

PLANNING PERMIT

Permit No: PLN18/0072

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

ADDRESS OF THE LAND:

100-102 Islington St Collingwood VIC 3066

THE PERMIT ALLOWS:

Development of the land for the construction of a mixed-use, multi-storey building and a reduction in the statutory car parking requirement associated with dwellings, food and drink premises (cafe) and offices (no permit required for uses).

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the 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 this 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 decision plans dated 18 April 2018 but modified to show:
 - a. Levels 6 & 7 set back a minimum of 3m from the Islington Street boundary, with associated changes to the internal layout of these levels, as shown on the sketch plans submitted to Council on 19 June 2018;
 - b. The layout of the residential entrance within the ground level façade altered to address Islington Street, as shown on the sketch plan submitted to Council on 22 June 2018, but further modified to include:
 - i. The splayed wall south of the residential entry fronting Islington Street deleted, with the two visitor bicycle spaces relocated to the street frontage and the commercial waste storage relocated to the east, within the garage;
 - ii. The landscaping and planter boxes as shown on the decision plans maintained.
 - c. The material of the northern and southern walls to be pre-cast concrete in an off-white or 'muted' shade;
 - d. The proposed dark cladding for the lightcourt walls to be replaced with an off-white concrete render finish;
 - e. Details of the proposed privacy screens within the lightcourt, with the screens to be finished with either a light shade, or opaque glazing, in accordance with specifications outlined in Standard D15 (Internal Views) of Clause 58;

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- f. A notation on the plans to specify that the bathroom doors will have readily removable hinges;
 - g. The location of external clothes drying racks;
 - h. A degree of operability provided for the second bedroom windows and stairwell windows;
 - i. A notation specifying that all on-site car parking will be designated for residential use;
 - j. Any alterations to the development required by the updated Sustainable Management Plan at Condition 3;
 - k. Any alterations to the development required by the updated Waste Management Plan at Condition 8.
2. The 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.
 3. Before the development commences, 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 Design Consultants, received by Council on 7 February 2018, but modified to include or show:
 - a. Electric charging system for bicycles;
 - b. The provision of a composting system for residential and office use;
 - c. The provision of end-of-trip facilities within the first-floor of the office tenancy;
 - d. One additional bicycle space for employees.
 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.
 5. Before the 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. details of irrigation system and maintenance; to the satisfaction of the Responsible Authority.
 6. Before the building is 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.
 7. The provisions, recommendations and requirements of the endorsed Acoustic Report, generally in accordance with the Acoustic Report prepared by Acoustic Logic and received by Council on 7 February 2018, must be implemented and complied with to the satisfaction of the Responsible Authority.

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8. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Sustainable Development Consultants, received by Council on 7 February 2018, but modified to include:
 - a. The amended layout of the ground floor;
 - b. The provision of a composting system for residential and office use.

9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

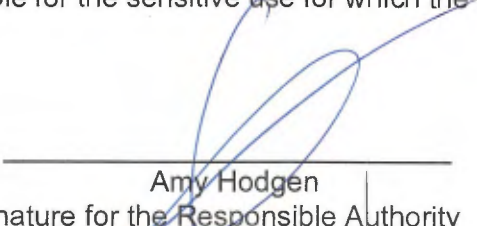
10. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - a. a description of previous land uses and activities on the land;
 - b. an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - c. details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - d. recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act* 1970 (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

11. If the assessment required by condition 9 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

12. If the assessment required by condition 9 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
 - a. a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
 - b. a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
 and the Certificate or Statement must be provided to the Responsible Authority.

13. If, pursuant to condition 11 a Statement is issued:
 - a. the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;

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- b. the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
 - c. before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
 - d. if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (**Agreement**). The Agreement must:
 - i. provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - ii. be executed before the sensitive use for which the land is being developed commences; and
 - e. the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
14. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, and dwelling entrances must be provided within the property boundary. Lighting must be:
- a. located;
 - b. directed;
 - c. shielded; and
 - d. of limited intensity,
- to the satisfaction of the Responsible Authority.
16. 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.
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.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
19. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- a. in accordance with any requirements or conditions imposed by Council;

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- b. at the permit holder's cost; and
 - c. to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- a. at the permit holder's cost; and
 - b. to the satisfaction of the Responsible Authority.
22. 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, including the re-sheeting of the footpath for the width of the property frontage;
- a. at the permit holder's cost; and
 - b. to the satisfaction of the Responsible Authority.
23. Before the 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:
- 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;
 - 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;

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- 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.
 - q. 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;
 - v. other relevant considerations.
24. During the construction:
- a. any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority 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 land enters the stormwater drainage system;
 - c. vehicle borne material must not accumulate on the roads abutting the land;
 - d. the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - e. all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
25. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- a. Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - b. Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - c. Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
27. 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.

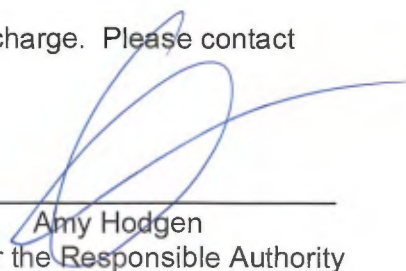
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 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.

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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, employees and occupiers residing within the development approved under this 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.

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.

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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 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.