

PLANNING PERMIT

Permit No: PLN12/0407

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

ADDRESS OF THE LAND:

26-50 Bendigo St Richmond VIC 3121

THE PERMIT ALLOWS:

Development of land (known as the Heritage Precinct) for use and construction of dwellings, a shop, food and drink premises (café) and a community facility and a waiver of the associated loading and unloading bay requirements generally in accordance with the Development Plan approved by Council on 11 May 2012.

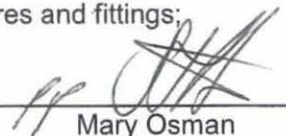
THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
2. All works to the heritage building (the former Wertheim Piano Factory) must be carried out in accordance with permit 16172 dated 6 June 2011 issued by Heritage Victoria, and any subsequent permit or amendment issued at the direction of Heritage Victoria.

Environmental Sustainable Design (ESD)

3. Within one (1) month of the development commencing, an amended Environmentally Sustainable Report must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The report must be generally in accordance with the report by Murchie Consulting Pty Ltd dated 13 August 2012 but modified to address the following:
 - a) a target-recycling rate of 80% of construction and demolition waste;
 - b) evidence that the Biofilta system has been properly sized and performance modelled to ensure commitment to Victoria's best practice stormwater target;
 - c) an average 5 Star NatHERS (BCA 2010 standard) rating for new dwellings;
 - d) a minimum efficiency rating of 1 Star of the highest available or equivalent hot water system;
 - e) the specification of efficient 3-star WELS ratings for fixtures and fittings;

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- f) air-conditioning (HVAC) installed with a minimum efficiency rating at or within 1 Star of the highest available or equivalent co-efficient of performance (COP), meeting the Green Star ENE-12 Peak Energy Demand Reduction credit; and
- g) an energy efficient lighting strategy for common areas.


Landscaping

- 4. Within one (1) month of the development commencing, an amended landscape plan must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must be generally in accordance with Landscape and Public Realm Report prepared by Oculus Architecture May 2012 and include the following changes:
 - a) All existing trees to be retained and removed (including species, height and spread).
 - b) Proposed plant schedule (with botanical name, common name, mature height and spread, installation size, spacing's, locations and quantities).
 - c) A legend (with key features, materials and construction details).
 - d) Existing and proposed levels including top wall and fence heights.
 - e) Existing underground and overhead services.
 - f) Any raised planter beds (including height and construction methods).
 - g) Investigate opportunities for passive irrigation (kerb cut outs) to proposed streetscape planters.
 - h) Alternatives to Environmental Weed Species such as *Acanthus mollis* and *Cotoneaster dameri* (as outlined in Gardening with Native Plants in Yarra: A home gardener's guide to protecting our natural heritage City of Yarra 2001).
 - i) Details of upgrades to existing streetscape planting beds on Bendigo Street.
 - j) Details of lighting, any gates and hand rails (if required) to assist with access within the public open space area.
 - k) Delineation of all public and private areas.
- 5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.
- 7. Within one (1) month of the development commencing, a landscaping bond or bank guarantee of no less than 5% of the total landscaping value must be paid to the responsible authority. This bond will be returned in full no later than 6 months after the satisfactory completion of these works and subject to an inspection by the Responsible Authority.
- 8. Unfettered public access must be maintained at all times to the heritage courtyard and pedestrian walkway accessed from Bendigo Street.

Waste Management

- 9. Waste Management must be undertaken in accordance with the approved Waste Management Plan prepared by Leigh Design, dated 18 July 2012, to the satisfaction of the Responsible Authority.
- 10. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view.

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Road works

11. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.

Noise

12. Any noise emanating from the development including plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (EPA), to the satisfaction of the Responsible Authority

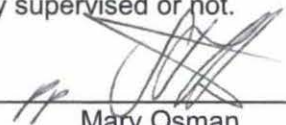
Shop and café use and operation

13. The shop and cafe may only operate between the hours of 6.00am and 7.00pm on any day, unless with the prior written consent of the Responsible Authority.
14. The café has a maximum of 40 seated patrons. The café floor space shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.
15. All delivery and collection of goods associated with the shop and café must be conducted between the hours of 6.00am and 7.00pm on any day, unless with the prior written consent of the Responsible Authority.
16. The use of the shop and cafe must not cause nuisance or be detrimental to the amenity of the neighbourhood by way of emission of noise or other nuisances, to the satisfaction of the Responsible Authority.
17. The amenity of the area must not be detrimentally affected by the shop and café through:
 - a) the transport of materials, goods or commodities to or from land;
 - b) the appearance of any buildings, works or materials; and
 - c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.

Community Centre use and operation

18. The community centre may only operate between the hours of 7am and 8pm Monday to Saturday and 7am to 6pm Sunday, unless with prior consent of the Owners Corporation and the Responsible Authority.
19. The uses permitted within the community centre must be in accordance with the S173 agreement which encompasses the following set of activities and functions:
 - a) Services which support delivery of education, training, advice and information referral; borrowing of library materials; community meetings and events; indoor recreation such as fitness classes and hobby groups; child care and maternal child health; adult allied health services; and community business support.
 - b) All services operated through the facility will be of nature and scale appropriate within a residential environment, and will not cause undue disturbance to local residents or loss of amenity. The Community Centre must not provide for any facility for the injection, consumption or intake of illicit drugs, whether medically supervised or not.

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20. The community centre use and operation must meet all requirements and conditions under the S173 agreement, which includes the following:
- a) Council must not use or lease / licence the land for any other purpose than the Community Centre unless with the written consent of the Owners Corporation.
 - b) Council must undertake the internal fit-out of the Community Centre at Council's cost in a manner that will not affect the structural integrity of the heritage building.
 - c) Council must ensure that the Community Centre is used between the hours of 7am and 8pm Monday to Saturday and 7am to 6pm Sunday, unless with prior consent of the Owners Corporation.
 - d) Council must ensure that the Community centre Land is not unoccupied for a period greater than 12 months.
 - e) Council must not sell or agree to sell to any person without first offering to sell the Community centre land to the Owner under conditions outlined in the Agreement.
21. The community centre use and operation must not cause nuisance or be detrimental to the amenity of the neighbourhood by way of emission of noise or other nuisances, to the satisfaction of the Responsible Authority.

Car Parking

22. Prior to the subdivision of the development, car parking for the dwellings hereby approved by this permit must be provided in accordance with the Development Plan endorsed by Council in May 2012, and be located within the northern precinct basement car parking area.
23. Prior to the subdivision of the development, car parking for staff associated with the community centre, shop and café hereby approved by this permit must be provided in accordance with the Development Plan endorsed by Council in May 2012.


Bicycle Parking

24. A minimum of 34 bicycle parking spaces must be provided within the heritage building (the former Wertheim piano factory) to the satisfaction of the Responsible Authority.
25. Bicycle parking for the dwellings hereby approved by this permit will be provided in accordance with the Development Plan endorsed by Council in May 2012.
26. The bicycle area must be used for no other purpose and must be line-marked and maintained at all times to the satisfaction of the Responsible Authority.
27. Bicycle parking for staff associated with the community centre, shop and café hereby approved by this permit will be provided in accordance with the Development Plan endorsed by Council in May 2012.

General

28. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
29. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

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30. All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Construction

31. Before any 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 as evidence of its approval. The plan must provide for or include the following:
- a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
 - b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - d) 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 the site, on site facilities for vehicle washing;
 - e) 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;
 - f) site security;
 - g) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
 - h) construction program ;
 - i) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
 - j) parking facilities for construction workers;
 - k) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
 - l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - m) 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; and
 - n) 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; and
 - o) 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, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - (i) using lower noise work practice and equipment
 - (ii) the suitability of the site for the use of an electric crane
 - (iii) silencing all mechanical plant by the best practical means using current technology; and

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- (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

Time Limit

32. 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.
33. This permit will expire if the development or use is not commenced within two (2) years from the date of this permit and the development is not completed within four (4) years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 3 months afterwards.

NOTES

This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. All works are subject prior approval from Heritage Victoria.

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

The site is located within an Environmental Audit Overlay. Pursuant to clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of works permitted under the permit.

All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident 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.

The use and operation of the community centre is the subject of a S173 legal agreement.

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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.