

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit Number: **1011/2016/B**

Planning Scheme: **Port Phillip**

Responsible Authority: **City of Port Phillip**



ADDRESS OF THE LAND:

222-224 BAY STREET, PORT MELBOURNE VIC 3207

THE PERMIT ALLOWS:

Partial demolition, construction of alterations and additions to the existing building, sale and consumption of liquor (on-premises licence in association with the use of the land as a Tavern (as of right use) and an associated reduction in the standard car parking requirements generally in accordance with the endorsed plans and subject to the following conditions.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Amended Plans Required

Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans and reports will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show;

- a) Details of the dimensions and material of the plant screening, and specific car stacker mechanism/s, in accordance with recommendations of Watson Moss Growcott Acoustic consultants, with these details to be included in the revised Acoustic report required as per condition 13;
- b) The acoustic works to Level 1 and 2 of the building identified in Section 7 of the Watson Moss Growcott report (Ref 12036-1jg September 2017) including notations and illustrations where relevant;
- c) All plant, equipment (including air conditioning, heating units, hot water systems etc.) which are to be located externally;
- d) A revised Sustainable Design Assessment to meet Council's Standards for best practice with respect to Materials, Indoor Environment Quality, Energy, and Water;
- e) Floor plan notations to reflect the revised patronage as per condition 20;
- f) Relocation of the Tavern entry to Bay Street;

30 May 2018

A handwritten signature in blue ink, appearing to be 'D' followed by a flourish.

Date issued

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 1 of 16

Document Set ID: 8542462

PLANNING PERMITPermit Number: **1011/2016/B**Planning Scheme: **Port Phillip**Responsible Authority: **City of Port Phillip**

g) Demolition Method Statement as per condition 4.

h) The recessed layout of the car stackers and identification of unit and platform widths depicted on TP100 Revision TP06 by Webb Plus, and accommodating the swept paths indicated in the B85 Design Car Swept Path Plan prepared by Traffix Group, Revision B dated 19/6/2020; as submitted to Council on 23 June 2020.

2. No Alterations (Development)

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

3. No change to external finishes

All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

4. Demolition Method Statement

Before the works permitted by this permit start, including any demolition works, a fully detailed 'demolition method statement' must be submitted to and approved by the Responsible Authority. When approved, the statement will be endorsed and will then form part of the permit. The 'demolition method statement' must:

- a) Fully describe and clearly demonstrate the methods of dismantling of the heritage fabric, restoration and repair and the subsequent reconstruction of the building.
- b) Include reference to the staging of demolition and reconstruction works on the site.
- c) Detail the necessary protection works required during the demolition works to protect those parts of the building to be retained.

Once approved by the Responsible Authority, all buildings and works must be in accordance with the demolition method statement.

5. Sustainable Design Assessment

Before the development starts (other than demolition or works to remediate contaminated land) a revised Sustainable Design Assessment that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

6. Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment to the satisfaction of the Responsible Authority.

30 May 2018

A handwritten signature in blue ink, appearing to be 'D'.

Date issued

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 2 of 16

Document Set ID: 8542462

PLANNING PERMIT

Permit Number: **1011/2016/B**

Planning Scheme: **Port Phillip**

Responsible Authority: **City of Port Phillip**



7. Implementation of Sustainable Design Initiatives

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment/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 Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

8. No equipment or services

No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

9. Incorporation of Water Sensitive Urban Design initiatives

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

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

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- 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.

11. Noise Levels

Noise levels must not exceed the permissible noise levels stipulated in the Environmental Protection Regulations 2021 and incorporated EPA Publication 1826 (Noise Protocol) or as updated, to the satisfaction of the Responsible Authority.

30 May 2018

Date issued

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 3 of 16

Document Set ID: 8542462

PLANNING PERMIT

Permit Number: **1011/2016/B**

Planning Scheme: **Port Phillip**

Responsible Authority: **City of Port Phillip**



12. Deleted

13. Revised Acoustic report

Prior to the commencement of the development, a revised Acoustic Assessment report must be submitted to the satisfaction of the Responsible Authority. The report must be generally consistent with the report prepared by Watson Moss Growcott (Ref 12036-1jg September 2017) but amended to include assessment of the design changes as a result of the revised entry location for the Tavern, refrigeration/plant equipment, selected car stacker specifications and any other relevant change required by permit conditions contained herein.

The recommendations of the acoustic report must be implemented to the satisfaction of the Responsible Authority prior to the completion of the development.

14. Acoustic report

The buildings and works and use must be undertaken and continue to operate in accordance with the endorsed acoustic report prepared by Watson Moss Growcott to the satisfaction of the Responsible Authority.

14A. Acoustic report after commencement of use

Within three (3) months of commencement of use, a suitably qualified acoustic consultant shall be engaged by the permit holder to carry out testing and assessment of the following noise sources and confirm that they comply with the noise limits defined in the Environmental Protection Regulations 2021 and incorporated EPA Publication 1826 (Noise Protocol), to the satisfaction of the Responsible Authority:

- Substation, including ancillary plant room equipment
- All rooftop plant
- Car Stacker

A report shall be provided confirming the hours of use for plant equipment and that all noise sources comply with the relevant noise limits or provide further mitigation requirements until compliance is demonstrated.

15. Music

Music (other than background music) is prohibited outside the building, including the Level 2 outdoor area.

All music playback systems must include a permanent sound limiting device calibrated to the indoor venue levels specified in the approved Watson Moss Growcott report, to the satisfaction of the Responsible Authority.

16. Noise and Amenity Action Plan

Prior to the commencement of the use, a Noise and Amenity Action Plan must be prepared and submitted for approval to the Responsible Authority which must contain the following:

30 May 2018

Date issued

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 4 of 16

Document Set ID: 8542462

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit Number: **1011/2016/B**

Planning Scheme: **Port Phillip**

Responsible Authority: **City of Port Phillip**



- a) The identification of all noise sources associated with the licensed premise (including, but not limited to, music noise, external areas allocated for smokers, queuing lines, entries and exits to the premises).
- b) Hours of operation for all parts of the premises.
- c) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.
- d) The identification of noise sensitive areas including residential uses and accommodation in close proximity to the licensed premise.
- e) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures, including but not limited to:
 - The measures to be taken by management and staff to ensure patrons depart the premises and the surrounding area in an orderly manner.
 - The measures to be taken by management and staff to ensure that patrons queue to enter the premises in an orderly manner and maintain satisfactory clearance for other pedestrians on the footpath.
- f) Details of staffing arrangements including numbers and working hours of all security staff.
- g) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the liquor licensing authority.
- h) A telephone number provided for residents to contact the premises and linked to the complaints register;
- i) The maintenance of a complaints register, which must, on reasonable request, be made available for inspection by the Responsible Authority.
- j) Location of lighting within the boundaries of the site, security lighting outside the licensed premise and any overspill of lighting.
- k) Details of the waste management plan including storage and hours of collection for general rubbish and bottles, and delivery times associated with the licensed premise.
- l) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
- m) Any other measures to be undertaken to ensure minimal amenity impacts from the licensed premise.
- n) Location and operation of air-conditioning, exhaust fan systems, security alarms and the like.

30 May 2018

A handwritten signature in blue ink, appearing to be 'D' followed by a flourish.

Date issued

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 5 of 16

Document Set ID: 8542462

PLANNING PERMIT

Permit Number: **1011/2016/B**

Planning Scheme: **Port Phillip**

Responsible Authority: **City of Port Phillip**



The Noise and Amenity Action Plan must be to the satisfaction of the Responsible Authority.

Once submitted and approved, the Noise and Amenity Action Plan must be carried out to the satisfaction of the Responsible Authority.

17. Responsible Serving of Alcohol

The Permit Operator must ensure that all employees of the premises engaged in the service of alcohol have undertaken a "Responsible Serving of Alcohol" course.

18. Exit Signs

Before the use commences signs must be erected near the entrance/exit and in the toilets requesting that patrons leave the building in a quiet and orderly manner so as not to disturb the peace and quiet of the neighbourhood to the satisfaction of the Responsible Authority.

19. Hours of Operation

Without the further written consent of the Responsible Authority the following restrictions apply to the Tavern:

Monday to Wednesday: 12 Midday until 12 midnight

Thursday to Sunday: 12 Midday until 1 am the following day.

The use of the outdoor area must only be between the hours 12 pm and 10 pm. All doors, windows and openable areas to the outdoor area must remain closed after 10 pm.

20. Number of Patrons

No more than 300 patrons must occupy the Tavern during operating hours.

No more than 200 patrons are permitted to occupy the external bar areas at any one time.

21. Bottle Crusher

A bottle crusher located within the premises must be used for the disposal of bottles and waste glass. Disposal of the crushed glass outside of the premises must not occur after 6pm or before 8am Monday to Saturday or after 6pm or before 10am on Sunday, except with further written consent of the Responsible Authority.

22. Mechanical Exhaust

Before the use starts the kitchen(s) mechanical exhaust system must be constructed in accordance with the Australian Standard number 1668 and/or to the satisfaction of the Responsible Authority. A report prepared by a suitably qualified professional demonstrating compliance with the requirements of this condition must be submitted prior to the commencement of the use to the satisfaction of the Responsible Authority.

30 May 2018

A handwritten signature in blue ink, appearing to be 'D' followed by a flourish.

Date issued

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 6 of 16

Document Set ID: 8542462

PLANNING PERMIT

Permit Number: **1011/2016/B**

Planning Scheme: **Port Phillip**

Responsible Authority: **City of Port Phillip**



23. Vertical Discharge for Mechanical Exhaust

The kitchen(s) exhaust system must provide for a vertical discharge to the atmosphere at a point and velocity which allows for effective dispersal of fumes so as to not create a nuisance (as defined under the Public Health and Wellbeing Act 2008) to the surrounding amenity to the satisfaction of the Responsible Authority.

24. Treatment of Fumes

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

25. Storage and Disposal of Garbage

Prior to the completion of the development, provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

26. Waste Management

Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:

- Land use type.
- The estimated garbage and recycling volumes for the whole development.
- Bin quantity, size and colour.
- The garbage and recycling equipment to be used.
- Collection frequency.
- Collection must be after 10am on any day.
- The location and space allocated to the garbage and recycling bin storage area and collection point.
- The waste services collection point for vehicles.
- Waste collection provider.
- Scaled waste management drawings.
- Signage.

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

30 May 2018

Date issued

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 7 of 16

Document Set ID: 8542462

PLANNING PERMIT

Permit Number: **1011/2016/B**

Planning Scheme: **Port Phillip**

Responsible Authority: **City of Port Phillip**



27. Vehicle Crossings

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

28. Vehicle Crossings – Removal

Before the occupation of the development *allowed by this permit*, all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

29. Time for Starting and Completion

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

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within two (2) years of the date of commencement of works.
- c) The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

30 May 2018

A handwritten signature in blue ink, appearing to be 'D' followed by a flourish.

Date issued

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 8 of 16

Document Set ID: 8542462

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMITPermit Number: **1011/2016/B**Planning Scheme: **Port Phillip**Responsible Authority: **City of Port Phillip****THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment	Section of the Act under which the permit has been amended
16 December 2022	Amendment to the planning permit pursuant to section 72 of the <i>Planning and Environment Act 1987</i> as follows: Amended Permit Amended condition 11 and 15 Condition 12 deleted New Condition 14A Amended Plans including: - Revised ground floor to accommodate an electrical substation, communications room, and switchboard, resultant revised car stacker details and associated changes to the ground floor commercial area and deletion of the mezzanine to the first floor. - Addition of awnings to the windows and entrances facing Liardet Street. - Revised windows to Liardet Street elevation. - Revised eave and glass to the covered roof terrace and relocation of restaurant/bar entrance north wall to the open terrace. - Relocation of screened mechanical plant area and addition of a lift overrun.	City of Port Phillip	<i>Section 72</i>
15 October 2020	Amendment to the planning permit pursuant to section 72 of the <i>Planning and Environment Act 1987</i> as follows: Amended Plans Ground floor layout reconfigured	City of Port Phillip	<i>Section 72</i>

30 May 2018

Date issued

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 9 of 16

Document Set ID: 8542462

Form 4

Sections 63, 64, 64A and 86



PLANNING PERMIT

Permit Number: 1011/2016/B

Planning Scheme: Port Phillip

Responsible Authority: **City of Port Phillip**

	• Level one solely used as office and layout reconfigured • Redesign of roof top bar and roof over • Associated changes to the licenced (redline) area. CHANGES TO THE CONDITIONS • New condition 1 h) • Amended condition 19		
--	--	--	--

THE PERMIT HAS BEEN EXTENDED AS FOLLOWS:

Date of extension	Brief description of the extension	Duration of Extension
16 April 2020	Extend the commencement of development.	Two Years
11 August 2022	Extend the commencement of development.	Two Years
16 December 2024	Extend the commencement of development.	Two Years

USEFUL INFORMATION:

USEFUL INFORMATION:
(the following information does not form part of this permit)

- **Building Approval Required**

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

- **Building Works to Accord with Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

30 May 2018

L

Date issued

Signature for Responsible Authority

PLANNING PERMIT

Permit Number: **1011/2016/B**

Planning Scheme: **Port Phillip**

Responsible Authority: **City of Port Phillip**



- **Drainage Point and Method of Discharge**

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

- **Other Approvals May be Required**

This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of the City of Port Phillip or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

- **Environmental Health**

The premises must comply with the Food Act 1984 and the Food Standards Code and must be registered with Council's Health Services Unit before the use starts.

- **Asset Protection**

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

- **Construction Management**

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

- **Days and Hours of Construction Works**

Developers

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

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

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

30 May 2018

A handwritten signature in grey ink, appearing to be 'D' followed by a flourish.

Date issued

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 11 of 16

Document Set ID: 8542462

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit Number: **1011/2016/B**

Planning Scheme: **Port Phillip**

Responsible Authority: **City of Port Phillip**



Owner Builders

An owner builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 8.00pm; or
- Saturdays, Sundays and public holidays: 9.00am to 6.00pm.

An Out of Hours permit may be considered pursuant to Local Law No. 1 (Community Amenity) 2013, Clause 31. For further information, contact Council's City Permits unit on Ph: (03) 9209 6216.

- **Expiry Date**

The words "date of this permit" in condition 29 refers to 30 May 2018 being the date of planning permit 1011/2016. **See attached "information about this permit" for expiry date relating to the approved amendments.**

30 May 2018

Date issued

A handwritten signature in blue ink, appearing to be 'D' followed by a flourish.

Signature for Responsible Authority

Permit No.: **1011/2016/B**

Page 12 of 16

Document Set ID: 8542462



IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:-

- the development or any stage of it does not start within the time specified in the permit, or
- the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
- the development or any stage is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.

2. A permit for the use of land expires if:-

- the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
- the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if: -

- the development or any stage of it does not start within the time specified in the permit; or
- the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
- the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
- the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision –

IMPORTANT INFORMATION ABOUT THIS PERMIT



- the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal of the permit.

Sch. 1 Form 5 amended by S.R. No. 111/2020 reg. 5(1)
Planning and Environment Regulations 2015

PLANNING COMPLIANCE



Common planning compliance issues when developing land

Fact Sheet

Planning and building permit compliance

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

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

The layout of the site and the size, levels, design, and location of buildings and works shown on the endorsed plans associated with the planning permit must not be modified for any reason without the prior written consent of the Responsible Authority (Council).

Expired planning permits

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

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

Additional reports and documents

Most planning permits require you to submit additional documentation to Council prior to

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

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

Demolition with heritage Overlay sites

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

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

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

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

Landscaping

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

03 9209 6777

www.portphillip.vic.gov.au/contact_us.htm

Document Set ID: 8542462



PLANNING COMPLIANCE



Tree protection

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

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

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

Building heights and setbacks

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

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

Screening – windows and decks

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

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

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

Domestic services

Domestic services shown on the endorsed plans form part of your planning permit, including any proposed screening, and must not be altered without the written consent of the Responsible Authority unless otherwise permitted by the planning permit.

If the associated land being developed is covered by a heritage overlay, domestic services including air conditioners, solar panels, heaters, and hot water services require planning approval if visible from a street (front, back or side) or public park.

Please note a further condition on the planning permit may also restrict domestic services except with further Council consent. Consideration should be given to any noise issues that may result for neighbours from the placing and operation of these types of units.

Finishes on boundary walls

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

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

For more information contact

Planning Compliance, St Kilda Town Hall
99a Carlisle Street, St Kilda, Victoria, 3182
Ph: 03 9209 6293

Email:

helpplanningcompliance@portphillip.vic.gov.au