



**Hobsons Bay**  
CITY COUNCIL

16 June, 2011

Barry Goold  
Urban Planning and Development  
107 High Street  
GLEN IRIS VIC 3146

Ask for: Shane Pritchard  
Phone: 9932 1148  
Email: [spritchard@hobsonsbay.vic.gov.au](mailto:spritchard@hobsonsbay.vic.gov.au)  
Our Ref: P04.269

Dear Sir/Madam

**Extension of Time Request  
Planning Permit P04.269  
32 & 34 Burgess St, BROOKLYN 3012**

***Buildings and works comprising the construction of three warehouses & associated landscaping and car parking in accordance with the endorsed plans***

Your request for an extension of time to planning permit No. P04.269 has been considered.

An extension of time has been granted and the permit will now expire if the development does not commence by 28 August, 2012 and is not completed by 28 August, 2014.

Should you have any questions regarding this application please contact me on 9932 1148.

Yours faithfully

Shane Pritchard  
Team Leader Town Planning



**Hobsons Bay**  
CITY COUNCIL

28 August, 2008

Backman & Company P/L  
13a Knutsford St,  
Balwyn 3103

Ask for: Shane Pritchard  
Phone: 9932 1148  
Email: [spritchard@hobsonsbay.vic.gov.au](mailto:spritchard@hobsonsbay.vic.gov.au)  
Our Ref: P04.269

Dear Sir/Madam

**Planning Permit Approval  
Planning Permit Application No. P04.269  
32 & 34 Burgess Street, BROOKLYN 3012**

**Buildings and works comprising the construction of three warehouses & associated landscaping and car parking in accordance with the endorsed plans**

I wish to advise you that the Council has approved your application for a planning permit under the Hobsons Bay Planning Scheme and the permit is enclosed.

Please read all of the conditions which apply to this permit carefully as well as any conditions that require the submission of a revised plan.

**Please note: your permit has been issued with a condition relating to commencement and in some case completion of works. It is in your interest to take a note of the relevant dates and to record those dates in an appropriate location.**

Should you have any questions regarding this permit please contact me on 9932 1148.

Yours faithfully

Shane Pritchard  
Planning Team Leader



**Hobsons Bay**  
CITY COUNCIL

## **PLANNING PERMIT**

**Permit No: P04.269**

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**Hobsons Bay Planning Scheme**  
Responsible Authority: Hobsons Bay City Council

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**ADDRESS OF THE LAND:** 32 & 34 Burgess Street, BROOKLYN 3012

**THIS PERMIT ALLOWS:** BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF THREE WAREHOUSES & ASSOCIATED LANDSCAPING AND CAR PARKING IN ACCORDANCE WITH THE ENDORSED PLANS

### **THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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1. Before the development starts, three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be substantially in accordance with the plans submitted with the application but modified to show to the satisfaction of the Responsible Authority:
  - a) A schedule of all external materials and finishes. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car parking surfacing).
  - b) The proposed landscape treatment of the site including the location of all existing and proposed species. An emphasis must be placed on maximizing the use of native drought tolerant species.
  - c) The provision of four street trees to be planted within the road reserve at the Burgess Street frontage of the site. The planting of the street trees is to be carried out by the Responsible Authority at the cost of the owner.
  - d) Confirmation on the plans as to how the proposal accords with the Australian Design Standards for Disabled Access (AS1428).
  - e) Provision of a disabled car parking space to Warehouse 1 and Warehouse 2 which has minimum dimensions of 3.2m by 4.9m.
  - f) The provision of an underground rain water tank to each warehouse of an appropriate size for irrigation purposes and toilet flushing purposes, or other arrangements to the satisfaction of the Responsible Authority.
  - g) An indented signage area on the wall above each roller door and limited to 1.5 metres in height and by 3.5 metres in width for any proposed signage in the building.
  - h) Any fence proposed to the front of the site must be a minimum of 1.8 metres high and constructed of black-coated galvanised pipe and chain mesh. Any gates associated with the fence must open inwards towards the site.
  - i) The location of all waste storage. The waste storage must be located within each respective

building.

j) The warehouse buildings constructed with finished floor levels a minimum of 300mm above the applicable grading flood level.

k) The car parking areas must be constructed with finished surface levels no lower than 350mm below the applicable grading flood level.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The development allowed by this permit must not commence until:
  - The Owner enters into an Agreement under section 173 Planning and Environment Act in a form and containing provisions satisfactory to the Responsible Authority including providing for:
    - the setback of 4.5m to Burgess Street to be set aside for landscaping and landscaped and maintained and for trees to be planted in the naturestrip, all in accordance with approved plans and to the satisfaction of the Responsible Authority;
    - the section 173 Agreement to be registered on the title to the subject land; and
    - the Agreement and its registration to be at the cost of the Owner; and
  - The section 173 Agreements in Dealing Nos. N832059F and P632011W cease to affect the subject land.

The Owner must pay the costs and expenses of the Responsible Authority in relation to the section 173 Agreement and the removal of the existing section 173 Agreements from the title to the subject land.

4. Prior to the endorsed plans being made available a bank guarantee or bond of \$1500 must be lodged by the owner with the Responsible Authority to ensure the satisfactory establishment of landscaping works. Once landscaping has been completed in accordance with the endorsed landscaping plan, Council must be notified so that a site inspection can confirm the landscaping is compliant, and a 12 week establishment period will commence. The bank guarantee or bond will be returned after landscaping has been initially maintained for that period to the satisfaction of the Responsible Authority. After the establishment period, the landscaping must be maintained in accordance with the endorsed landscaping plan to the satisfaction of the Responsible Authority.
5. Prior to the endorsed plans being made available, arrangements must be made to the satisfaction of the Responsible Authority for the provision of four street trees to be planted within the road reserve at the Burgess Street frontage of the site. The planting of the street trees is to be carried out by the Responsible Authority at the cost of the owner.
6. Prior to the occupation of the building hereby permitted, landscaping works as shown on the endorsed plans must be completed and thereafter must be maintained to the satisfaction of the Responsible Authority.
7. The area set aside for landscaping must not be used for any other purpose except for approved access, driveways or footpaths.
8. All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.
9. Except with a planning permit, the buildings permitted by this permit must not be used for the storage of dangerous, hazardous or explosive goods, materials or substances.
10. The owner must meet the costs of all alterations to and reinstatement of, the Responsible Authority and other Public Authority Assets deemed necessary and required by such Authorities for the development. The owner must obtain the prior specific written consent of the Council or other relevant Authority to such alterations and reinstatements and must comply with conditions required by the said Authority in relation to the execution of such works.
11. All basic services, including water, electricity, gas, sewerage and telephone must be installed underground and located to the satisfaction of the Responsible Authority.
12. The land must be connected to a legal point of stormwater discharge to the satisfaction of the Responsible Authority.

13. Prior to the occupation of the building hereby permitted, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
- (a) Constructed to the satisfaction of the Responsible Authority.
  - (b) Properly formed to such levels that they can be used in accordance with the plans.
  - (c) Surfaced with an all-weather seal coat to the satisfaction of the Responsible Authority.
  - (d) Drained and maintained to the satisfaction of the Responsible Authority.
  - (e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

14. The loading and unloading of vehicles, and the delivery of goods to and from the premises, must at all times be carried out entirely within the site and be so conducted so as to cause minimum interference with other vehicular traffic.
15. Vehicles delivering or picking-up goods must not queue or park in Burgess Street or any public roads adjacent or nearby the site.
16. No goods, packages, waste refuse or other material shall be stored and or/left exposed outside the premises as to be visible to the public from roads adjoining the subject land to the satisfaction of the Responsible Authority.
17. The amenity of the area must not be detrimentally affected by the use or development for any reason including 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, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) Presence of vermin.
18. Mechanical noise emanating from the premises must comply with the State Environment Protection policy N-1 'Control of Noise from Commerce, Industry and Trade.
19. All activities undertaken at the site must comply with the relevant requirements of the Dangerous Goods Act and its subordinate legislation, particularly the Dangerous Goods (Storage and Handling) Regulations 2000.
20. Building entrances must be constructed in accordance with the Australian Design Standards for Disabled Access (AS1428).
21. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within two years of the date of this permit.
  - (b) 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 the permit expires or within three months afterwards.

Melbourne Water

22. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's Drains or waterways.
23. The warehouse buildings must be constructed with finished floor levels a minimum of 300mm above the applicable grading flood level.
24. Unless otherwise agreed in writing by Melbourne Water, the car parking areas must be constructed with finished surface levels no lower than 350mm below the applicable grading flood level.

## Permit Notes

- The building is to comply with the requirements of the Building Regulations 2006, and a Building Permit is required before any works are commenced.
- Written approval from the Responsible Authority is required for any alterations to vehicle crossings and must be obtained from Council's City Maintenance and Cleansing Department prior to commencing building.
- Please contact Council's Town Planning Department on 9932 1000 to make arrangements for the payment of costs for the planting of street trees by the Responsible Authority. The cost of a new street trees will be \$450 for planting and maintenance per tree. This covers the planting, watering and ongoing maintenance of the street trees. The planting of the street trees will be carried out as part of Council's works schedule and only during the May to September planting season.
- Except where no permit is required pursuant to Clause 52.05 of the Hobsons Bay Planning Scheme, no advertisement or sign as defined by the Hobsons Bay Planning Scheme shall be erected or displayed on the site without the prior consent of the Responsible Authority. In this context it is noted that an advertisement includes painted on advertising media, flags, bunting, streamers, or similar devices used for advertising, and the control extends to an advertisement inside a building that can ordinarily be seen by a person who is outside the building.

### Melbourne Water footnotes

- The flood line for the property grades from 17.8 metres to Australian Height Datum (AHD) at the north western boundary down to 17.6 metres to AHD at the south western boundary.
- If further information is required in relation to Melbourne Water's conditions shown above, please contact Land Development on telephone 9235 2517 quoting Melbourne Water's Reference 96275.

### Melbourne Water Advice to Council / Applicant

- Flood level information

Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to flooding from the Burgess Street Drain (4115), for a storm event with a 1% chance of occurrence in any one year. The flood line for the property grades from 17.8 metres to Australian Height Datum (AHD) at the north western boundary down to 17.6 metres to AHD at the south western boundary.

- Freeboard Freeboard


is the difference between the floor level of a building and the 100-year flood level. Freeboard requirements are designed to ensure that valuable buildings, their contents and the people in them are safely above the 100-year flood level.

Melbourne Water requires Warehouse 1 and 2 to be constructed with finished floor levels no lower than 18.1 metres to Australian Height Datum and for Warehouse 3 the finished floor levels must be constructed no lower than 18 metres to Australian Height Datum. Unless otherwise agreed in writing by Melbourne Water, the car parking areas must be constructed with finished surface levels no lower than 17.45 metres to Australian Datum.

Amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

Date Issued: 28 August, 2008

Signature for the Responsible Authority:

  
Shane Pritchard  
Planning Team Leader



# Hobsons Bay

CITY COUNCIL

## PLANNING PERMIT

### IMPORTANT INFORMATION ABOUT THIS PERMIT

#### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. (Note: This is not a permit granted under Division 5 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:
  - a) 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
  - b) the development or any stage is not completed within the time specified in the permit, or, if not 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:
  - a) the use does not start within the time specified in the permit, or if not time is specified, within two years after the issue of the permit, or
  - b) the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
  - a) the development or any stage of it does not start within the time specified in the permit, or
  - b) the development or any stage of it is not complete 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 not 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) or 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:
  - a) 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 appeal against 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 appeal exists.
- An appeal 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 appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the application fee. An appeal must state the grounds upon which it is based.
- An appeal must also be served on the Responsible Authority.