

PLANNING PERMIT (*Amended)

Permit No: PL05/0996
Planning Scheme: Yarra
Responsible Authority: City Of Yarra

COPY

ADDRESS OF THE LAND:

6 - 12 Dummett Crescent Clifton Hill VIC 3068

THE PERMIT ALLOWS:

For the purpose of the following, in accordance with the endorsed plan(s).

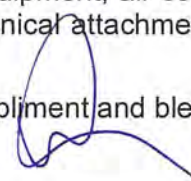
Demolition of the existing factory at 10-12 Dummett Crescent and the construction of a five-storey building and a reduction in car parking requirements of the Yarra Planning Scheme

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority 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 drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) Deletion of all signage;
 - (b) Provision of transparent balustrades in association with the ground level balconies comprising a frontage to Dummett Crescent;
 - (c) Deletion of all windows along the south-western elevation;
 - (d) Provision of an appropriate combination of variations in surface alignment materials and finishes in relation to the south-west and north-west elevation;
 - (e) The eave associated with the tower and the eave located above the pedestrian footpath reduced to a depth no greater than 1.0m;
 - (f) A plan notation indicating that ancillaries such as rooftop plant equipment, air conditioning plants, solar heating systems, satellite dishes, and any other technical attachments are to be concealed from streetscape views;
 - (g) The materials and colours used for the lift shaft to adequately compliment and blend in with the materials and finishes used for the overall building;

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- (h) A plan notation indicating that the north-western and south-western elevations are to be cleaned and finished to the satisfaction of the Responsible Authority;
- (i) The provision of adequate external illumination along the building façade, particularly at ground level and in relation to the main pedestrian entry;
- (j) *Appropriate treatment of the west-facing windows associated with Apartments 26 and 27 to adequately protect these apartments from the impacts of the afternoon sun;
- (k) The provision of openable windows in association with all bedrooms;
- (l) *The floor levels for the basement level and ground level apartments as indicated in the plans submitted to Council on 5 November 2007;
- (m) *The provision of a total of 31 secure storage areas. Each storage area must be at least 3 cubic meters;
- (n) *Inclusion of lightwell with a minimum of 2.0 x 1.5 metres to apartments 1, 8 and 17;
- (o) *Deleted.
- (p) security gate system to ram to be recessed into the side walls;
- (q) all proposed external plant and equipment (including roof top plant and equipment) concealed from view from street level and be acoustically baffled or otherwise sound treated to the satisfaction of the Responsible Authority;
- (r) all heating and cooling systems to be internally integrated so as to not be visible from surrounding streets;
- (s) an area set aside within the property boundaries for pits, meters and essential services;
- (t) provision and details of all acoustic and noise attenuation measures prepared by a suitably qualified acoustic engineer to protect the internal amenity of the dwellings from external noise sources;
- (u) A schedule of external materials and finishes shall be submitted (including colour samples), ensuring that all proposed finishes and colours are compatible. The schedule of colours and finishes must ensure:
 - (i) That all reflective finishes, including the metallic steel roofing and anodised steel ventilation grills and roller shutter grill, are replaced with an alternative high quality finish;
 - (ii) The white rendered walls are replaced with an appropriate grey coloured render;
 - (iii) The white alucobond cladding, rectangle grid pattern finish for the tower walls is replaced with copper sheeting cladding; and
 - (iv) The black (dark grey) wall features associated with the tower feature are replaced with a grey coloured render finish, similar to the grey colour used for the walls of the building.

The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames, glazing types, doors, paving and structures;
- (v) *Re-design the ramp grades to ensure that an 85th percentile vehicle does not scrape or bottom out when traversing the new vehicle crossing;
- (w) *Install a rubber road hump (Type 2, AS/NZS 2890.1:2004) at a point 1.2 metres inside the building line, spanning across the width of the ramp;

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all to the satisfaction of the Responsible Authority.

2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Before the commencement of the development hereby approved either:
 - (a) Certificate of Environmental Audit indicating the land is suitable for residential use must be issued for the land 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 land are suitable for residential use.
4. 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.
5. The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any statement of environmental audit issued for the land.
6. 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.
7. Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the *Environment Protection Act 1970*.
8. The landowner and all its successors in title or transferees must, upon release for private sale of the parent lot or each of the lots, created by the subdivision, include in the vendor's statement pursuant to section 32 of the *Sale of Land Act 1962* annexed to the contract of sale for the sale of the land, a copy of the endorsed development plans, planning permit and statement of environmental audit (together with any later issued certificate of environmental audit) for the land.
9. Prior to the demolition of the existing buildings, an archival record of the existing Edwardian – era factory at 10-12 Dummett Crescent, Clifton Hill must be submitted to the satisfaction of the responsible authority, Heritage Unit. This archival record must include, but not be limited to, photographs of the building interior and exterior.
10. Prior to the construction or carrying out of buildings and works in association with the development the permit holder must adequately demonstrate that opportunities for minimising water use, including maximising the collection and reuse of rainwater and reusing grey water for flushing toilets, has been explored and will be adopted where possible, to the satisfaction of the responsible authority.
11. *Adequate signage must be provided within the basement level car park cautioning drivers of potential pedestrian/vehicular conflicts when exiting the site and instructing that a slow speed must be adopted.
12. The new crossing and driveway must be constructed in accordance with Council's Vehicle Crossing Standards. Redundant vehicle crossings must be reinstated to the satisfaction of the

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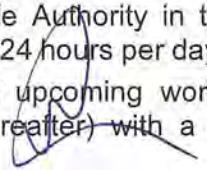
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Responsible Authority. The cost of these works shall be borne by the permit holder.

13. *Existing kerb and channel, and road pavement surface levels should not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004.
14. *Prior to the commencement of construction works, the designer must prepare a 1-in-20 scale cross sectional drawing of the vehicle crossing, extending from the road to inside the property Council for assessment and approval. The drawing must show specific levels and dimensions as per the attached information. The designer must demonstrate that an 85th percentile vehicle profile as per AS/NZS 2890.1:2004 can traverse the proposed vehicle crossing.
15. *Upon the completion of all building works and connections for underground utility services, the developer must reconstruct the footpath and barrier kerb immediately outside the property's frontage to council's satisfaction.
16. The permit holder must pay/reimburse Council the full cost of installing or relocating parking signs in adjacent streets resulting from any changes to kerbside car parking.
17. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
18. Stormwater drainage must be provided to the nearest Council pit of adequate depth and capacity to the satisfaction of the Responsible Authority.
19. Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
20. Prior to the occupation of the dwellings the applicant must submit in consultation with Council approval by the Responsible Authority a waste management plan. Once approved the waste management plan must be complied with. Collection may be undertaken by private contractors or by Council Service.
21. 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 to be undertaken by private contractors or Council Service between the hours specified in Council's Local Law No. 3.
22. Before construction commences, a construction management plan must be prepared by the applicant, and approved by the Responsible Authority. When approved, the construction management plan will be endorsed and will then form part of the permit. The construction management plan must be implemented to the satisfaction of the Responsible Authority, and must include:
 - (a) a pre-conditions survey of all Council roads surrounding the site;
 - (b) construction program (timing of works, commencement and duration);
 - (c) construction team details;
 - (d) a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced and who is available 24 hours per day;
 - (e) regular newsletters to nearby properties informing them of upcoming works (prior to commencement of works and at least every 4 months thereafter) with a copy to be

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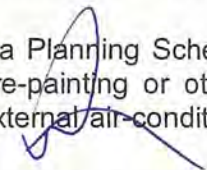
- provided to the Responsible Authority;
- (f) method of containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site;
 - (g) waste and stormwater treatment and disposal;
 - (h) construction traffic routes to and from the site;
 - (i) delivery and unloading points and expected frequency;
 - (j) car parking provision for construction workers (on site where possible);
 - (k) site security including fencing (fencing to be in accordance with the Building Regulation 1994);
 - (l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (m) refuse and recycling storage and disposal; and
 - (n) where relevant, details of any contaminated soil or other material on the site and methods proposed to deal with contaminated material, including steps proposed to protect construction workers and adjoining residents.
20. During the construction, the following must occur:
- (a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
 - (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 must not accumulate on the roads abutting the site;
 - (d) the cleaning of machinery and equipment must take place 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 disposed of responsibly; and
 - (f) All site operations must comply with the EPA Publication TG302/92.
23. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
24. 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.
25. 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 four 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: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

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,

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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: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5351 to confirm.

NOTE: Council approval must be obtained for any works on, or occupation of, the road reserve.

NOTE: The design and construction of the crossings must satisfy the requirements of Council's Services Contracts Unit's *Vehicular Access into Properties* (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

NOTE: Prior to preparing the archival record required under Condition 4 of this Permit, appropriate guidelines should be sought from Council's Heritage Unit.

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.

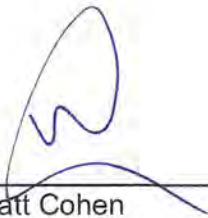
NOTE: In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution may apply in the event of the subdivision of the land.

NOTE: Prior to any amendments to the on-street parking arrangements consultation with Council's Traffic and Transport Unit is required.

***THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

Date of amendment	Brief description of amendment
20 May 2013	Pursuant to Section 72 and 73 of the <i>Planning and Environment Act 1987</i> the following changes are made to the planning permit: <ul style="list-style-type: none">• Conditions 1 (j), (l), (m), and (n) amended to show the correct dwelling number;• Condition 1 (o) deleted;• New condition 1 (v) and (w);• Condition 11 amended to reference full basement;• New conditions 13, 14 and 15, and all other conditions renumbered;

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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 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 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
- * 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 applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.