

PLANNING PERMIT

Permit No.:	PA1600190-3
Planning scheme:	Greater Dandenong Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	1–21 Hornsby Street, Dandenong VIC

THE PERMIT ALLOWS:

Construction of twelve storey mixed use development comprising townhouses, an apartment building, social enterprise (innominate use) and a reduction in the standard car parking requirements and waiver of the loading bay requirement.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Endorsement of Amended Plans

1. Before the commencement of any development, amended plans to the satisfaction of the responsible authority 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. The plans must generally be in accordance with the plans, dated 13 December 2024, prepared by Genton Architecture, but modified to show the following:
 - a. The ground floor use to be re-annotated as a social enterprise.
 - b. A cross-section with dimensions of all fences within the Level 2 Communal Garden, confirming that the fences are to be a maximum height of 1.6 metres.
 - c. Details of services, plant equipment and lift overrun on the roof of the apartment building, appropriately designed and incorporated within the building or screened from public view.
 - d. Integrated business identification signage zones of up to a maximum of 8 square metres may be shown to be incorporated into the Cheltenham Road elevation of the ground floor social enterprise.
 - e. All garages to the townhouses to be provided with an unencumbered 6m x 3m area for vehicles.
 - f. *Deleted*

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- g. The internal shared accessway to be provided with an appropriate surface material to facilitate a slow movement of vehicle traffic with baffled lighting provided alongside and distinguish pedestrian traffic from vehicular traffic.
- h. Each apartment to be provided with at least 6 cubic metres of storage space external to the apartment.
- i. The visitor space beside TH27 deleted and replaced with a landscaped area.
- j. *Deleted*
- k. *Deleted*
- l. *Deleted*
- m. *Deleted*
- n. *Deleted*
- o. *Deleted*
- p. *Deleted*
- q. *Deleted*
- r. *Deleted*
- s. *Deleted*
- t. Any changes as required by condition 17 (ESD Report).
- u. Location of Matrix Cladding with dark grey paint finish (MX1) identified on elevation plans or alternatively removed from material schedule if relevant.
- v. Location and details of external lighting at residential entrance.

Secondary Consent Condition

- 2. The use and development as shown on the endorsed plan(s) must not be altered or modified unless with the prior written approval of the Responsible Authority.
- 3. Once a development stage has commenced it must be continued and completed to the satisfaction of the Greater Dandenong City Council.

Landscape Conditions

- 4. Prior to the commencement of Stage 1 development works, a landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must provide the following:
 - a. A schedule of all proposed trees, shrubs and ground covers (including numbers, size at planting, botanical names and, size at maturity including canopy spread), as well as sealed and paved surfaces.
 - b. Identification of the retention of the *Corymbia maculate* on the Cheltenham Road frontage and a tree protection management plan to provide the retention of this tree including a tree protection zone.

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- c. Additional landscaping opportunities along the external western wall of TH12 & TH20 and between the front fence and the site boundary for TH12 to 19 and 20 to 27 and beside TH27.
 - d. Details of any maintenance programs for the landscaped areas that the body corporate will manage.
 - e. Details of the location and type of all paved and sealed areas including treatments used to separate pedestrian and vehicle paths. The adoption of porous/permeable paving, rain gardens and other water sensitive urban design features is encouraged.
5. Prior to the commencement of Stage 2 development works, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the plans titled Cumulus Dandenong, prepared by Realm Studios and dated 29 August 2021.
 6. Prior to the completion of the development all landscaping works must be undertaken in accordance with the endorsed landscape plan and maintain thereafter to the satisfaction of Greater Dandenong City Council.

Waste Management Plan

7. Prior to the commencement of Stage 1 of the development, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must be amended to include:
 - a. That no waste collect is to occur along Cheltenham Road or Keneally Street. A notation that Council's kerbside collection for the townhouses is to be based on a 9.8m vehicle size and not 8.8m. Instructions on how the owners corporation will advise the occupants of the townhouses that bin collection is to occur from the internal laneway and not surrounding roads.
 - b. That Greater Dandenong City Council will not be liable for any damage and repairs to the internal accessway as a result of council bin collection.

When submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan and associated notated plans will form part of this permit.

8. Prior to the commencement of Stage 2 of the development, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the plan title Waste Management Plan - 1 Hornsby Street, Dandenong Victoria, prepared by Leigh Design and dated 8 November 2024 but amended to include:
 - a. Reference to 'Owners Corporation' as the operator replaced with 'Housing Provider'.

Drainage and Engineering requirements

9. Provision must be made for the drainage for the proposed development including landscaped and paved areas, to the satisfaction of the Greater Dandenong City Council.
10. The connection of the internal drainage infrastructure to the Legal Point of Discharge must be to the satisfaction of Greater Dandenong City Council.

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11. Stormwater must be retained onsite and discharged into the drainage system to the satisfaction of Greater Dandenong City Council.
12. Access to the site and any associated roadwork and footpaths must be constructed, all to the satisfaction of the Greater Dandenong City Council.
13. Any works undertaken within the road reservation and easements will require the developer to obtain Civil Works Permit from Greater Dandenong City Council.
14. At all times during the development of the land, the trees or tree identified for retention on the endorsed plans of this permit must be protected by the use of temporary fencing that extend out to the drip line of the tree(s) and maintain the safety and integrity of the existing vegetation.

Environmental Sustainable Design

15. Prior to the completion of Stage 1 of the development the sustainable design initiatives detailed in the ESD report 'New Residential Development, 1 Hornsby, Dandenong, Sustainability Management Plan' (Project No: 17004-00 | Document No: ESD-01) by Murchie Consulting and dated 29 March 2017 must be incorporated within the development. This must be to the satisfaction of Greater Dandenong City Council.
16. Prior to the occupation of Stage 1 the development, a report from the author of the ESD report or similarly qualified person must be submitted to the satisfaction of the Responsible Authority which confirms that all measures specified in the 'New Residential Development, 1 Hornsby, Dandenong, Sustainability Management Plan' (Project No: 17004-00 | Document No: ESD-01) have been implemented in accordance with the approved plans.
17. Prior to the commencement of Stage 2 of the development, a Sustainable Management Plan must be approved and endorsed by the responsible authority. The Sustainable Management Plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the assessment titled 'Sustainable Management Plan (SMP) for the Proposed Mixed Use Development at 1-21 Hornsby Street, Dandenong' prepared by Sustainable Built Environments Pty Ltd and dated 12 November 2024, but amended to include:
 - a. Stormwater Management Assessment updated to reduce the extent of terrace area draining into the raingardens.
 - b. Stormwater Management Assessment updated to increase capacity of rainwater tank to ensure reliable supply of water for toilet flushing and landscape irrigation.
 - c. Revised STORM assessment including updated raingarden and rainwater tank volume.
 - d. Additional detail regarding provision of EV charging points in Section 8.4 (page 19).
18. Prior to the commencement of Stage 2 of the development, the Green Travel Plan (Appendix 5 to Stage 2 Sustainable Management Plan) must be approved and endorsed by the responsible authority. The Green Travel Plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Green Travel Plan dated 7 November 2024, but amended to include:
 - a. Details of allocation of parking spaces and how car parking allocation is to be managed to reduce car use.

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- b. Management of parking demand data by Green Travel Champion to guide tenant selection process to maximise public transport usage/ accessibility.
19. Prior to the completion of Stage 2 of the development, the sustainable design initiatives detailed in the endorsed Stage 2 Sustainable Management Plan must be incorporated within the development. This must be to the satisfaction of Greater Dandenong City Council.
20. Prior to the occupation of Stage 2 the development, a report from the author of the ESD report or similarly qualified person must be submitted to the satisfaction of the Responsible Authority which confirms that all measures specified in the endorsed Stage 2 Sustainable Management Plan have been implemented in accordance with the approved plans.

Car Parking & Access

21. The car parking spaces provided on the land must be solely associated with the development allowed by this permit and must not be subdivided or sold separate from the development for any reason without the prior written consent of the Greater Dandenong City Council.
22. Prior to the occupation of the development, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Greater Dandenong City Council.
23. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the Greater Dandenong City Council.
24. Prior to the occupation of the relevant stage of the development all communal areas and car parking spaces associated with that stage must be constructed and completed prior to the occupation of each stage.
25. *Deleted*

General Amenity

26. No goods, storage containers, pallets or any other materials may be stored on any car parking space or accessway to the satisfaction of the Greater Dandenong City Council.
27. The amenity of the area must not be detrimentally affected by the use(s), including through:
- a. the transport of materials, goods or commodities to or from the land;
 - b. the unsightly appearance of any buildings, works or materials;
 - c. the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - d. the presence of vermin.
- To the satisfaction of the Greater Dandenong City Council.
28. The permit holder must take all reasonable steps to prevent the circulation of dust from the building site during construction to adjoining properties to the satisfaction of Greater Dandenong City Council.
29. The owner must ensure that no mud, dirt or dust is transferred from the site onto adjoining public roads to the satisfaction of Greater Dandenong City Council. In the event that roads are affected, the owner must upon the direction of t Greater Dandenong City Council, take the necessary remedial action, to the satisfaction of the Greater Dandenong City Council.

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General Requirements

30. Prior to the occupation of the development, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of Greater Dandenong City Council. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of Greater Dandenong City Council
31. The social enterprise and residents lounge windows must not be painted or blocked out in any way to the satisfaction of Greater Dandenong City Council.

Environmental Audit

32. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use, either:
 - a. A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970 and provided to the Responsible Authority; or
 - b. An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the Subdivision Act 1988, and prior to 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.

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the Planning and Environment Act 1987. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the Subdivision Act 1988. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

Noise attenuation

33. Before Stage 2 of the development starts, an acoustic report must be approved and endorsed by the responsible authority. The acoustic report must be prepared to the satisfaction of the responsible authority and include the following details:



- a. Any noise attenuation measures to mitigate noise from traffic within and surrounding the development.
- b. Compliance with noise levels specified in Standard D16 of Clause 58.04-3 (Noise Impacts Objectives).
- c. Demonstrate compliance with EPA Publication 1826.4.
- d. Any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.4.
- e. Noise levels should be assessed in unfurnished rooms with finished floors and the windows closed and be based on average external noise levels measured as part of the noise level assessment.

Acoustic measures for the development must be implemented in accordance with the acoustic report.

The responsible authority may consent in writing to vary any of these requirements.

Social Enterprise

34. The 'Social Enterprise' use must only operate between 6 am and 5 pm. The responsible authority may consent in writing to vary these requirements.
35. At any time no more than 4 staff may be present within the social enterprise tenancy area. The responsible authority may consent in writing to vary this requirement.

Social and Affordable Housing

36. Prior to the occupation of Stage 2 of the development, a Social and Affordable Housing Management Plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority and respond to the following requirements:
 - a. The accommodation provided on the land (Lot B on Plan of Subdivision 804735T) is to be used for the purpose of social and affordable housing only.
 - b. The building must at all times be operated by a single registered housing provider.
 - c. The selection of tenants and allocation of car parking spaces must be managed to ensure residential car parking demand is fully met by on-site car parking.
 - d. All common areas must be appropriately managed and maintained by the registered housing provider.

Traffic and parking management plan

37. Prior to the occupation of Stage 2 of the development, a traffic and parking management plan must be approved and endorsed by the responsible authority in consultation with Greater Dandenong City Council. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Traffic Engineering Assessment prepared by Traffic Group and dated 28 August 2024, and amended to include the following details:
 - a. Appendix A updated to include amended architectural plan prepared by Genton and dated 13 December 2024.



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- b. The means by which the on-site car parking and bicycle parking spaces will be allocated and managed by the site manager.
- c. The location of areas on-site to be used for staff parking, associated with the social enterprise use.
- d. Measures to preclude staff parking in designated resident car parking areas.

Traffic and parking management measures must be implemented in accordance with the endorsed management plan.

Wind assessment

38. Before Stage 2 of the development starts, the Environmental Wind Assessment prepared by Arup Australia Pty Ltd, dated 2 September 2024 must be approved and endorsed by the responsible authority.

The recommendations of the wind assessment must be implemented to the satisfaction of the responsible authority.

Expiry of Permit

39. 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 has not started within two (2) years of the date of this permit.
- The development is not completed within four (4) years.
- More than two (2) years elapses between completion of any stage and commencement of the next stage.

In accordance with section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing:

- Before the permit expires or within six (6) months of the permit expiry date if the use or development allowed by the permit has not yet started.
- Within twelve months of the permit expiry date if the development or stage of the development started lawfully before the permit expired.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment
26 March 2018	<ul style="list-style-type: none">• Condition 1) k, m, o, p and s of planning permit PDA16/0005 deleted and Condition 1) l amended.• Condition 1 amended to make reference to December 2017 plans.	Minister for Planning

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8 April 2019	<ul style="list-style-type: none"> Condition 19 deleted. 	Minister for Planning
15 January 2025	<ul style="list-style-type: none"> Amendment to the permit preamble to replace reference to 'shop' with 'social enterprise' (innominate use). Condition 1 amended to reference modified plans, condition 1(a) and (d) modified to reference social enterprise, conditions 1 (f) (j) (l) (n) (q) and (r) deleted. Conditions 4, 7, 15 and 16 amended to apply to Stage 1 only. Condition 30 amended to reference social enterprise and residents' lounge. Introduce new conditions (5, 8, 17 -20, 33 – 38) added relating to stage 2 landscape, waste and sustainable management plans, noise attenuation, social enterprise use, social and affordable housing and traffic management and wind assessment. Various amendments to the architectural plans, including increase to overall dwelling yield by seven apartments. 	Minister for Planning

THIS PERMIT HAS BEEN EXTENDED AS FOLLOWS:

Date of extension	Brief description of the extension	Duration of extension
16 March 2021	Permit was extended, requiring Stage 2 of the development to commence by 31 December 2022 and be completed by 6 May 2023.	1 year
20 May 2022	Permit was extended, requiring Stage 2 of the development to commence by 1 July 2024 and be completed by 1 January 2027.	2 years
4 July 2024	Permit was extended, requiring Stage 2 of the development to commence by 1 July 2026 and be completed by 1 January 2029.	2 years

Notes

An application for Report and Consent for flooding is required. Greater Dandenong City Council's Infrastructure unit must be contacted to confirm the minimum floor level for the proposed development.

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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—
 - 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.

Date of issue: 9 May 2017 Signature for the responsible authority:

