

## IMPORTANT INFORMATION ABOUT THIS NOTICE

### WHAT HAS BEEN DECIDED?

The Responsible Authority has decided to amend a permit. The amended permit has not been issued.

This notice sets out the changes to be made to the existing permit.

### WHAT ABOUT APPEALS?

For the Applicant—

- The person who applied for the amendment to the permit may apply for review of any amendment to what the permit will allow, and any new or amended condition to which the permit will be subject, and any provision of the permit which the applicant asked to be amended but which has not been amended. The application for review must be lodged within 60 days of the date of this notice.

For an Objector—

- An objector may apply for review of the decision of the Responsible Authority to amend a permit. The application for review must be lodged within 28 days of the date of this notice.
- If there is no application for review, an amended permit will be issued 28 days after the date of this notice.

For a recommending referral authority—

- A recommending referral authority may apply for review of the decision of the responsible authority—
  - (a) to grant the amended permit, if that recommending referral authority objected to the grant of the amended permit; or
  - (b) not to include a condition on the amended permit that the recommending referral authority recommended.
- The application for review must be lodged within 28 days of the date of this notice.
- If there is no application for review, a permit will be issued 28 days after the date of this notice.

For all applications for review—

- 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 be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

# NOTICE OF DECISION TO AMEND A PERMIT



APPLICATION NO.

TP-2021-308/A

PLANNING SCHEME

Melbourne Planning Scheme

RESPONSIBLE  
AUTHORITY

Melbourne City Council

GPO Box 1603  
Melbourne VIC 3001  
Phone 61 3 9658 9658  
Email [planning@melbourne.vic.gov.au](mailto:planning@melbourne.vic.gov.au)  
[www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)

**The Responsible Authority has decided to amend a permit. The amended permit has NOT been issued.**

ADDRESS OF THE LAND

93-103 Park Street, SOUTH YARRA VIC 3141

PERMIT FOR WHICH  
AMENDMENT WAS  
SOUGHT

Partial demolition and construction of a multi-storey apartment building above a basement car park in accordance with the endorsed plans.

WHAT AMENDMENT IS  
BEING MADE TO THE  
PERMIT?

Amending the permit pursuant to section 72 of the Planning and Environment Act 1987 to amend the endorsed plans to allow for demolition and reconstruction works to the existing buildings, and internal and external alterations and introduction of new conditions relating to the proposed reconstruction work

## TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?

### Amended Plans

- 1 Prior to the commencement of the use and development (including demolition) an electronic copy of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans prepared by *Powell & Glenn* dated 4 September 2023 but amended to show:
  - (a) *The retention of the timber framed windows of the southern building.*
  - (b) All changes shown in the Powell & Glenn drawings dated 7 October 2021 (Drawings TP13-TP18 & TP36), including the re-arrangement of Apartment 6 and relocation of services.
  - (c) All changes shown in the Powell & Glenn drawings dated 25 October 2021 (Drawings TP13-TP09, TP16 & TP17), including all changes to the over bonnet storage cages.
  - (d) All changes shown in the Powell & Glenn drawings dated 23 November 2021 (Drawing TP10), including the bin transfer route notations.
  - (e) The sill height of the west facing window of Bedroom 3 of Apartment 2 raised to at least 1 metre.
  - (f) The location of mailboxes at ground level, within proximity of the main entry.
  - (g) The Basement Plan (Drawing TP09) updated with notations for each bin type, including general waste, recycling, organics and recycling – future glass.

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These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

#### **Layout not altered and satisfactory completion**

- 2 The development and land use as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 3 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 4 Prior to the occupation of the development hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.
- 5 Except with the written consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

#### **Reconstruction and Conservation Works and Bond**

- 6 *Prior to the commencement of the development (including demolition), a revised Reconstruction and Conservation Works Plan must be submitted to and approved by the Responsible Authority, generally in accordance with the Conservation Works Plan by Lovell Chen dated December 2022 but revised to include:*

*(a) The retention of the timber framed windows of the southern building.*

*Once endorsed, the revised Conservation Works Plan will become part of this permit and must not be amended without first obtaining the written consent of the Responsible Authority.*

- 7 *Prior to the commencement of the development (including demolition), the permit holder must engage and retain Lovell Chen or a suitably experienced Project Heritage Conservation Architect to provide oversight of all demolition, reconstruction and conservation works until the completion of the development. The engagement of the Project Heritage Conservation Architect is to be approved by the Responsible Authority.*
- 8 *Prior to occupation of the development or as otherwise agreed with the Responsible Authority, the Project Heritage Conservation Architect must submit a Completion Report to the satisfaction of the Responsible Authority. The Completion Report must include before and after photographs of the buildings and written advice demonstrating the development has been completed in accordance with the endorsed plans and documents of this permit.*
- 9 *Prior to the commencement of the development (including demolition), a refundable bank guarantee or bond to the value of \$135,000 must be deposited with the Responsible Authority to ensure that the proposed retained parts of the buildings are not demolished except to complete the development in accordance with the endorsed plans and that reconstruction works are undertaken in accordance with the Reconstruction and Conservation Works Plan referred to in this permit. The bank guarantee or bond will be returned when the works are completed to the satisfaction of the Responsible Authority.*

#### **Building Appurtenances and Services**

- 10 No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
- 11 All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery

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equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.

- 12 Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
- 13 Mailboxes and newspaper receptacles must be provided prior to the occupation of the development to the satisfaction of the Responsible Authority.
- 14 All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

#### **Implementation of Sustainable Management Plan (SMP)**

- 15 Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended SMP report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved SMP report have been implemented in accordance with the relevant approved plans.

#### **Landscape Package**

- 16 Before buildings and works start, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and must incorporate:
  - (a) Planting schedule of proposed vegetation detailing the botanical and cultivar name(s), common name, size at maturity, pot size and quantities of all plants.
  - (b) Soil media and volumes.
  - (c) Annotated construction details including cross-sections for all landscape applications.
  - (d) Planter and plant support structures (materials, dimensions and proposed locations).
  - (e) Waterproofing measures.
  - (f) Irrigation, including measures to reduce potable water use.
- 17 Landscape Maintenance Plan detailing:
  - (a) Responsible parties for plant establishment and ongoing maintenance.
  - (b) Plant establishment schedule and period.
  - (c) Maintenance schedule for plantings (monitoring of plants, weeding, re-mulching, pest management, fertilising, re-planting).
  - (d) Maintenance schedule for planter structures and surfaces
  - (e) Replacement timeframes for poorly performing plant stock.
  - (f) Irrigation specification notes.
  - (g) Details of maintenance access requirements.

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- 18 Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

### **Traffic Engineering**

- 19 Prior to commencement of works, excluding site remediation, a formal independent desktop Road Safety Audit of the proposed development, at the developer's expense must be undertaken and include vehicle / bicycle / pedestrian access arrangements & internal circulation / layout.

The findings of the Audit must be incorporated into the detailed design to the satisfaction of the City of Melbourne – Engineering Services.

- 20 The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lanes. The approved works must not result in structures that encroach onto any Council lane.

### **Waste Management**

- 21 The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 23rd November 2021.

The approved WMP must not be altered without prior consent of the City of Melbourne – Waste and Recycling.

- 22 All garbage and other waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority.

- 23 No garbage bin or waste materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority - Engineering Services.

### **Infrastructure Engineering**

- 24 Drainage system provision

Prior to the commencement of the development, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority – Infrastructure and Assets. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.

- 25 Groundwater management

All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

- 26 Roads

All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

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27 Footpath

The footpath adjoining the site along Park Street must be reconstructed together with associated works including the renewal/reconstruction of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

28 Street levels not to be altered

Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Infrastructure and Assets.

29 Existing street lighting not altered without approval

All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Infrastructure and Assets.

30 Public lighting

Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in St Martins Place. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

**Victorian Health Building Authority**

31 Should any cranes and associated construction equipment be used, prior to the commencement of any development (including any demolition or excavation) or by such time as agreed by the Responsible Authority and Department of Health in writing, a Flight Path Crane Construction Management Plan must be prepared and submitted to the Department of Health and be approved by the Responsible Authority. The Flight Path Crane Construction Management Plan must include measures to minimise the impact of the construction of the building on the safe and unfettered operation of the Alfred Hospital helipad. The Flight Path Crane Construction Management Plan must identify the location and height of any construction equipment, including cranes which must be provided to the Department of Health at least five days prior to commencement. The management measures incorporated within the plan must be implemented during the construction of the building to the satisfaction of the Department of Health and the Responsible Authority.

32 Any cranes and associated construction equipment used must not exceed 30m above the road level and expressed in the Flight Path Crane Construction Management Plan in AHD due to the flight path Obstacle Limitation Surface.

33 Cranes and other associated construction equipment must be fitted with continuously operated low intensity steady red obstruction lighting in accordance with Chapter 9.4 of the Civil Aviation Safety Authority Manual of Standards Part 139 at their highest point(s) to ensure that they can be seen within the helicopter flight paths.

**Permit Expiry**

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

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(a) The development is not started within three years of the date of this permit.

(b) The development is not completed within five years of the date of this permit.

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 12 months after the permit expires and the development started lawfully before the permit expired.

#### NOTES

- Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery & parking needs of this development. As per Council's policy, developments in this area are not entitled to resident parking permits.
- Therefore, the residents/visitors/staff of this development will not be eligible to receive parking permits & will not be exempt from any on-street parking restrictions.
- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Infrastructure and Assets.

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