTH MELBOURNE VIC 3205 in accordance with the endorsed plans and on the conditions set out in Appendix A. The permit allows:

Staged development including demolition of the existing building, the construction of a multi-storey building, use of land for accommodation, and to create or alter access to a road in a Road Zone Category 1, in accordance with the endorsed plans.
- 4 The hearing listed to commence on 28 November 2017 is cancelled and the dates vacated.

5 There is no order as to costs.

S. R. Cimino

Member

APPEARANCES:

For Applicant

Mr A. Finanzio SC of counsel, instructed by
Herbert Smith Freehills

For Responsible Authority

Ms K. Morris, solicitor, Harwood Andrews

For Port Phillip City Council

Ms T. Bisucci and Ms E. Marson, solicitors,
Best Hooper

REASONS

- 1 This matter relates to an application under Section 79 of the *Planning and Environment Act 1987* against the Minister for Planning's failure to grant a permit within the prescribed time for the construction of a multi-storey residential apartment tower on the subject land.
- 2 At the compulsory conference held on 1 November 2017, the parties made substantial progress toward the resolution of this matter by consent. The matter was set down for administrative mention. Subsequent to the compulsory conference, they have filed a request for orders by consent to the effect that a permit be granted subject to an agreed set of conditions.
- 3 The agreed conditions include those required by Vicroads and Public Transport Victoria. Both these authorities indicating that they do not oppose the grant of a permit subject to the inclusion of their conditions.
- 4 Accordingly, this order is made at the request of the parties and with their consent as an outcome of a compulsory conference.
- 5 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.
- 6 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:	PA170223
LAND:	253-273 Normanby Road SOUTH MELBOURNE VIC 3205
WHAT THE PERMIT ALLOWS:	Staged development including demolition of the existing building, the construction of a multi-storey building, use of land for accommodation, and to create or alter access to a road in a Road Zone Category 1, in accordance with the endorsed plans.

CONDITIONS

Amended Plans

- 1 Before the development starts, including demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies (plus an electronic copy) must be provided. The plans must generally be in accordance with the plans TP001-0.00-TP230 Revision 2 dated 25 September 2017, prepared by Plus Architecture, but modified to show the following:
 - (a) The built form of the Stage 1 ‘L’ tower modified to reduce overshadowing of Fennel Reserve at the September equinox to the extent detailed in the amended plans prepared by Plus Architecture, Revision 2, dated 13 October 2017;
 - (b) The height of the Stage 2 ‘I’ tower to not exceed 40 storeys.
 - (c) A demolition plan clearly showing all structures to be removed, including the removal and reinstatement of redundant crossovers.
 - (d) The proposed eastern laneway is to be constructed in bluestone paving.
 - (e) External and internal lighting to be identified.
 - (f) The provision of continuous canopies along the Normanby Road, Boundary Street and laneway retail frontages of the site, with heights of between 3m-4.5m above footpath level.
 - (g) Redesign or relocation of the loading bays to reduce the length of reversing manoeuvres, not block other traffic/parking spaces, and provide satisfactory swept path clearance for delivery vehicles and sightline splays at corners.

- (h) The waste and recycling bin rooms to be correctly labelled, and accord with the endorsed Waste Management Plan.
- (i) Levels 1 to 4 of the building to be constructed in a manner that allows for them to be adaptively reused in the future by the demolition of the level 2 and level 4 slabs.
- (j) The number of car parking spaces for the retail/commercial floor area reduced to not more than 1 space per 100m² (including the residential hotel).
- (k) The number of motorcycle parking spaces to comply with Clause 45.09 of the Port Phillip Planning Scheme.
- (l) The location and type of not less than 1316 bicycle parking spaces.
- (m) End of trip facilities in accordance with the requirements of Clause 52.34 of the Port Phillip Planning Scheme, located in a central location and accessible to all non-residential uses.
- (n) Direct access from the lift core (via a corridor) to the podium rooftop provided for dwellings above the residential hotel in the Stage 2 tower.
- (o) The allocation of at least 30% of dwellings as three-bedroom dwellings, or otherwise capable of conversion to three-bedroom dwellings.
- (p) Dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority.
- (q) Architectural features, excluding wind mitigation canopies, revised to not overhang title boundaries more than 300mm.
- (r) Revisions to the built form or internal layout of dwellings at the internal 'L' junction of the Stage 2 tower to angle and offset views between dwellings.
- (s) All plans and elevations to be fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD).
- (t) Detailed elevations, renders and sections of the ground level frontages to Normanby Road, Boundary Street, Woodgate Street and the eastern laneway, clearly showing the interfaces at a scale of 1:50.
- (u) All plant, equipment and services (including all external air conditioning, heating units and hot water systems) which are to be located externally. Any air-conditioning units on balconies must be located to maximise the availability of balcony space for outdoor living activities and screened to minimise the visibility of the air conditioning units.

- (v) Any changes required by the endorsed Environmental Wind Assessment Report as specified by the corresponding condition below (where relevant to be shown on plans).
- (w) Any changes required by the endorsed Waste Management Plan as specified by the corresponding condition below (where relevant to be shown on plans).
- (x) Any changes required by the Acoustic Report as specified by the corresponding condition below (where relevant to be shown on plans).
- (y) Any changes required by the endorsed Sustainability Management Plan as specified by the corresponding condition below (where relevant to be shown on plans).
- (z) Any changes required by the endorsed Water Sensitive Urban Design Response as specified by the corresponding condition below (where relevant to be shown on plans).
- (aa) Any changes required by the endorsed Traffic Report as specified by the corresponding condition below (where relevant to be shown on plans).
- (bb) Any changes required by the endorsed Staging Plan as specified by the corresponding condition below (where relevant to be shown on plans).
- (cc) Any changes to meet the floor level requirements of Melbourne Water as specified by the corresponding conditions below.
- (dd) Any changes to meet the requirements of VicRoads as specified by the corresponding condition below.

Layout Not Altered and Completion

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

Wind Mitigation

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

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

realm, to the satisfaction of the Responsible Authority.

- 4 The recommendations and requirements of the endorsed Wind Impact Assessment Report must be implemented to the satisfaction of and at no cost to the Responsible Authority prior to the occupation of the development.

Waste Management

- 5 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, an amended Waste Management Plan (WMP) shall be submitted to and approved by Port Phillip City Council. The WMP must be generally in accordance with the WMP prepared by Leigh Design and dated 14 June 2017 but further modified to address all required changes under Condition 1 of this permit and must also:
 - (a) Demonstrate an adequate waste management arrangement for the premises in accordance with the City of Port Phillips Community Amenity Local Law No: 3.
 - (b) Revise the waste management arrangements to reduce the amount of waste collection traffic (such as incorporation of a compaction unit).
 - (c) Incorporate one (or more) charity bins.
- 6 The WMP must comply with Council guidelines. Waste storage and collection arrangements must not be altered without the prior approval of Council.

Noise Attenuation

- 7 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, a report from a qualified acoustic consultant, must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Watson Moss Growcott and dated 7 June 2017 but must ensure that external noise intrusion into apartment bedroom and living areas – measured in accordance with AS/NZS2107/2000 Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior – must achieve the following:
 - (a) Between 10pm and 7am, the noise in bedrooms areas must not exceed LAeq (9 hour) 40dB(A).
 - (b) (b) Between 7am and 10pm, the noise in living rooms must not exceed LAeq (15 hour) 45dB(A).

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

Sustainable Management Plan

- 8 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to

conditions 16-19, an amended Sustainable Management Plan (SMP) report must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the report prepared by Sustainability House and dated 9 June 2017, but further modified to address the following:

- (a) The proposal is to achieve a 5 star Green Star – Design & As Built v.1.2 (or equivalent certification) rating which will be certified as achieved by an appropriately qualified, independent Green Star Accredited Professional to the approval of the Responsible Authority.
 - (b) Provision of effective treatment to glazed walls of habitable rooms on the north-east and north-west to improve thermal comfort.
- 9 The performance outcomes specified in the SMP for the development must be implemented prior to occupancy at no cost to the Responsible Authority or Port Phillip City Council and be to the satisfaction of the Responsible Authority. Any change during design, which affects the approach of the endorsed SMP, must be assessed by an accredited ESD professional. The revised statement must be endorsed by the Responsible Authority before the development starts.

Water Sensitive Urban Design Response

- 10 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, an amended Water Sensitive Urban Design (WSUD) Response must be submitted to the satisfaction of Port Phillip City Council. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the report prepared by Sustainability House and dated 9 June 2017, but further modified to address the following:
- (a) Set out proposed stormwater treatment measures for the development and demonstrate how they would meet the relevant stormwater quality objectives of Clause 22.12 Stormwater Management (Water Sensitive Urban Design) of the Port Phillip Planning Scheme.
 - (b) Provide a response to the water management requirements of Objectives 7.1 and 7.2 of the Fishermans Bend Strategic Framework Plan dated July 2014 (amended September 2016) which specifies water for toilet flushing to be provided from on-site stormwater collection and a requirement for developments to be third pipe ready for future connection to a precinct-wide alternative water supply.
 - (c) Include justification for how the development meets the objectives of Clause 22.12 if the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) are not met.

- (d) Outline details to show the design capturing 100% of stormwater on-site and either re-use or treating the water prior to discharging off-site.
 - (e) Outline details indicating which catchment areas are connected to their respective treatment types (i.e. rainwater tanks and rain gardens etc.).
- 11 The performance outcomes specified in the endorsed Water Sensitive Urban Design Response must be implemented prior to occupancy at no cost to Port Phillip City Council and be to the satisfaction of Council.

Traffic and Loading Management

- 12 Before the development starts, including demolition, bulk excavation, site preparation works but excluding any works required pursuant to conditions 16-19, a revised Traffic Report must be submitted to and approved by Port Phillip City Council. Except with the prior written consent of the Responsible Authority, all elements of the report must be implemented prior to the occupation of the development. The report must be generally in accordance with the Traffic Impact Assessment Report prepared by TTM Consulting (Vic) Pty Ltd and dated 9 June 2017 but modified to address:
- (a) The internal design of the car parking areas is to be in accordance with Clause 52.06 of the Port Phillip Planning Scheme unless otherwise approved by Port Phillip City Council.
 - (b) At least eight car parking spaces are to be identified as share car spaces.
 - (c) Detail the dimensions of all aisle and car park sizes.
 - (d) Remove any non-conforming or potentially unsafe parking spaces.
 - (e) Provide details on plans of parking allocation for different uses.
 - (f) Demonstrate satisfactory ramp grades and ramp and car park height clearances.
 - (g) Provide swept path confirmation that ramps in the ground floor level have sufficient clearance to allow two-way passing of large (B85 and B99) vehicles.
 - (h) Clarify traffic generation assumptions for the proposal.
 - (i) Incorporate traffic surveys of SIDRA analysis of nearby critical intersections (including Normanby Road and Boundary Street, and Woodgate Street and Montague Street) to demonstrate the likely traffic impact from the proposal.
 - (j) Incorporate sightline triangles for all intersections.
- 13 Car and bicycle parking, loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose to the satisfaction of the Responsible Authority.

- 14 The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.
- 15 The number of car parking spaces for dwellings must not exceed 0.83 car spaces per dwelling.

Environmental Audit

- 16 Before the development starts, excluding demolition, bulk excavation, site preparation works and any works to remediate contaminated land, the permit holder must provide:
 - (a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
 - (b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. This Statement must state that the site is suitable for the intended uses.
- 17 Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use of the land must comply with all directions and conditions contained within the Statement.
- 18 Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the *Subdivision Act 1988 for the approved building*, and before the issue of an occupancy permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.
- 19 Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the permit holder must enter into an agreement with Port Phillip City Council pursuant to Section 173 of the *Planning and Environment Act 1987*, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the *Subdivision Act 1988 for the approved building*. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by Council, must be met by the permit holder.

Staging Plan

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

- (a) Timelines of commencement and completion of each stage of development.
- (b) Public realm works and landscaping.
- (c) Temporary protection works including lighting and safety measures.
- (d) Temporary works on the vacant site (where not otherwise being used as a construction work zone or for a temporary land sales office) should it remain vacant for 6 months after completion of the demolition.
- (e) Temporary works on the vacant site (where not otherwise being used as a construction work zone or for a temporary land sales office) where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

Temporary works must be constructed to the satisfaction of the Responsible Authority and may include:

- (i) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.
- (ii) Landscaping of the site for the purpose of public recreation and open space.

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

Façade Strategy

- 21 Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, a Façade Strategy must be submitted to and approved by the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy must detail:
- (a) A concise description by the architect of the building design concept and how the façade works to achieve this.
 - (b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
 - (c) Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, and any special features which are important to the building's presentation.
 - (d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.

- (e) Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.
- (f) Example prototypes and/or precedents that demonstrate the intended design outcome indicated on plans and perspective images to produce a high quality built outcome in accordance with the design concept.

Affordable Housing

22 Before the development starts, excluding demolition, bulk excavation and site preparation works, the owner of the land must enter into an agreement with Port Phillip City Council pursuant to Section 173 of the *Planning and Environment Act 1987* regarding the provision of affordable housing. The owner of the land must pay all of Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide for the following:

- (a) 6% of the total number of dwellings (rounded down to the nearest whole number) are to be offered for sale to a registered Housing Association or Housing Provider before the development commences. The number and type of dwellings to be offered for sale to a registered Housing Association or Housing Provider and the price at which they are to be offered is to accord with Table A below:

Table A

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

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

- (b) If the number of dwellings within the development is altered at any time before the development is completed, the affordable housing

offer will be recalculated to ensure that 6% of the total number of dwellings is provided as affordable housing.

