

## PLANNING PERMIT

<b>Permit No.:</b>	PA2504013
<b>Planning scheme:</b>	Maribyrnong Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	95 & 97 Melon Street, Braybrook (Lots 21 and 22 of Plan of Subdivision PS05127)

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
32.08-7	Construct two or more dwellings on a lot

### 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 – changed required

3. Before the development starts, excluding demolition, bulk excavation and site preparation works, amended 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, and be generally in accordance with the plans prepared by McGregor Westlake Architecture, Revision A, dated 18 November 2025, but modified to show:
  - a) The use of 'Taupe Smooth Finish' wholly applied on ground floor of the eastern elevation, where face brickwork is utilised with any consequential updates to the material schedule.
  - b) The deletion of the "95" building number on the eastern elevation at the ground floor of the eastern elevation.
  - c) A window on the eastern wall of the living area of Dwelling G-01.

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- d) All service meters (electricity and water) and similar (fire hydrant and telecommunications) integrated within the development and landscaping.
- e) The initiatives outlined within the endorsed Sustainability Management Plan annotated on all plans and elevations, wherever possible and practical.
- f) Any changes required by the endorsed Landscape Plan.

**Layout not altered**

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

**Tree Protection Management Plan**

- 5. Before the development starts, including demolition, bulk excavation and site preparation works, a Tree Protection Management Plan (TPMP) must be approved and endorsed by the responsible authority, in consultation with Maribyrnong City Council. The TPMP must be prepared to the satisfaction of the responsible authority by a suitably qualified person, and must include the following:
  - a) A street tree retention plan addressed the protection of street Trees 1, 2 and 3.
  - b) The location of tree protection zones (TPZ) and tree protection fencing for street trees identified for retention, generally in accordance with the recommendations of the arboricultural report, dated 22 September 2025.
  - c) Measures to ensure the protection of all trees identified for retention, determined in accordance with Australian Standard AS4970-2009 – Protection of Trees on Development Sites.

**Street Tree Protection**

- 6. Before the development starts, including demolition, bulk excavation and site preparation works, a tree protection fence must be erected around the trees identified for retention and protection, at a minimum radius from the base of the trunks to define a TPZ in accordance with the endorsed TPMP.
- 7. The tree protection fencing and TPZ must be established and maintained in accordance with the following requirements to the satisfaction of Maribyrnong City Council:
  - a) the tree protection fence must be constructed of a material to form a physical and visual barrier that is continuous and will prevent access.
  - b) the tree protection fence must remain in place until the development is completed.
  - c) the TPZ must be covered by a 100mm deep layer of mulch and watered regularly.
- 8. During the course of construction, the TPZ must not be used for:
  - a) vehicular or pedestrian access
  - a) trenching or soil excavation
  - b) storage or dumping of materials, tools, equipment or waste

Maribyrnong City Council may consent in writing to vary any of these requirements.

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### **Landscape plan**

9. Concurrent with the endorsement of plans, 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 and be generally in accordance with the landscape plans, prepared by Hansen Partnership, Revision P1, dated 19 September 2025, but modified to show:
- a) All service meters (electricity and water) and similar (fire hydrant and telecommunications).

### **Landscaping completion**

10. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of Maribyrnong City Council.

### **Landscaping maintenance**

11. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Maribyrnong City Council.

### **Traffic and parking management**

12. Before the development is occupied, the areas set aside for the parking of vehicles and access lanes shown on the endorsed plans must be:
- a) Constructed.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Sealed.
  - d) Drained.
  - e) Line marked to indicate each car parking space, all access lanes and pedestrian paths.
  - f) Clearly marked to show the direction of traffic along access lanes and driveways.
13. Car spaces, access lanes and driveways must be kept available for these purposes at all times to the satisfaction of Maribyrnong City Council.

### **Environmentally Sustainable Design**

14. Concurrent with the endorsement of plans, a sustainability management plan (SMP) must be approved and endorsed by the responsible authority. The SMP must be prepared to the satisfaction of the responsible authority and be generally in accordance with SMP prepared by Low Impact Development Consulting, Version 1.0, dated 2 October 2025.

### **Implementation of ESD Statement Initiatives**

15. Within six months of the occupation of the development, a report from the author of the endorsed report must be submitted to and approved by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.

### **Waste Management Plan**

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16. Concurrent with endorsement of plans, a Waste Management Plan (WMP) must be approved and endorsed by the responsible authority. The WMP must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Waste Management Plan prepared by Traffix Group, Revision B, dated 24 September 2025.

**Waste Management**

17. All garbage and other waste material must be stored in an area within the land and set aside for such purpose to the satisfaction of Maribyrnong City Council.
18. No garbage bin or surplus material generated by the site may be deposited or stored outside the site and bins must be returned to the garbage store areas as soon as practicable after garbage collection to the satisfaction of Maribyrnong City Council.

**Stormwater Management Plan**

19. Before the development starts, excluding demolition, bulk excavation and site preparation works, a stormwater management plan must be approved and endorsed by the responsible authority in consultation with Maribyrnong City Council. The stormwater management plan must be prepared to the satisfaction of the responsible authority, and must:
- a) Be consistent with the stormwater initiatives outlined within the endorsed SMP.
  - b) Include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.
  - c) Set out how the stormwater management system will be managed on an ongoing basis.
  - d) Demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations, as appropriate.

**Run-off**

20. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into Maribyrnong City Council drains or watercourses during and after development.

**Drainage**

21. The land must be drained to the satisfaction of Maribyrnong City Council. Stormwater 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 must be drained to underground stormwater system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.
22. Before the development starts, excluding demolition, bulk excavation and site preparation works, drainage plans must be approved and endorsed by Maribyrnong City Council. The drainage plans must be prepared to the satisfaction of Maribyrnong City Council and meet the requirements of the *Maribyrnong City Council Stormwater Discharge Permit application*.

**Vehicle crossing removal**

23. Before the development is occupied, all existing disused or redundant vehicle crossings must be removed and the nature strip and kerb and channel reinstated to the satisfaction of Maribyrnong City Council, at the cost of the permit holder.

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### Residential Reticulated Gas Service Connection

24. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the Maribyrnong Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

### Expiry

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

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

### Permit Notes:

#### Maribyrnong City Council

- **Building Permit** - This is not a Building permit. A building permit may also be required. Please contact your building surveyor
- **Boundary Fences** – This permit (unless otherwise stated) does not give approval for the removal or replacement of any boundary fencing. Under the Fences Act 1968 the property owner and the neighbour are equally responsible for any dividing fence. More information on boundary fencing can be obtained at <http://disputes.vic.gov.au/fences>
- This application has been assessed under **Clause 53.23 (Significant Residential Development with Affordable Housing)** of the Maribyrnong Planning Scheme.
- A **Stormwater Discharge Permit** is required from Maribyrnong City Council (MCC) Operations and Maintenance.
- **Street Asset Protection** – The owner shall be responsible for the loss of value or damage to Council's assets as a result of the development. Reinstatement or modification of the asset to Applicant.
- A Council officer will contact the owner/builder to arrange a **Street Asset Protection Permit**, and advise of the associated Bond required to be lodged prior to commencement of work. Note: If using a private building surveyor, a **Section 80 Form** must be supplied to Council's Building Surveyor to initiate the above process.
- **Works Within Road Reserves (WWRR)** consent from Maribyrnong City Council is required for any work or excavation within the road reserve.
- Any work within the road reservation must be carried out to the satisfaction of the Maribyrnong City Council.
- **Storage of Materials** – Materials are not to be stored on the road reserve without Maribyrnong City Council approval.
- **Protection of Street Trees** – Protection of Maribyrnong City Council's street trees shall be in accordance with MCC's Street Tree Policy and Protocol.



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- **Street Tree Bond** - Before the development commences, a bond equal to the combined amenity value of the tree (Trees 1, 2 and 3 as identified in the Arboricultural Impact Assessment prepared by Blooming Tree Group), or an amount otherwise specified by Maribyrnong City Council must be paid to Council's Parks and Open Space department. The bond will be held for a period of 6 months after the certificate of occupancy has been issued and will be released pending a final inspection. If any tree is damaged or goes into decline within the 6 month period the bond amount will be retained to recover the loss of amenity and establishment of new trees.
- A **Vehicle Crossing Permit** is required from the Maribyrnong City Council for any new crossing prior to the commencement of works. Vehicle crossing(s) shall be constructed in accordance with the Maribyrnong City Council's Standard Drawings, Specification and Vehicle Crossing Policy.
- **Public Open Space Contribution** - If/when an application for subdivision is lodged following the approval/construction of this development, a Public Open Space contribution will be required in accordance with Clause 53.01 of the Maribyrnong Planning Scheme and the *Subdivision Act 1988*.



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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.

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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: 23 January 2026

Signature for the responsible authority:

