
PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: TP160/2018

Planning scheme: Maribyrnong Planning Scheme

Responsible authority: City of Maribyrnong



Maribyrnong
CITY COUNCIL

ADDRESS OF THE LAND: 53 Wattle Road MAIDSTONE &
34 George Street MAIDSTONE

THE PERMIT ALLOWS: Construction of multiple dwellings

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

1. Before the development starts, amended plans must be submitted to the satisfaction of 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 provided in a digital format (where possible). The plans must be generally in accordance with Sheets 1-8 (job number 1560/1561 dated 12 April 2019) prepared by M7 Design Group, but modified to show:
 - a. The first floor, north/south facing windows to bedroom 1 of dwellings 3-10 treated to limit overlooking, in accordance with Standard B22 at Clause 55.04-6 of the Maribyrnong Planning Scheme. This may be achieved through the either raised sill heights, external screening or obscure glazing (or a combination).
 - b. The materiality of the development simplified, through the use of one main material each at ground and first floor, with one material used as a feature (i.e. porch).
 - c. For dwelling 1, the ground floor parapet walls reduced in height generally to match the height of the porch.
 - d. A minimum 6 cubic metres of storage to each dwelling, excluding storage in kitchens, bathroom and bedrooms.
 - e. All front fencing to Wattle Road and George Street noted as being a minimum 50% transparent.
 - f. Any changes required to comply with Condition 14 – Acoustic Report.
 - g. Any changes required to comply with Condition 17 – Waste Report.
 - h. A colour schedule of construction materials, external finishes and colours.

Layout Not Altered

2. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clause 62 of the Maribyrnong Planning Scheme. *NOTE: This does not obviate the need for a permit where one is required.*
3. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping

4. The Landscape Plan prepared by Zenith Concepts (being Sheet 1 of 1 dated May 2019 prepared for Latin America P/L & Bosko Gajic) forms part of this permit. The landscaping shown on this plan must not be altered without the prior written consent of the Responsible Authority.

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5. Before the occupation of any dwelling, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans concerning that dwelling must be carried out and completed to the satisfaction of the Responsible Authority.
 6. Before the occupation of any dwelling, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans concerning George Street must be completed to the satisfaction of the Responsible Authority.
 7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, this includes the replacement of any dead, diseased or damaged plants.

Environmental Audit

8. Before:

- the use; and
- the construction of the development,

authorised by this permit commences an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970 (EP Act)* must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

- (a) a Certificate of Environmental Audit for the land in accordance with Section 53Y of the EP Act (**Certificate**); or
- (b) a Statement of Environmental Audit for the land in accordance with Section 53Z of the EP Act (**Statement**),

and the Certificate or Statement must be provided to the responsible authority.

9. If, pursuant to condition 8, a Statement is issued:

- (a) the:
 - use; and
 - development,

authorised by this permit must not be undertaken unless the Statement of Environmental Audit clearly states that the land is suitable for that use;

- (b) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with prior to the use commencing;
- (c) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with prior to development commencing;
- (d) prior to the commencement of the use authorised by this permit, a letter prepared by an Environmental Auditor appointed under Section 53S of the EP Act which states that the terms and conditions contained in the Statement have been complied with must be submitted to the responsible authority; and
- (e) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the Owner must enter into an agreement with Council pursuant to section 173 of the *Planning and Environment Act 1987 (Agreement)*. The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the development authorised by this permit commences.

The Owner must pay all expenses involved in the drafting, negotiating, lodging, recording, execution and cessation (if relevant) of the Agreement, including those incurred by the responsible authority.

Sustainable Design

10. Concurrent with the endorsement of plans pursuant to condition 1, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP prepared by Northern Environmental Design (File 147G dated 1 February 2018) for Latin America Pty Ltd and Bosko Gajic but modified to show;
- a. A average 6.5 star NatHERS rating for dwellings unless otherwise agreed to in writing by the Responsible Authority.
 - b. A maximum cooling load for each dwelling of 22 MJ/M³.
 - c. Specific recommendations for sun shading to north and west facing windows.

Once approved, the amended SMP will form part of the permit and must be adhered to at all times.

11. Prior to occupation of any dwelling, or at such later time as agreed to in writing by the responsible authority, a report/letter from a suitably qualified person with expertise in sustainable design must be prepared. The report/letter must detail that all sustainable design measures outlined in condition 13 have been satisfactorily implemented for each dwelling. The report must be provided to, be to the satisfaction of and be approved by the responsible authority.

Acoustic Treatment

12. The acoustic report, prepared by Audiometric and Acoustic Services (Ref 17116.1 dated 12 December 2017) forms part of this permit. The report and its recommendations must be adhered to at all times.
13. Prior to occupation of any dwelling, or at such later time as agreed to in writing by the responsible authority, a report/letter from a suitably qualified person with expertise in acoustic matters must be prepared. The report/letter must detail that all acoustic measures outlined in condition 15 have been satisfactorily implemented for each dwelling. The report must be provided to, be to the satisfaction of and be approved by the responsible authority.

Waste Management

14. Concurrent with the endorsement of plans, an amended waste storage and collection management and recycling plan for the development must be prepared to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the plan provided to Council with the application (noted as that plan prepared by Northern Environmental Design (File 147G dated 1 February 2018)) but modified to show;
- a. The revised number of dwelling numbers.
 - b. Swept path diagrams demonstrating that Council's waste collection vehicle may enter and exit George Street, with consideration to any parked cars.

Once submitted, the Waste Management Plan will be endorsed to form part of the permit.

Construction Management Plan

15. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development. The "Construction Management Plan" when approved will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address:

- the contact name and phone number(s) of the site manager,

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- bulk excavation,
 - management of the construction site,
 - land disturbance,
 - hours of construction,
 - noise,
 - control of dust,
 - public safety,
 - traffic management,
 - construction vehicle road routes,
 - soiling and cleaning of roadways,
 - discharge of any polluted water,
 - security fencing,
 - disposal of site waste and any potentially contaminated materials,
 - crane locations during construction,
 - location of site offices,
 - redirection of any above or underground services, and
 - site lighting during any night works.

Infrastructure and Car Parking

16. Any poles, service pits or other structures/features on the footpath required to be relocated to facilitate the development must be done so at the cost of the applicant and subject to the relevant authority's consent.
17. Vehicular crossing(s) must be constructed and/or modified to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.
18. All disused or redundant vehicle crossings must be removed and the area reinstated with either/or footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.
19. The site must be drained to the satisfaction of the Responsible Authority. Storm water run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.
20. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
21. Prior to the commencement of any works on the site and/or subdivision of the land, the owner must submit for approval to the Responsible Authority drainage plans to the requirements outlined in the Stormwater Discharge Permit.
22. Prior to the occupation of any dwelling, 'no standing' signs must be installed on both sides of George Street abutting the development.

Plant and Equipment

23. All pipes, fixtures, fittings and vents excluding downpipes, servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
24. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.

Time for Development

25. This permit will expire if one of the following circumstances applies: -
 - The development is not started within two years of the date of this permit.

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- The development is not completed within four years of the date of this permit.

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 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.

Note: Council has prepared a Municipal Development Contribution Plan (DCP) and is undertaking Planning Scheme Amendment C164 to introduce this DCP into the Maribyrnong Planning Scheme. The DCP proposal allows for the collection of community and development infrastructure levies which go towards funding local infrastructure. The development, approved under this permit, may be subject to a DCP levy if all planning, subdivision and building permit approvals have been not obtained before the DCP comes into operation.

[If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit, and the name of the responsible authority that approved the amendment —]

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C158 to the Maribyrnong Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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 a 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 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two 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—
 - 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?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.