- (c) In addition to the requirements of (a) and (b), before any part of the development is occupied, the owner of the land must gift/transfer (at no cost) 1 x two bedroom dwelling to a Housing Association or Housing Provider of affordable housing dwellings.
- (d) The registered Housing Association or Housing Provider must be to the satisfaction of Port Phillip City Council and the Responsible Authority.
- (e) One bicycle space must be allocated to each dwelling.

Development Contributions

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

- (a) Require the developer to pay a development contribution of:
 - (i) \$15,900 per dwelling.
 - (ii) \$18,000 per 100m² of gross commercial floor area.
 - (iii) \$15,000 per 100m² of gross retail floor area.
- (b) Require that development contributions are to be indexed annually from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.
- (c) Require registration of the Agreement on the titles to the affected lands as applicable.
- (d) Include a schedule of the types of infrastructure to be delivered by the Victorian Planning Authority or their successor.
- (e) Confirm that contributions will be payable to the Victorian Planning Authority or their successor.
- (f) Confirm that the contributions will be used by Victorian Planning Authority or their successor, to deliver the schedule of types of infrastructure.
- (g) Require that payments of 10% is at the time of building permit issue for each stage and 90% made prior to the issue of a statement of compliance for each stage in accordance with the *Subdivision Act 1988*.

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

Landscaping Plan

- 24 Before the development starts, excluding demolition, bulk excavation, site preparation works and any works required pursuant to conditions 16-19, unless otherwise agreed to by the Responsible Authority, a Landscape Plan must be submitted to and be approved by the Responsible Authority in consultation with Port Phillip City Council. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail all hard and soft landscaping proposed on the site and be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects and dated 14 June 2017 but modified to show:
 - (a) Bluestone paving within the eastern laneway.
 - (b) Vegetation provided for wind amelioration is to be semi-mature at the time of planting.
- 25 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved landscaping works must be completed. Once completed, the landscaping works must be maintained in accordance with the endorsed plan to the satisfaction of Port Phillip City Council by:
 - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan.
 - (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose.
 - (c) Replacing any dead, diseased, dying or damaged plants.

3D Model

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

Street Trees

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

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

SEPP N-1 and N-2

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

Public Transport Victoria Conditions

- 31 The permit holder must take all reasonable steps to ensure that disruption to bus operations along Normanby Road are kept to a minimum during the construction of the development. Foreseen disruptions must be communicated to Public Transport Victoria fourteen (14) days prior.
- 32 The existing bus stop and associated infrastructure on Normanby Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

Melbourne Water Conditions

- 33 The ground floor must be constructed with finished floor levels set no lower than 2.4 metres to Australian Height Datum (AHD).
- 34 The ramp servicing the basement must be constructed at ground level no lower than 3.0 metres to Australian Height Datum (AHD).
- 35 Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 36 All electrical and plumbing fittings must be to the standards of the Relevant Authority for areas subject to inundation, for all services contained within the lower ground floor.
- 37 All open space within the property must be set at existing natural surface level so as not to obstruct the passage of overland flows.

- 38 Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of floodwaters/ overland flows.
- 39 Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
- 40 The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. Refer to the Melbourne Water Web site Standard Drawing: 'Angle of Repose - Footing Design' for details.

VicRoads Condition

- 41 Before the use approved by this permit commences the following must be completed at no cost to and to the satisfaction of the Roads Corporation:
 - (a) install a "Left in only" sign from Normanby Road into the porte cochere;
 - (b) install a "No Entry" sign from Woodgate Street into the porte cochere;
 - (c) line marking for one way traffic flow (southbound) along internal eastern accessway.

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

Building Appurtenances

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

Materials and Finishes

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

Services and Infrastructure

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

- 45 Before the development is occupied, the permit holder shall:
- (a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.
 - (b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
 - (c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.
- 46 Before the development is occupied, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the permit holder.
- 47 Before the occupation of the development allowed by this permit, the development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority.
- 48 All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by Port Phillip City Council. All costs associated with any such works must be borne by the permit holder.
- 49 All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

Walls on or facing a Boundary

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

Permit Expiry

- 51 This permit will expire if:
- (a) The development is not commenced within three years of the date of this permit.
 - (b) The development is not completed within six years of the date of this permit.

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

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

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