

**NOTICE OF
DECISION TO
AMEND A PERMIT**

Application No.: 2013000088-2

Planning Scheme: Port Phillip

Responsible Authority: Minister for Planning

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.
THE AMENDED PERMIT HAS NOT BEEN ISSUED.**

ADDRESS OF THE LAND: 134-142 Ferrars Street, South Melbourne

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: 2013000088-1

WHAT AMENDMENT IS BEING MADE TO THE PERMIT

- a) Amend condition 18 in relation to the provision of affordable housing.

TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?

NOTE: Conditions that are proposed to be modified are listed below under their current numbering. All other conditions of the permit will remain unchanged and have not been included.

- 18 Within 24 months of the commencement of construction, including demolition, bulk excavation and site preparation works (but excluding any clean up works), the owner must:
- (a) enter into an agreement under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority;
 - (b) register the agreement on the title(s) for any lot(s) that contain Affordable Housing in accordance with Section 181 of the *Planning and Environment Act 1987*; and
 - (c) provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

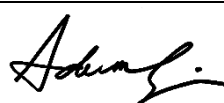
- (i) the provision of 6% of the total number of dwellings (rounded down to the nearest whole number) as Affordable Housing one (1) bedroom dwellings within the building;
- (ii) the dwellings to be tenure blind;
- (iii) utilise one or more of the following mechanisms for the delivery of the Affordable Housing (unless otherwise agreed by the Responsible Authority):
 - a) Transfer of the dwellings to a registered housing agency or other housing provider or trust approved by the Responsible Authority.
 - b) Leasing of the dwellings as Affordable Housing under the management of a registered housing agency or housing provider or trust approved by the Responsible Authority for a period of not less than 30 years.
 - c) Leasing of the dwellings as Affordable Housing to eligible persons by the owner to the satisfaction of the Responsible Authority for a period of not less than 20 years. In this event, the agreement must also detail a mechanism requiring the owner of the Affordable Housing dwellings to maintain documentation demonstrating the basis for:
 - i. calculating affordable rents;
 - ii. the amount of rent charged to tenants;
 - iii. the assessment of tenants and their income showing that the meet relevant tests to be eligible to rent the affordable housing dwellings as very low, low or moderate income residents in accordance with the Planning and Environment Act 1987 (Vic.) definition of Affordable Housing; and
 - iv. how rent increases are to be calculated and applied.

The owner of the Affordable Housing dwellings to be responsible for:

- All Owners Corporation costs.
- The ongoing management and maintenance of the building, including communal areas and facilities and resident amenity areas.
- The ongoing management and maintenance and individual apartments, including kitchens, other joinery, fixings, carpet and paint (except where damage is due to the occupant's negligent activity).
- (iv) Affordable Housing dwellings must be made available for rent within six (6) months of the issue of a Certificate of Occupation for the development;
- (v) the dwellings be set aside for occupation by Affordable Housing residents to the satisfaction of the Responsible Authority and the City of Port Phillip;
- (vi) one bicycle space must be allocated to each affordable housing dwelling.
- (vii) in the event the permit holder is unable to achieve an arrangement in accordance with this condition, to Council's satisfaction, the City of Port Phillip will be responsible for locating a Housing Association or Housing Provider.
- (viii) all of the Affordable Housing dwellings are made available for rent at rates affordable for people on very low, low or moderate incomes in accordance with Section 3AA and 3AB the Planning and Environment Act (1987) (Vic.) definition of Affordable Housing.

Date of notice

Signature for the responsible authority

30 June 2020	
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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 REVIEWS?

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 giving of this notice.

For an objector –

- An objector may apply for review of the decision of the responsible authority to grant a permit. The application for review must be lodged within 28 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 28 days of the giving 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 21 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 21 days of the giving 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.