

Revised conditions

Attachment 1 – Revised Conditions for Permit PL05/1289, as recommended by the panel considering Amendment C65 and planning application PL05/1289

1. Before the development starts, amended plans/reports to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans/reports will be endorsed and will then form part of the permit. All plans must be drawn to scale with dimensions and three copies of the plans/reports must be provided. The plans/reports must be generally in accordance with the plans/reports submitted with the application, but modified to show:
 - (a) the ground level, southern elevation presentation to Alexandra Parade East modified to make the entrances to Dwellings 61 to 76 more prominent, their associated garages less dominant and the associated footpath to the south of the garages more clearly defined;
 - (b) details and provision of a minimum of 30 on-site bicycle parking spaces;
 - (c) incorporation of solar protection measures for all unprotected west facing windows;
 - (d) specific details of all restoration works proposed to the retained heritage building, including retention of the existing fabric along the western elevation, where appropriate;
 - (e) an updated photographic, heritage archival record providing greater detail of the retained building including details of all elevations;
 - (f) specific details of the surface treatments proposed to provide a clear distinction between internal publicly accessible spaces and private property;
 - (g) a plan notation indicating all vehicle access provision will be constructed in accordance with Australian Standard 2890.1:2004 or to the satisfaction of the Responsible Authority;
 - (h) the location of all proposed external plant and equipment (including roof top plant and equipment) with such equipment being concealed from external view and to be acoustically baffled to the satisfaction of the Responsible Authority;
 - (i) an area set aside within the property boundaries for pits, meters, garbage bins, mail boxes and essential services;
 - (j) details and provision of any new telecommunications infrastructure for the site to support the proposed dwellings;
 - (k) submission of an acoustic report including details of all acoustic and noise protection measures incorporated into the development to ensure the amenity of future occupants is protected from external noise sources with specific regard to the Eastern Freeway. The acoustic report must, as a

minimum include details of protection measures for Dwellings 18 to 22, 47, 58 to 77 and 79, and be to the relevant Australian Standards regarding Acoustics and Road Traffic Noise Intrusion;

- (l) a notation to show the reinstatement of all redundant crossovers;
- (m) an updated schedule of all external materials and finishes (including colour samples) must be submitted prior to the endorsement of plans. The schedule must show the materials, colour and finish of all external walls, roofs, fascias, window frames, glazing types, doors and include one set of coloured elevations. The updated schedule must review the use of coloured brickwork, particularly along the Noone Street frontage and incorporate more red pressed brickwork;
- (n) provision and details of any remnant manufacturing or associated equipment to be displayed on site as a reminder of the site's industrial heritage. Equipment displayed must be located within the communal open space areas;
- (o) provision and details of indicative measures incorporated to prevent internal overlooking between dwellings/apartments;
- (p) a modified landscape plan submitted and prepared by a suitably qualified and experienced person or firm and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies provided. The landscape plan(s) must show:
 - (i) removal of all proposed "black bamboo" plantings;
 - (ii) replacement of "Melaleuca stypheliodes" with "Acacia implexa" or alternative approved species;
 - (iii) Noone Street trees planted 18 metres apart, with species "Robinia" and "Pyrus" replaced with Australian natives "Brachychiton" or upright version of the species "Melia azedarach", or alternative approved species;
 - (iv) Alexandra Parade East planting modified to include Australian natives "Brachychiton" or upright version of the species "Melia azedarach", or "Callistemon Harkness" and "Tistaniopsis laurina" or alternative approved species;
 - (v) the location, quantity and maturity of all proposed plants, including provision of planting within the communal courtyard and externally to the site;
 - (vi) the botanical names of all new planting;
 - (vii) details of all proposed design features such as paths, paving, seating, historical artefacts and fencing;
 - (viii) specific details of proposed watering and maintenance methods of all proposed planting, including the incorporation and maintenance requirements of the proposed water recycling tanks; and
 - (ix) treatment of Gray Street north of the public car parking area; and

all to the satisfaction of the Responsible Authority.

2. Prior to the commencement of development, a staging plan which shows stages of construction and associated internal and public road works and internal and public landscaping must be prepared to the satisfaction of the Responsible Authority.

3. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
4. All additional service and utility infrastructure required, is to be installed underground at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.
5. All new vehicular crossings must be constructed in accordance with Council's standard vehicular crossing specification to the satisfaction of the Responsible Authority.
6. Any existing vehicular crossing made redundant by the building and works depicted on the endorsed plans must be broken out and re-instated as standard footpath and kerb and channel to the satisfaction of the Responsible Authority and at the permit holder's expense. Any new vehicular crossings must be constructed to Council's standard vehicular crossing specification.
7. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
8. The development or any part of it hereby permitted must not be occupied until the car parking spaces associated with the development or any part of it have been provided on site to the satisfaction of the Responsible Authority.
9. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
 - (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all weather seal coat.
10. The development must be provided with external lighting capable of illuminating access to each garage, car parking space, pedestrian walkway, dwelling entrance, public space and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.
11. Unrestricted, public access to all internal roads and accessways must be made available to the general public at all times, exclusive of future body corporate maintenance requirements, to the satisfaction of the Responsible Authority.
12. All vegetation marked "retained" on the endorsed landscape plan must be marked prior to construction and must not be removed, destroyed or lopped without the prior written consent of the Responsible Authority.

13. All landscaping works must be carried out in accordance with the endorsed landscaping plan and completed in accordance with the endorsed staging plan prior to the occupation of any dwelling within each stage.
14. Once completed, the landscaping shall:
 - (a) on the land, be maintained to the satisfaction of the Responsible Authority.
 - (b) within the public realm, be maintained by the relevant public land manager.
15. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
16. Provision must be made for the drainage of the site, including landscaped and pavement areas, all to the satisfaction of the Responsible Authority.
17. All piping and ducting, other than for drainage above the ground floor storey of the building, must be concealed to the satisfaction of the Responsible Authority.
18. Rubbish, including bottles and packaging material, shall at all times be stored within the building and screened from external view. All waste collection and recycling collection is to be undertaken by private contractors between the hours of 7.00 am and 7.00 pm, to the satisfaction of the Responsible Authority.
19. Before the commencement of any stage of the development (not including investigative works required to satisfy this condition) hereby approved, the owner shall submit to the Responsible Authority for its approval a preliminary site assessment by an environmental auditor as to the suitability of the entire site being able to be used for residential purposes.
20. Before the commencement of any stage of the development (not including investigative works required to satisfy this condition) hereby approved either:
 - (a) a Certificate of Environmental Audit indicating that the state of development is suitable for residential use must be issued for each stage in accordance with Section 53Y of the *Environment Protection Act* 1970; or
 - (b) an environmental auditor appointed under the *Environment Protection Act* 1970 must make a statement in accordance with Section 53ZS of the Act that the environmental conditions of the stage of the development of the land are suitable for residential use.
21. A copy of the certificate of environmental audit and/or statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority, prior to the commencement of any stage of the development.
22. The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any statement or certificate of environmental audit issued for any part of the land.
23. Prior to the occupation of dwellings a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that all

construction and remediation works necessary and required by an environmental audit or statement have been carried out.

24. Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit or certificate issued for the land, the requirements of the Environment Protection Authority and the *Environment Protection Act 1970*.
25. Prior to commencement of construction works, a pre construction site inspection and condition assessment of all rights of way and roads abutting the development is to be prepared and in the event of damage during construction will be required to be repaired by the developer, at the developer's cost and to the satisfaction of the Responsible Authority.
26. Prior to the commencement of construction or any works on the site (including demolition and material removal) the applicant must submit for approval to the Responsible Authority a Construction Management Plan. Construction must be carried out in accordance with the plan to the satisfaction of the Responsible Authority. The plan must address, but not be limited to the following:
 - (a) site contamination and disposal of contaminated matter;
 - (b) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site;
 - (c) on site facilities for vehicle washing;
 - (d) parking facilities for construction workers;
 - (e) delivery and unloading points and expected frequency;
 - (f) a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (g) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and
 - (h) a waste minimisation and recycling strategy.
27. During the construction phase of the development, the following conditions must be met:
 - (a) only clean water is to be discharged to the stormwater drainage system;
 - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - (c) vehicle borne material from the premises must not accumulate on the roads abutting the site;
 - (d) all machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be contained within the site boundaries, and disposed of responsibly; and
 - (f) all site operations must comply with the *Environmental Protection (Residential Noise) Regulations 1997*.

28. Prior to the relocation of the electrical substation, evidence must be submitted indicating that all relevant authorities consent to the removal and relocation of the substation, to the satisfaction of the Responsible Authority.
29. The development or any stage of the development, once commenced, must be completed, to the satisfaction of the Responsible Authority.
30. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
31. This permit will expire if the development is not commenced within two years from the date of this permit. All development must be completed within six years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

Note: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

Note: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

Note: A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

Note: Stormwater drainage of the property must be provided to the nearest Council pit.

Note: All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

Note: A copy of this permit and the endorsed plan (and any subsequent variation) must form part of the document to any Contract of Sale or Lease for any part of the site after the date of the permit.

Note: In accordance with Council policy, a five per cent public open space contribution may apply in the event of the subdivision of the land.

