

Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

## PLANNING PERMIT

|                               |                                                     |
|-------------------------------|-----------------------------------------------------|
| <b>Permit No.:</b>            | PA2302387                                           |
| <b>Planning scheme:</b>       | Greater Geelong Planning Scheme                     |
| <b>Responsible authority:</b> | Minister for Planning                               |
| <b>ADDRESS OF THE LAND:</b>   | 79-81 Moorabool Street, Geelong (Lot 2 of LP032904) |

### THE PERMIT ALLOWS:

| <b>Planning scheme clause No.</b> | <b>Description of what is allowed</b>                                                                                                                                 |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | Alterations and additions to an existing building, reduction in car parking and display of business identification sign and floodlit business identification sky sign |
| 34.08-5                           | Construct a building or carry out works                                                                                                                               |
| 52.06-3                           | Reduce the number of car parking spaces required under Clause 52.06-5                                                                                                 |
| 52.05                             | Display business identification signs and floodlit business identification sky sign                                                                                   |

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

#### Commencement

2. This permit will operate from the issued date of this permit.

#### Approved and endorsed plans – no changes required

3. Before the development starts, excluding demolition, bulk excavation and site preparation works, plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the architectural plans prepared by Wardle and dated 31 October 2023, Revision E.

Date issued: 21 December 2023 Signature for the responsible authority:



**Layout not altered**

4. The development as shown on the endorsed plans must not be altered (unless the Greater Geelong Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

**Streetscape Plan**

5. Prior to commencing works, a streetscape public realm plan must be prepared by a suitably qualified or experienced person to the satisfaction of the City of Greater Geelong.

The plan must adhere to the Central Geelong Public Realm Framework 2017 (or any subsequent amendments) and must include a scope of work that encompasses a minimum area the from the property boundary to the front of the kerb on both Moorabool Street and Emerald Place. The plan must include:

- a) Materials and details of all surface finishes;
- b) Materials and details of kerbs and channels;
- c) Existing and proposed finished surface levels;
- d) Tactile surface ground indicators and kerb ramps;
- e) Any stormwater management measures, including permeable paving, rain gardens, or other sustainable drainage elements; and
- f) Overlay civil engineering plans to show all existing infrastructure (e.g., pits, meters, poles, kerbs and outstands, drainage assets) and levels with reference to feature survey plans for the subject site and adjoining sites.

When approved, the plan will be endorsed and form part of the permit, to the satisfaction of the City of Greater Geelong.

**Rooftop and podium rooftop landscape plan**

6. Prior to commencement of development, a landscape plan for the rooftop and podium rooftop must be approved and endorsed by the responsible authority. The landscape plan must:
- a) Be prepared to the satisfaction of the responsible authority;
  - b) Be prepared by a suitably qualified person;
  - c) Have plans drawn to scale with dimensions;
  - d) Be submitted to the responsible authority in electronic form;
  - e) Include the following:

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- i. layout of landscaping and planting within all open areas of the rooftop
- ii. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
- iii. details that depth and size of planting boxes will ensure plants can grow to an appropriate size;
- iv. details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.

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

**Completion of rooftop landscaping**

7. Prior to occupancy of development, the landscaping shown on the approved rooftop landscape plan must be carried out and completed.

The responsible authority may consent in writing to vary this requirement.

**Rooftop landscaping maintenance**

8. At all times the landscaping shown on the approved rooftop landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

**Environmentally Sustainable Design (ESD)**

9. Before the development starts, excluding demolition, bulk excavation and site preparation works, a Sustainability Management Plan (SMP) must be approved and endorsed by the responsible authority. The Sustainability Management Plan must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the report prepared by GIW and dated 18 July 2023.

Where alternative ESD initiatives are proposed to those specified in conditions above, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

**Wind Assessment**

10. Before the development starts, the wind assessment prepared by Mel Consultants, dated 20 July 2023 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.

Date issued: 21 December 2023 Signature for the responsible authority:



### **Traffic Impact Assessment**

11. Before the development starts, the Traffic Impact Assessment prepared by Urbis, dated 16 November 2023 must be approved and endorsed by the responsible authority.

The recommendations of the Traffic Impact Assessment must be implemented to the satisfaction of the responsible authority.

### **Waste Management Plan**

12. Before the development starts, the Waste Management Plan (WMP) prepared by Leigh Design, dated 21 June 2023 must be approved and endorsed by the responsible authority.

The recommendations of the Waste Management Plan must be implemented to the satisfaction of the responsible authority.

### **Regular Waste Removal and Amenity**

13. All waste material not required for further on-site processing must be regularly removed from the site to the satisfaction of the City of Greater Geelong Council. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled, or dust or odour is created, to the satisfaction of the City of Greater Geelong Council.
14. All garbage/refuse generated by the use hereby permitted shall be stored on site and shall be screened from view from outside the site prior to its disposal. The storage, removal and disposal of such garbage/ refuse shall be undertaken in such a manner as to avoid any nuisance, pollution or loss of amenity to the surrounding area and shall at all times be to the satisfaction of the City of Greater Geelong Council.

### **Signs not to be altered**

15. The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.

### **No moving or flashing light**

16. The sign(s) must not be animated or contain any flashing or intermittent light.

### **Light emissions**

17. The sky sign lighting must be designed, baffled and located to prevent any adverse effect of light spill on adjoining land to the satisfaction of the responsible authority.

### **Expiry – Signs**

18. This permit as it relates to a sign(s) will expire 15 years from the issued date of this permit.

On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed.



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In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

**Expiry – Development**

19. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:

- a) The development is not started within 2 years of the issued date of this permit.
- b) The development is not completed within 4 years of the issued date of this permit.

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

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

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

**THIS PERMIT HAS BEEN EXTENDED AS FOLLOWS:**

| <i>Date extension approved</i> | <i>Period of extension</i> | <i>Commencement date</i> | <i>Completion date</i> | <i>Date to certify plan of subdivision</i> |
|--------------------------------|----------------------------|--------------------------|------------------------|--------------------------------------------|
|                                |                            |                          |                        |                                            |

**NOTES:**

*These notes are provided for information only and do not constitute part of this permit or conditions of this permit.*

- *This permit does not authorise the commencement of any demolition or construction on the land. Before any*
- *demolition or construction may commence, the permit holder must apply for and obtain appropriate building approval from a Registered Building Surveyor*
- *The permit holder will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor.*
- *It is the responsibility of the permit holder and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit. Nothing in this*

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*permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the Building Act 1993 and its regulations.*

- *This planning permit does not represent the approval of other departments of the Greater Geelong City Council 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.*

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**IMPORTANT INFORMATION ABOUT THIS PERMIT**

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**WHAT HAS BEEN DECIDED?**

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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**.)

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**CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?**

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

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**WHEN DOES A PERMIT BEGIN?**

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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.

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**WHEN DOES A PERMIT EXPIRE?**

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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.

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**WHAT ABOUT REVIEWS?**

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- 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 issued: 21 December 2023 Signature for the responsible authority:

