

Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit No.:	PA2101404
Planning scheme:	Greater Geelong Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	144-150 Myers Street GEELONG VIC 3220

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
37.08-5	Construct a building or construct or carry out works.
52.02	A permit is required before a person proceeds under Section 23 of the <i>Subdivision Act 1988</i> to create, vary or remove an easement or restriction.
52.06-3	Reduce the number of car parking spaces required under Clause 52.06-5.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Before the development starts, excluding demolition, excavation, piling and site preparation works, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and fully dimensioned including to show natural ground level, floor levels, wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD). The plans must be generally in accordance with the architectural plans, prepared by D'Orio Architects Architects Group referenced as TP00 to TP22 and dated 12/07/2024:
 - a) Reduce the extent of floor to ceiling glazing along Myers Street to improve the relationship with the street, this may involve incorporating elements like stall risers, pilasters, window mullions or integrated planting.
 - b) Notation with removal of the sewerage easement and the diversion of the sewerage northwards to Myers Street.
 - c) Street tree fronting the site and tree protection zone.
 - d) Any changes, built form requirements, technical information and plan notations (or otherwise) required as a consequence of any provision in this permit.

Date issued: 15 October 2024

Signature for the responsible authority:



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

Layout and use of the development not to be altered

2. The use and development on the land as shown on the approved plans must not be altered or modified without the prior written consent of the Responsible Authority.

Commencement

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

Façade Strategy & Materials and Finishes

4. Before the development starts, excluding demolition, excavation, piling and site preparation works a Façade Strategy must be submitted to and approved by the Responsible Authority. The Façade Strategy must include:
- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
 - b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations and/or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
 - c) A commitment to use of 'split brick' or similar throughout the development consistent with precedent examples provided on 6 September 2024.
 - d) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the Responsible Authority, illustrating typical building details, entries and doors, utilities, public realm and activation of interfaces at Myers Street and Bright Place, and any special features which are important to the building's presentation.
 - e) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material showing how visual interest and depth is achieved.
 - f) Information about how the façade will be accessed, maintained and cleaned.
 - g) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.

Reflectivity

5. Except with the consent of the Responsible Authority, all external facade materials and finishes must be of a type that does not reflect more than 20% surface of the facade.

3D Model

6. Before the development starts, excluding demolition, excavation, piling and site preparation works (or as otherwise agreed with the Responsible Authority), a 3D digital model of the development and its immediate surrounds must be submitted to and approved by the Responsible Authority. The 3D model must be in accordance with the Technical Advisory Note for 3D Digital Model Submissions prepared by the Department of Transport and Planning. The development must be in accordance with the endorsed 3D model, to the satisfaction of the Responsible Authority.

Building Appurtenances

Date issued: 15 October 2024

Signature for the responsible authority:



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

7. All building plant and equipment on the roofs and public thoroughfares must be concealed to the satisfaction of the City of Greater Geelong.

Landscape Plan

8. Prior to the commencement of development, excluding demolition, excavation, piling and site preparation works, a landscape plan prepared by a suitably qualified or experienced person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plan(s) must be drawn to scale and show:
- Retention of the street tree fronting the site.
 - 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;
 - Landscaping and planting within all open areas of the site;
 - Details of the drainage, irrigation and maintenance of planting areas.
 - Details of access arrangements to landscaping areas so they can be appropriately maintained.
 - Details regarding water harvesting from the proposed use to the planted canopy trees, site and soil preparation, mulching and maintenance.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Protection Plan

10. Prior to the commencement of the development, a Tree Protection Management Plan must be submitted to and approved by the City of Greater Geelong. The Tree Protection Management Plan must be prepared by a suitable qualified arborist and must include all Council owned trees.
11. Prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), a letter of engagement must be provided to the City of Greater Geelong from the Project Arborist selected to oversee all relevant tree protection works. In accordance with Australian Standard 4970-2009 Protection of trees on developments sites the Project Arborist must be an appropriately experienced and qualified professional (minimum AQF Level 5 Arborist).
12. When approved the Tree Protection Management Plan and its recommendations will be endorsed and will then form part of the permit and must not be amended or altered without the consent of the City of Greater Geelong.

Tree Protection Zones

13. Prior to the works commencing (including any demolition works), Tree Protection Fencing must be installed and maintained until works are completed to the satisfaction of the City of Greater Geelong. All works within the nominated Tree Protection Zones must be:
- Carried out in accordance with Australian Standard 4373–2007 'Pruning of amenity trees' and Australian Standard 4970–2009 'Protection of trees on development sites'.
 - Overseen by a suitably qualified, level-5 arborist.
 - Carried out to the satisfaction of the City of Greater Geelong by suitably trained and qualified Arboricultural staff.
14. Works encroaching within the nominated Tree Protection Zones must not be undertaken without the written consent of the City of Greater Geelong.

Date issued: 15 October 2024

Signature for the responsible authority:



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

15. Prior to occupation of the development/the issue of Statement of Compliance, a written statement from the Project Arborist must be submitted to the City of Greater Geelong that certifies that the following items have been addressed as part of the works:
- Installation and correct placement of tree protection fencing 2 weeks prior to works commencing and for the duration of works.
 - Attendance during Tree Protection Zone incursions.
 - Adherence to Australian Standard 4970–2009 Protection of trees on development sites.

Tree Pruning

16. Prior to the commencement of any works, a Tree Pruning and Removal Plan must be submitted to and approved by the City of Greater Geelong. \

The Tree Pruning Plan must be prepared by a suitably qualified arborist and must include:

- Photos of and location of tree(s).
- Marked photos indicating which limbs or trees are proposed for pruning or removal.
- Brief description of pruning methodology.

17. Amenity value offsets for street tree removal are to the satisfaction of the City of Greater Geelong.
18. When approved the Tree Pruning and Removal Plan and its recommendations will be endorsed and will then form part of the permit must not be amended or altered without the consent of the City of Greater Geelong.

Wind Report

19. Before the development starts, excluding demolition, excavation, piling and site preparation works a Wind Report must be prepared and submitted to and be approved by the Responsible Authority. The Plan must demonstrate compliance with Clause 4.4 to ACZ1 and Clause 58.04-4 (Wind impacts objective).

Sustainability Management Plan

20. Before the development starts, excluding demolition, excavation, piling and site preparation works, a Sustainability Management Plan (SMP) must be submitted to and approved to the satisfaction by the Responsible Authority. The Sustainability Management Plan must demonstrate a best practice standard of environmentally sustainable design and meet the requirements Table 7 of ACZ1.

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.

Drainage and Stormwater Management

21. Prior to the occupation of the dwellings or commencement of use, the developer must:
- Construct the site stormwater system including connection into the underground drain, or other nominated as approved by the City of Greater Geelong. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.
 - Construct vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
 - Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street;

Date issued: 15 October 2024

Signature for the responsible authority:



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

All to the satisfaction of the City of Greater Geelong.

22. The stormwater system must be designed and installed such that:
- The site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required;
 - Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the City of Greater Geelong. The Water Treatment Facility must be maintained to the satisfaction of the City of Greater Geelong.

All to the satisfaction of the City of Greater Geelong.

Waste Management Plan

23. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land an amended Waste Management Plan must be prepared and submitted to and be approved by the City of Greater Geelong.

Car Parking

24. Prior to the occupation of the dwellings / statement of compliance, the developer must construct the car park including accessways, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans to the satisfaction of the City of Greater Geelong.

Noise and Amenity

25. All deliveries to the property and truck movements must be in adherence with the EPA Noise Control Guidelines to the satisfaction of the City of Greater Geelong.
26. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a monitored security service to the satisfaction of the City of Greater Geelong.
27. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the City of Greater Geelong.
28. All air-conditioning units are to be placed in an appropriate location or alternatively acoustically treated to reduce noise to a level satisfactory to the City of Greater Geelong.
29. Outdoor lighting must be designed, baffled and located to the satisfaction of the City of Greater Geelong to prevent any adverse effect on adjoining properties.
30. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded, drained and screened from public view to the satisfaction of the City of Greater Geelong.
31. The storage, removal and disposal of such/garbage refuse must be undertaken in such a manner so as to avoid any nuisance, pollution or loss amenity to the surrounding area and must at all times be to the satisfaction of the City of Greater Geelong.
32. All waste material must be regularly removed from the site to the satisfaction of the City of Greater Geelong.
33. Waste collection must occur between the hours 7am to 8pm Monday to Saturday and 9am to 8pm Sunday and public holidays to the satisfaction of the City of Greater Geelong.

Date issued: 15 October 2024

Signature for the responsible authority:



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

34. The amenity of the area must not be detrimentally affected by the use or development through the:

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
- d) Presence of vermin;

to the satisfaction of the City of Greater Geelong

Easements and Restrictions

35. Before a plan of removal/variation for Easement E-12 on Plan of Subdivision 338763K can be certified under the *Subdivision Act 1988*, a plan must first be submitted to and approved by City of Greater Geelong.
36. Prior to a Certificate of Occupancy being issued for the dwellings or commencement of use, amended titles demonstrating the removal of Easement E-12 on Plan of Subdivision 338763K must be lodged at the Titles Office.
37. Before the development starts, excluding demolition, a detailed drainage design and diversion works plan must be submitted to and approved by Barwon Water. The drainage design and diversion works plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority.

Expiry

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

- The development is not started within three years of the date of this permit.
- The development is not completed within six years of the date of this permit.
- This permit will expire if the restrictive covenant permitted to be removed by this permit is not removed within three years from the date thereof. The time within which the covenant must be removed may on written request be made before or within six (6) months after the expiration of this permit be extended by the Responsible Authority.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit at the direction of the Victorian Civil and Administrative Tribunal.

(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 Victorian Civil and Administrative Tribunal directed that this permit must not be amended by the responsible authority 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 issued: 15 October 2024

Signature for the responsible authority:

