

PLANNING PERMIT

Permit No: PLN16/1155

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

ADDRESS OF THE LAND:

312-314 Johnston Street Abbotsford VIC 3067

THE PERMIT ALLOWS:

In accordance with the endorsed plans:

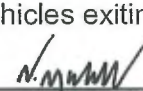
- Use the land for accommodation, construct a building and carry out works, reduce car parking and waive the requirement for a loading bay.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended plans

- 1 Before the use or development commences, 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 plans prepared by Vast Architects, Drawing Nos. TP01-TP15 and TP30, VCAT Revision B, dated 30/10/17, but modified to show:
 - (a) Changes shown in the VCAT Alternative Plans, Rev C dated 6/12/17 but further modified to show:
 - A 3 metre deep light-court along the eastern boundary at the second floor and all above levels as shown in Revision D plans dated 13/12/17.
 - (b) Sections and elevations for the development including the modifications required by Condition 1(a) of this planning permit.
 - (c) The light-court along the eastern boundary finished in a pale external wall colour with texture for reflectivity.
 - (d) The headroom clearance in the car park dimensioned on the section drawings.
 - (e) A convex mirror installed at the car park entrance or an alternative treatment to improve visibility of traffic conditions along Little Turner Street for vehicles exiting the development.

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Per: Ally Huynh
Signature for the Responsible Authority

- (f) Any changes recommended in the Sustainable Management Plan required by Condition 3 of this planning permit.
- 2 The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Management Plan

- 3 Prior to the endorsement of plans, an amended sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended sustainable management plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the sustainable management plan prepared by Sustainable Development Consultants dated February 2017, but modified to include or show:
- (a) ESD commitments in accordance with the VCAT Revision plans.
 - (b) Commitment to providing reverse cycle heating/cooling systems within one star of the most energy efficient available.
 - (c) Commitment to providing electrical vehicle charging points in the car park.
- 4 The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.


Acoustic Report

- 5 Prior to the endorsement of plans, an amended acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended acoustic report will be endorsed and will form part of this permit. The amended acoustic report must be generally in accordance with the acoustic report prepared by Acoustic Logic and dated 19/04/2017, Revision 0, but modified to include (or show, or address) the following:
- (a) Clarification that the predicted music noise levels are free field.
- 6 The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

- 7 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 8 The provisions, recommendations and requirements of the endorsed waste management plan prepared by Leigh Design, dated 23 February 2017, must be implemented and complied with to the satisfaction of the Responsible Authority.

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Landscape Plan

- 9 Before development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) indicate the location of all areas to be covered by lawn or other surface materials;
 - (c) provide a specification of works to be undertaken prior to planting; and
 - (d) provide a maintenance schedule.
- to the satisfaction of the Responsible Authority.
- 10 Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

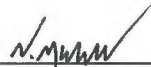
Car Parking

- 11 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must, to the satisfaction of the Responsible Authority, be:
- (a) Constructed and available for use in accordance with the endorsed plans.
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
 - (c) Treated with an all-weather seal or some other durable surface.
 - (d) Line-marked or provided with some adequate means of showing the car parking spaces.

Lighting

- 12 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the building entrance must be provided. Lighting must be:
- (a) located;
 - (b) directed;

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- (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.


Infrastructure

- 13 Unless otherwise with the written consent of the Responsible Authority:
- (a) Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Johnston Street road frontage must be reconstructed to the satisfaction of the Responsible Authority and at the Permit Holder's expense. The footpath cross-fall must be no steeper than 1 in 40 for DDA access at the pedestrian entrance.
 - (b) Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the bluestone open invert immediately outside the property's Little Turner Street road frontage must be reconstructed to the satisfaction of the Responsible Authority and at the Permit Holder's expense. The existing iron plate must not be re-used and is to be disposed of. Vehicles must be able to enter and exit the development via Little Turner Street without scraping or bottoming out.

General

- 14 The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the use, including through:
- (a) The transport of materials, goods or commodities to or from land.
 - (b) The appearance of any buildings, works or materials.
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - (d) The presence of vermin.
- 15 Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
- 16 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 17 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

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- 18 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Construction hours

- 19 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

- 20 Before the use and development commences, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (as appropriate):
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
 - (b) Works necessary to protect road and other infrastructure.
 - (c) Remediation of any damage to road and other infrastructure.
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.
 - (e) Facilities for vehicle washing, which must be located on the land.
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
 - (g) Site security.
 - (h) Management of any environmental hazards including, but not limited to:
 - i contaminated soil;
 - ii materials and waste;
 - iii dust;
 - iv stormwater contamination from run-off and wash-waters;
 - v sediment from the land on roads;
 - vi washing of concrete trucks and other vehicles and machinery; and
 - vii spillage from refuelling cranes and other vehicles and machinery.
 - (i) The construction program.

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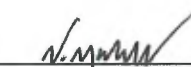
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- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
- (k) Parking facilities for construction workers.
- (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
 - i using lower noise work practice and equipment;
 - ii the suitability of the land for the use of an electric crane;
 - iii silencing all mechanical plant by the best practical means using current technology;
 - iv fitting pneumatic tools with an effective silencer; and
 - v other relevant considerations.
- (q) Any site-specific requirements.

During the construction:

- (r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines.
 - (s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system.
 - (t) Vehicle borne material must not accumulate on the roads abutting the land.
 - (u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads.
 - (v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
- 21 Construction of the proposed building must be managed such that the construction activities do not compromise the operational efficiency of Johnston Street or public safety.

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Permit Expiry

22 This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit; or
- (c) the use has not commenced within five 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 six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5095 to confirm.

A vehicle crossing permit is required for the construction of any vehicle crossing(s). Please contact Council's construction management branch on 9205 5585 for further information.

All redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the permit holder's expense.

A local law permit (e.g. asset protection permit, road occupation permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5585 for further information.

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.

All future property owners, residents, business owners and employees within the development approved under this planning permit will not be permitted to obtain resident, employee or visitor parking permits.


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

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the Permit Holder.

No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from Council Parking Management unit and Construction Management branch.

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THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:

Date of Order

21 December 2017

Planning Permit PLN16/1155 was issued in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P1776/2017.

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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 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 REVIEWS?

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