

## PLANNING PERMIT

<b>Permit No.:</b>	<b>TP195/2019(1)</b>
<b>Planning Scheme:</b>	<b>Maribyrnong Planning Scheme</b>
<b>Responsible Authority:</b>	<b>City of Maribyrnong</b>



**Address of the land:** 296-298 Nicholson Street SEDDON

**The permit allows:** Buildings and works associated with an existing Community Hall within a Heritage Overlay

### The following conditions apply to this permit:

#### Amended plans

1. Before the use and/or 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 the considered plans but modified to show:-
  - (a) The removal of car parking spaces no. 17.
  - (b) Pedestrian line marking between/over the service road delineating the appropriate crossing area for pedestrians.
  - (c) Lighting to the carpark, limited in height to a maximum 1.2 metres.
  - (d) A 2.1m high fence on the western boundary.
  - (e) Elevations of the acoustic fence on the southern boundary.
  - (f) A landscape plan to the satisfaction of the Responsible Authority in accordance with condition no. 8.
  - (g) A patron management plan to the satisfaction of the Responsible Authority in accordance with condition no. 12.
  - (h) A waste management plan to the satisfaction of the Responsible Authority in accordance with condition no. 27.
  - (i) A stormwater management strategy to the satisfaction of the Responsible Authority in accordance with condition no. 32.
  - (j) All service meters (electricity, water and gas) and similar (fire hydrant, sprinkler booster and telecommunications infrastructure) shown on all relevant plans. The design of any structure required to accommodate services must be integrated into the development, must be easily accessible to service authorities, and must not be sited in a standalone location or 'stacked'.
  - (k) A schedule of construction materials, external finishes and colours.

#### Endorsed plans

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.*

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### Restrictions on use

3. Any office functions on the land are to be performed in a manner that is ancillary to the primary use of the land.
4. Activities associated with the site, including gatherings, meetings, functions, etc. may only occur within the building on the site.

### Hours

5. The use may operate only between the hours of:
  - 9am & 9pm Sunday to Thursday and public holidays
  - 9am & 11pm Friday & Saturday and eve of public holidaysexcept with the prior written permission of the Responsible Authority.
6. Deliveries to and from the site must only occur between:
  - 7am to 7pm Monday to Saturday

### Patron numbers

7. No more than 170 guests are allowed on the premises at any one time except with the prior written consent of the Responsible Authority.

### Landscaping

8. Concurrent with the submission of the plans pursuant to condition 1, an amended landscaping plan must provide to the satisfaction of the responsible authority. The plan must be generally in accordance with the landscape concept plan dated 01/03/2019, prepared by Papworth Davies, except that the plan must show:
  - (a) The removal of car parking space no. 17, with that area to be landscaped with vegetation, including at least one canopy tree capable of reaching a minimum height of 8 metres at maturity.
  - (b) Landscaping within the new kerb outstand (adjacent to the pram crossing) to be low-rise (max. 900mm), with the exception of one tree which should be planted as close as possible to the proposed building.
  - (c) The surface material of the new footpath adjacent the building, to match existing footpaths in the immediate area.
  - (d) The location of all existing vegetation to be retained and/or removed;
  - (e) 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, including locations for specific trees;
9. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. 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.

## Landfill gas

11. Prior to the commencement of works (excluding works reasonably required to conduct the risk assessment required in this condition), the owner of the land must to the satisfaction of the responsible authority provide the responsible authority any existing information relating to the assessment of landfill gas risks relevant to the use and development of the land and, following an assessment of that information by the responsible authority, as necessary if determined by the responsible authority:
  - (a) engage an appropriately qualified consultant with demonstrated experience in the assessment of landfill gas in the subsurface environment as either an environmental auditor or as an assessment consultant for an environmental audit process specifically considering landfill gas, to conduct an assessment of the potential presence of methane beneath the land and prepare and submit to the responsible authority a scope of the proposed risk assessment, which may comprise a desktop/literature based assessment and/or a site-specific intrusive landfill gas investigation.
  - (b) upon approval of the scope of the risk assessment by the responsible authority, have the consultant conduct the risk assessment and prepare a report to be submitted to the responsible authority which contains the consultant's opinion as to any potential hazard associated with methane beneath the land and any recommendations for the management or monitoring of methane gas. The consultant must also provide an opinion on whether an audit is required under section 53V of the Environment Protection Act 1970.
  - (c) implement any recommendations of the risk assessment report. If any recommendations require any ongoing management or monitoring, the owner must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the responsible authority requiring the implementation of any ongoing requirements.
  - (d) If the responsible authority requires a peer review of the risk assessment, the owner must pay the reasonable costs of the responsible authority incurred in engaging a consultant to conduct this peer review in accordance with conditions 1 (a)(i) and 1(a)(ii). The owner must also meet all costs associated with the drafting, execution and registration of the agreement, including those reasonably incurred by the responsible authority, which may be required under condition 1(a)(iii).

## Noise & Patron Management

12. Before the use starts, a patron management plan must be submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:
  - (a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;
  - (b) signage to be used to encourage responsible off-site patron behaviour;
  - (c) the training of staff in the management of patron behaviour;
  - (d) staff communication arrangements;
  - (e) measures to control noise emissions from the premises.

13. 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 security service.
14. All external plant and equipment must be acoustically treated and/or insulated to minimize noise and vibration and to ensure compliance with noise limits as determined by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
15. The acoustic report, prepared by Cogent Acoustics (project 19206 dated 26 July 2019) forms part of this permit. The recommendations of this report must be implemented to the satisfaction of the responsible authority, unless alternative measures are agreed to in writing by the responsible authority.
16. Prior to the re-occupation of the building following construction, an acoustic report prepared by a qualified Acoustic Engineer must be submitted and endorsed to form part of the permit. The report must measure the 'as built' impacts of the works/use/development on the surrounding residential uses, in accordance with the approved acoustic report which forms part of this permit and the SEPP N-1 and N-2. Should this report determine that the works/use/development do not comply with the above mentioned criteria, then the use must cease until the works/use/development are brought into line to the satisfaction of the responsible authority.
17. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose without the consent of the Responsible Authority.
18. Noise levels emanating from the premises must not exceed the noise levels as determined by the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2. Upon reasonable request by the Responsible Authority, the operator must engage a suitably qualified person to prepare a report, which demonstrates compliance with SEPP N-2. Should the report find non-compliance then the use must immediately cease until rectification works are completed and a report demonstrating compliance is prepared to the satisfaction of the Responsible Authority.

#### **Car parking, accessways and (un)loading**

19. Prior to the re-occupation of the development, the proposed footpath, kerb & channel, kerb outstands, pram crossings and associated infrastructure within the Nicholson Street road reserve are to be constructed / modified by the developer to the satisfaction of the responsible authority. Detailed engineering plans for these works (at 1:200 scale) must be submitted to Maribyrnong City Council's Engineering Services Department for approval, and the works constructed by the developer to the standards and satisfaction of the responsible authority. All costs associated with the works, including plan checking and supervision fees, are to be borne by the developer.
20. 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.
21. Within three months of the completion of the building development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be to the satisfaction of the Responsible Authority and be:-
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans
  - (c) surfaced with an all weather seal coat;

- (d) drained;
  - (e) line marked to indicate each car space and all access lanes;
  - (f) have wheel stops installed at the far (front wheel) end of each car space; and
  - (g) clearly marked to show the direction of traffic along access lanes and driveways.
22. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
23. All pedestrian access to the development is to be made at-grade from the abutting footpath levels (existing or proposed), with any steps or ramps adequately set-back from the title boundary.
24. The loading and unloading of goods from vehicles must only be carried out on the land.

### **Building appurtenances**

25. 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.
26. 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.

### **Waste Management**

27. Prior to the commencement of the development, a waste storage and collection management and recycling plan for the development must be prepared to the satisfaction of the Responsible Authority.

The management plan must be provided in digital format (where possible) and have regard to the following matters:-

- (a) Bin storage areas for the proposed building;
- (b) Collection frequency;
- (c) Collection party (i.e. contractor);
- (d) Odour control from bin storage areas;
- (e) Access for removal of waste bins;
- (f) Delivery of bins to waste collection points and retrieval of bins once collected;
- (g) Location and detail of organic waste collection; and
- (h) Work cover authority safety matters.

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

28. Waste management must be carried out in accordance with the Waste Management Plan approved as part of condition no. 27 at all times.

### **Drainage & Stormwater Management**

29. 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.

30. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
31. 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.
32. Concurrent with the submission of plans pursuant to condition 1, a Stormwater Management Strategy for the site must be submitted to and approved by the responsible authority. Once approved, the report will be endorsed and will then form part of the permit. The report must show how stormwater will be managed, having regard to the objectives of Clause 53.18 and the permeability requirements of Clauses 54/55 of the Maribyrnong Planning Scheme.
33. All stormwater management treatments identified in the endorsed Stormwater Management Strategy endorsed to form part of this permit must be fully implemented prior to the occupation of the development, and thereafter maintained, to the satisfaction of the Responsible Authority.

### **Expiry**

34. 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.
  - 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.

### **Notes**

**Council Assets** - 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.

**Road Opening Permit** - A **Road Opening Permit** from the Responsible Authority is required for any work or excavation within the road reserve.

**Works within Road Reserve** - Any work within the road reservation must be carried out to the satisfaction of the Responsible Authority.

**No Storage in Road Reserve** - Materials are not to be stored on the road reserve without Responsible Authority approval.

**Vehicle Crossing Permit** - A **Vehicle Crossing Permit** is required from the Responsible Authority for any new crossing prior to the commencement of works. Vehicle crossing(s) shall be constructed in accordance with the Responsible Authority's Standard Drawings, Specification and Vehicle Crossing Policy.

**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>

**Development Contribution Plan Levy** - 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/increase in floor area, approved under this permit, may be subject to a DCP levy if all planning, subdivision and building permit approvals have not been obtained before the DCP comes into operation. For more information please consult Council's website (search DCP or C164) or call 9600 0200 for more information.

Upon finalisation of construction and landscaping works please contact Urban Planning on [urbanplanning@maribyrnong.vic.gov.au](mailto:urbanplanning@maribyrnong.vic.gov.au) to arrange a compliance inspection.

**Date Issued**

11 March 2020

**Signature for the Responsible Authority**



Date of expiry: 11 March 2022  
(if development has not commenced)

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### 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.)

### 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 required 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 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 APPEALS?

- 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 an Application for Review 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.
- An application for review must also be served on the Responsible Authority.
- Details about application for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.