

PLANNING PERMIT (Amended) (Corrected)

Permit No: PLN17/0703

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

ADDRESS OF THE LAND:

626 Heidelberg Rd Alphington VIC 3078

THE PERMIT ALLOWS:

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

Use and development of the land for a mixed use development containing dwellings, supermarkets, shops, food and drink premises, office, restricted recreation facility (gym), childcare centre, education centre (primary school), serviced apartments and place of assembly and a reduction in the car parking requirements and creating access to a Road Zone Category 1 Road generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the "decision plans"

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 prepared by NH Architects and Bird de la Coeur dated 30 January 2019 (Received 1 February 2019) but modified to show:

Design

- (a) At least three of the display cabinets replaced with clear glazed windows along the Heidelberg Road frontage to the supermarket;
- (b) Level 1 of the podium car park be sleeved with apartments for the full length of the Outer Circle Mews, apart from the area accommodating the stairwell, with the option to relocate apartments from Level 2;
- (c) Extend the northern wall of the shop of the Mill Building to the building line (Heidelberg Road) above, subsequently removing the terrace area setback;

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- (d) Additional external shading systems applied on all east, west and north facing facades of the Urban Anchor and Living Matrix as required by the additional heat load testing pursuant to Condition 10(a);
- (e) location and size of the water tank;
- (f) roof plan showing location of all solar panels;
- (g) provision and location of a minimum of 40 electric vehicle charging points;

Materials

- (h) an updated schedule of external colours and materials, including samples (where appropriate). The schedule must show:
 - (i) thumb nail sketches of key elements of the façade for all buildings;
 - (ii) coloured elevations of all buildings including coloured perspectives for all key interfaces reflective of the proposed colours and materials;
 - (iii) Colour schedule on TP-2E-803 updated to reference the colour of FM-51 as bronze;
 - (iv) Podium to the western end of Nelmoore Lane to be composed of brick snap (PR-51) rather than concrete formliner (PR-56);
 - (v) Bicycle storage area on the lower ground level to provide clear glazing to Mills Boulevard;
 - (vi) Graffiti proof materials to all ground floor publically accessible areas;

Bike and Car Parking

- (i) A minimum of 20% of spaces within any secure bicycle facility provided as horizontal rails in accordance with AS2890.3;
- (j) Staff bicycle parking increased to 115 spaces;
- (k) School bicycle storage to facilitate a minimum of 50 bicycle spaces
- (l) End of trip facilities to provide a minimum of 12 showers;
- (m) School bicycle storage area increased
- (n) Width of the vehicle entrances to Nelmoore Lane;
- (o) Dimensions of internal vehicle ramps;
- (p) Ramp grades for the first 5m from Heidelberg Road to be specified for the vehicle access ways from Heidelberg Road;
- (q) Car space dimensions to comply with the design guidelines within clause 52.06-9 of the Yarra Planning Scheme;
- (r) Lower ground basement to be extended to accommodate any additional car parking as a result of a loss of car parking elsewhere;

General

- (s) Location of mail collection areas to be clearly shown;
- (t) Provision of a commercial lobby area with clear glazing and entry from Mills Boulevard at the Lower Ground level toward the southern end, north of the shop tenancy;
- (u) Sections of the mesh fence to the school playground within 9m of the balconies associated with the Urban Anchor building to provide a maximum transparency of 25% to a height of 1.7m above the finished floor level of the school playground;
- (v) Full extent of the site to be shown i.e. south-east corner of Nelmoore Lane, including the 16 bicycle spaces;
- (w) Notation confirming all habitable rooms are fitted with an operable window (in addition to sliding doors);
- (x) Balconies to the north-facing apartments within the Urban Anchor building to achieve an average width of 1.8m for single bedroom dwellings and 2m for any two bedroom dwellings; without reducing the northern setback;

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- (y) Minimum widths of living areas to be shown in accordance with Standard D24 of Clause 58 of the Yarra Planning Scheme;
- (z) Standard D20 (storage) of Clause 58 of the Yarra Planning Scheme to be met for all dwellings;
- (aa) Remove reference to the landscaping along the building line fronting Heidelberg Road;

Community Facilities

- (bb) Community Facilities on Level 1 to be shown in accordance with the Architectus Plan Drawing DA1010 dated 18 October 2018 but further modified to show/include:
 - (i) Gross Floor Area of the 'Community 3' space ("warm shell") increased to a minimum of 1,000sqm;
 - (ii) Roller door provided from 'Hall Store 18' to the stadium ('MPC 1');
 - (iii) Rename the 'Community 3' space as 'Warm Shell' and 'Flexible Space 4' as 'Community space';
 - (iv) Extend the northern wall of 'Store 12' to the column to the north (i.e. to align with Kitchen 11);
 - (v) 'Store 12' divided to serve both the 'Community 3', and the 'Flexible Space 4', including provision for a door to the foyer and a dividing wall;
 - (vi) Delete the first door from the 'flexible space' into the restrooms;
 - (vii) A minimum of 1 shower to each WC/changing room 5, 13 and 14;
 - (viii) Swap the location of the 'Kitchen 11' with the 'F WC Changing 13' and provide serving counters to the kitchen to face both the foyer area and the 'Flexible space 4';
 - (ix) Provision for a partition to the 'Flexible Space 4' along Section Line S7;
 - (x) Photovoltaic array associated with the community facilities within the unused roof area of the school building;

Reports

- (cc) any amendments as require by the endorsed landscape plan pursuant to condition 17 to be shown on plans;
- (dd) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 10 to be shown on plans;
- (ee) any requirements as a result of the endorsed acoustic report pursuant to condition 12 to be shown on plans;
- (ff) any requirements as a result of the endorsed wind assessment report pursuant to condition 15 to be shown on plans;
- (gg) Any amendments as required by the Road Safety Audit pursuant to Condition 70; and
- (hh) Any requirements as a result of the endorsed Car Parking Management Plan pursuant to condition 64 to be shown on plans;

Ongoing Architect Involvement

2. As part of the ongoing consultant team, NH Architects and Bird de la Coeur or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

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Staging Plan

3. Before the development starts, a Staging plan must be submitted to and be approved to the satisfaction of the Responsible Authority. The Staging Plan must include, but not limited to, plans and information detailing any public realm works, proposed temporary treatment and use of vacant land. The development must proceed in order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

General

4. The development and uses 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.
5. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
6. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls within the applicable stage must be cleaned and finished to the satisfaction of the Responsible Authority.
7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
8. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
9. Before the buildings are occupied within a stage, any wall located on a boundary facing public property within the applicable stage must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

Sustainable Management Plan

10. Before the development commences, an amended Sustainable Management Plan (SMP) 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 SMP must be generally in accordance with the Sustainable Management Plan prepared by Norman Disney Young and dated 21 November 2018, but modified to include or show:
 - (a) Heat load testing to demonstrate the effectiveness of shading at the summer solstice for north-facing glazing at noon, east-facing glazing at 10am and west-facing glazing at 2pm to affected habitable rooms;
 - (b) The following improvements in relation to the community facilities:
 - (i) Thermal envelope with a minimum 20% improvement on NCC insulation requirements and double-glazing to windows;
 - (ii) Provision for effective external shading to sun-exposed glazing;
 - (iii) Operable windows to all areas, including remote window operation for highlight windows (e.g. to the multi-purpose court);
 - (iv) Provision for ceiling fans including high-volume, low-speed fans (HVLS) within the multi-purpose court;
 - (v) Confirmation that captured rainwater will be utilised for toilet flushing in the community facilities;
 - (vi) Hot water to be solar-boosted gas, with minimum 60% boost; and
 - (vii) Photovoltaic array associated with the community facilities within the unused roof area of the school building;
 - (c) Bicycle numbers updated to reflect Condition 1 endorsed plans;
 - (d) Evidence to demonstrate that SPEL proprietary products are effective in local Victorian conditions or provide a different approach for managing stormwater;

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- (e) Use of recycled materials e.g. insulation;
 - (f) Recycled content of concrete and steel;
 - (g) Greater details of stormwater retention systems within open space areas, including cross sections (as relevant);
 - (h) FSC certified sustainable or recycled timber for all timber uses where ever possible on site;
 - (i) BESS Report as 'Published' i.e. not draft;
 - (j) All 'items to be marked on floor plans' within the BESS report to be clearly shown;
 - (k) Preliminary Section J/NABERS energy modelling as referenced in the BESS report Lighting power density provided to minimum 2019 NCC standards; and
 - (l) Testing of the heat loads to a sample of affected habitable rooms to demonstrate the effectiveness of shading devices at the summer solstice to for north-facing glazing at noon, east-facing glazing at 10am and west-facing glazing at 2pm.
11. 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

12. Before the development commences, 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 Norman Disney Young Pty Ltd and dated 21 November 2018, but modified to include (or show, or address):
- (a) Acoustic specifications of the external walls to the multi-purpose court to achieve reasonable external noise levels on adjacent apartment balconies;
 - (b) Structure borne noise from ball bouncing within the multipurpose court and measure to address potential impacts on commercial uses below, offices on Level 2 and the school building;
 - (c) Consider structure borne sound from the indoor recreational facility on surrounding commercial premises;
 - (d) Lmax assessments of truck noise of delivery vehicles proposed to utilise the loading bay entrances; and
 - (e) Provide adequate acoustic treatment to the community spaces and multipurpose court to enable live music/performance to protect the adjacent residential uses and the school building.
13. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Post commencement Acoustic Report

14. Within 3 months of completion of the development or at a later date to the satisfaction of the Responsible Authority, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Noise impacts from the loading bay activity on the dwellings within the podium along Heidelberg Road;
 - (b) Noise impacts from the mechanical equipment to be measured the most affected sensitive receivers locations (i.e. dwellings); and
 - (c) The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment

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Wind Assessment Report

15. Before the development commences, an amended Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Test will be endorsed and will form part of this permit. The amended Wind Tunnel Test must be generally in accordance with the Wind Tunnel Test prepared by Vipac Engineers and Scientists and dated 25 October 2018, but modified to include (or show):
- (a) Assessment of the amended plans pursuant to Condition 1 of this permit;
 - (b) 'Walking' rather than 'fast walking' used as the minimum acceptable criterion;
 - (c) Level 1 terrace to achieve sitting criterion where outdoor dining is proposed;
 - (d) Level 4 childcare terrace to achieve areas of standing and sitting criteria;
 - (e) Clarification of the sensor location for Location 3 i.e. whether it was shifted into the recessed entrance; and
 - (f) Minimum acceptable criterion achieved for both Configurations 1 and 2 at all locations excluding vegetation.
16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

17. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated 3 December 2018, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Landscaping details of the Level 8 communal terrace;
 - (c) Landscaping details of the school playground;
 - (d) Remove landscape details for the Village Square;
 - (e) Greater detail of the vertical planting proposed to the Living Edge and the podium along the Outer Circle Mews regarding plant species type, irrigation and maintenance details;
 - (f) Greater detail of the steel inserts, including cross sections, demonstrating that they will not be a tripping or slipping hazard, or alternatively removal of this feature;
 - (g) To Heidelberg Road:
 - (i) Retaining wall relocated at the kerb side edge;
 - (ii) Remove planter box adjacent to the Outer Circle Mews, maintaining a consistent avenue of trees;
 - (iii) Tree species to consider impact from future location of power lines and infrastructure; and
 - (iv) Details of any landscaping proposed along the building line, including details to confirm durability and maintenance;
 - (h) To the Outer Circle Mews:
 - (i) The cluster of four trees at each end of the Mews replaced with a single tree or alternatively greater detail regarding the capability of the planter supporting the density of planting;
 - (ii) Avoid small 'left over' spaces between street furniture and garden beds;
 - (iii) Greater detail of the Water Sensitive Urban Design beds including type of system and their broader connection;

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- (iv) Greater detail of the windscreens e.g. materials, porosity;
- (v) Provision of BMX coping/deterrents to street furniture; and
- (vi) Colour variation applied to the brick plinths and pavements;
- (i) To Nelmoore Lane:
 - (i) Comprehensive levels and grading details;
 - (ii) Pinch point along the footpath to achieve a minimum width of 2.5m between the building and the kerb;
 - (iii) Improved landscape treatment within the triangular space to the south-east of the Machinery Hall created by the current amendment, including:
 - a. Provision of furniture to include seating with backs and armrests that can cater for grouping of people;
 - b. Introduce low planting and garden beds;
 - c. bicycle hoops set back minimum of 900mm from the kerb line;
- (j) To the Level 1 terrace:
 - (i) Seating to be provided in clusters including details of seating capacity;
 - (ii) Architectural canopies to be shown in plan and section;
 - (iii) comprehensive levels and grading information;
 - (iv) Clear drainage strategy (including raised planter);
 - (v) Slope of the synthetic grass mount to be correctly referenced as 1:3 (rather than 1:20) on section drawing TP-LAN-L1-703 (Rev 3);
 - (vi) Tree species and available soil volumes nominated; and
 - (vii) Ensure trees are suitably offset from the edges of planters.
- 18. Before the plans are endorsed, an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
 - (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
 - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
- 19. Before the buildings within a stage are occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans relating to the applicable stage must be carried out and completed to the satisfaction of the Responsible Authority.
- 20. The landscaping shown on the endorsed plans 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,
 all to the satisfaction of the Responsible Authority.

Village Square

- 21. Before the development commences, or otherwise approved by the Responsible Authority, a landscape concept plan must be submitted to and approved by the Responsible Authority. When approved, the Village Square will be endorsed and will form part of this permit. The Village Square must be generally in accordance with the landscape concept plans prepared by Aspect Studios date 3 December 2018, plan Ref. TP-LAN-0G-101 but updated to include or show:

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- (a) Further information to demonstrate that significant change in levels between the square and Mills Boulevard have been avoided;
- (b) Incorporate landscaping on the eastern edge of the square that will supplement the Main Street tree planting;
- (c) Greater detail of corton steel elements including how they will be incidentally used and complement the space and how graffiti will be deterred;
- (d) More information to confirm that the added entrance will align with the Mills Boulevard crossing;
- (e) More information regarding custom seating and whether this will allow for groups to gather and interact;
- (f) Additional detail provided to conform that bicycle hoops, drinking fountains and bins to Council's Standards or otherwise to the satisfaction of the Responsible Authority;
- (g) Indicate location of signage to be consistent with the 'Wayfinding signage and Interpretation Strategy report' pursuant to Condition 23;
- (h) Greater detail to confirm that double sided timber benches include backs and armrests;
- (i) More information to confirm that there will be a clear demarcation between public and private areas, including the location of assets; and
- (j) Details of a clear drainage strategy.


Section 173 Agreement – Village Square

22. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Before the occupation of the development approved by this permit, or at a later date to the satisfaction of the Responsible Authority, the Village Square must be substantial completed to the satisfaction of the Responsible Authority;
 - (b) The cost of any incomplete works (including any associated labour and maintenance) at time of occupation of the development to be reserved as bonds, bank guarantees or similar to the satisfaction of the responsible authority;
 - (c) Prior to the occupation of the development approved by this permit, or at a later date to the satisfaction of the Responsible Authority, the Village Square is to be vested with Council; and
 - (d) The cost of the design and construction of Village Square, including all landscape works, any park furniture/equipment and drainage is to be borne by the permit applicant.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

Wayfinding and Interpretation Strategy

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23. Before the use commences, an amended Wayfinding and Interpretation Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wayfinding and Interpretation Strategy will be endorsed and will form part of this permit. The amended Wayfinding and Interpretation Strategy must be generally in accordance with the Wayfinding and Interpretation Strategy prepared by Urban & Public and Aspect Studios and dated August 2017, but modified to include or show:
- (a) Heritage interpretation signage within the Paper Trail for the metal inlay; and
 - (b) Provision of further details regarding the heritage interpretation/wayfinding elements e.g. steel paving inlay to vertical element transition.


Public Art Management Plan

24. Within 6 months of commencement of the development, a Public Art Management Plan for the display cabinets along Heidelberg Road to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) Details of who is to manage the display cabinets, this is to be one of the following:
 - (i) Art curator;
 - (ii) Art gallery;
 - (iii) Artist run space;
 - (b) Funding arrangements to maintain the space;
 - (c) Frequency that the display boxes are to be changed;
 - (d) In the event that an art curator is engaged, details of display creation process to include:
 - (i) A brief to be developed and open for artists' submissions, or by invitation to a group of shortlisted artists;
 - (ii) The concept design submissions will be assessed by Council's Visual Arts Panel or project specific panel and one artist may be successfully selected to proceed to commission round; and
 - (iii) The artist may be engaged for a further design stage or proceed straight to commission, however a fixed budget will be established and the artist contracted to deliver the project within this set fee.
25. Before the buildings within the stage that includes the public art are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art within the applicable stage must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Lighting Plan Design

26. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkways and dwelling entrances relating to the applicable stage must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,

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to the satisfaction of the Responsible Authority.

27. Before the development commences, a Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lighting Plan must address lighting within the internal streets and other publicly accessible areas and the entrances to the approved dwellings. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must provide for:
- (a) A lighting scheme designed for new open roads within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (f) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.
28. The provisions, recommendations and requirements of the endorsed Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Waste Management Plan

29. The provisions, recommendations and requirements of the endorsed Waste Management Plan generally in accordance with the Waste Management Plan prepared by SALT and dated 20 November 2018 must be implemented and complied with to the satisfaction of the Responsible Authority.

Community Facilities – Section 173 Agreement

30. Before the development starts, the owner (or other person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:

- (a) the minimum, located on Level 1:
 - (i) 432sqm community space inclusive of foyer;
 - (ii) 1000sqm community centre activity space ("warm shell");
 - (iii) 820sqm multi-purpose court,

All shown on the endorsed plans must be subdivided and gifted to the Responsible Authority at no cost to the Responsible Authority before the development authorised by this permit is occupied;

- (b) the owner will undertake the:
 - (i) fit out of the internal 432sqm community space including kitchen, toilets and storage (to include floor covering, ceiling, wall partitioning, lighting and air conditioning);
 - (ii) Delivery of a "warm shell" of 1,000sqm gross floor area, toilet facilities and storage;
 - (iii) Delivery of the multi-purpose court to netball standard, including associated toilet/change room facilities and storage rooms; and
 - (iv) Delivery of ESD initiatives as detailed within condition 10(b) of this planning permit;
- (c) before they are gifted to the Responsible Authority, all fit outs must be in a manner to be agreed by the owner and the Responsible Authority before the internal and where

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- relevant external works commence for all fit outs, all at no cost to the Responsible Authority; and
- (d) the owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.

Use Conditions

Primary School

31. Except with the prior written consent of the Responsible Authority, no more than 300 children are permitted on the land at any one time.
32. Except with the prior written consent of the Responsible Authority, no more than 12 EFT teachers are permitted on the land at any one time.
33. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.

Sports Court / Pavilion

34. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.

Childcare

35. Except with the prior written consent of the Responsible Authority, no more than 120 children are permitted on the land at any one time.
36. Except with the prior written consent of the Responsible Authority, no more than 10 EFT Childcare teaching staff are permitted on the land at any one time.
37. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.

Office


38. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.

Retail/Shop

39. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.

Supermarket

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40. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 12midnight.

Food and Drink Premises

41. Except with the prior written consent of the Responsible Authority, no more than 170 patrons (distributed across all food and drink premises) are permitted on the land at any one time.
42. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.

Community Space - Place of Assembly

43. Except with the prior written consent of the Responsible Authority, no more than 300 patrons are permitted on the land at any one time.
44. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.

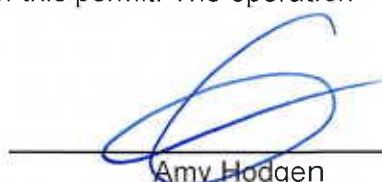
Gym

45. Except with the prior written consent of the Responsible Authority, no more than 386 patrons are permitted on the land at any one time.
46. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) 24 hrs per day.
47. Before the restricted recreation facility (gym) use commences, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
- (a) Hours that staff will be present on site;
- (b) Details of after-hours access by members; and
- (c) Details of security/safety measures/emergency contact when facility is unstaffed.
48. The provisions, recommendations and requirements of the endorsed Operation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Serviced Apartments

49. Before the use of the serviced apartments operates, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
- (a) Hours that staff will be present on site;

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- (b) Details of after-hours access by members; and
 - (c) Details of security/safety measures/emergency contact when facility is unstaffed.
50. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Serviced apartments to be restricted to temporary accommodation away from normal place of residence; and
 - (b) Serviced apartments must be managed by a single operator and not disposed of as individual lots.

General Use Conditions

51. The provision of music and entertainment on the land must be at a background noise level excluding the community spaces unless with the prior written consent of the Responsible Authority.
52. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
53. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
54. The amenity of the area must not be detrimentally affected by the development and uses including through:
- (a) The transport of materials, goods or commodities to or from the 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 or
 - (d) The presence of vermin,
- to the satisfaction of the Responsible Authority.

Road works – Section 173 Agreement

55. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Before the occupation of the development approved by this permit, Heidelberg Road along the site frontage must be substantially completed to the satisfaction of the Responsible Authority, including appropriate connections to the adjoining sections of Heidelberg Road;
 - (b) Sections of the Heidelberg Road and Latrobe Avenue footpath that lie outside the building envelope but within the title boundaries to be vested with Council unless otherwise agreed and acceptably delineated;
 - (c) Before occupation of the development approved by this permit, the sections of Heidelberg Road and Latrobe Avenue adjacent to the title boundaries must be substantially completed to the satisfaction of the Responsibility;
 - (d) The cost of the design and carrying out these works to be borne by the owner of the land;

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Signature for the Responsible Authority

- (e) Publicly accessible pedestrian links (Paper Trail, Outer Circle Mews and Nelmoore Lane) to remain unobstructed and maintained in good order to the satisfaction of the Responsible Authority;
- (f) Paper Trail access (connecting the Village Square to the Outer Circle Mews) to be publicly accessible between 6am and 12midnight; and
- (g) 24-hour public access provided to the Outer Circle Mews and the access road to the south.

The owner, or other person in anticipation of becoming the owner, must meet all the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

Road Infrastructure

- 56. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that cars can traverse the new vehicle crossing without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.
- 57. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing within the applicable stage must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 58. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing within the applicable stage 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.
- 59. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 60. Prior to the commencement of works, specifications for the proposed surface materials to be used for Council's assets are to be submitted to Council's Civil Engineering Unit for assessment and approval.
- 61. Before the buildings within a stage are occupied, the footpaths, kerbs, channels and roadways adjacent to the applicable stage are to be constructed to the satisfaction of the Responsible Authority.

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62. Before the buildings within a stage are occupied, redundant pits/services within the applicable stage are to be removed and Council assets reinstated.
63. Prior to the commencement of works, existing Council stormwater drainage and sewerage infrastructure within the site to be relocated to the satisfaction of the Responsible Authority.

Car parking

64. Before the commencement of the development, an amended Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Car Park Management Plan will be endorsed and will form part of this permit. The amended Car Park Management Plan must be generally in accordance with the Car Park Management Plan prepared by GTA and dated 7 February 2019, but modified to include:
- (a) Any changes as required pursuant to condition 1
 - (b) A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of disabled bays and bicycle parking, exits, restrictions and pay parking systems etc.;
 - (c) The number and location of car parking spaces allocated to each use including:
 - (i) residential spaces provided at a minimum rate of 1 space per dwelling (excluding the affordable housing component);
 - (ii) residential spaces allocated to the affordable housing component at a minimum rate of 0.66 spaces per dwelling.

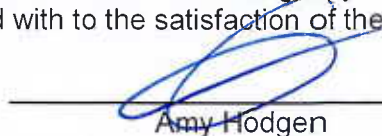
to the satisfaction of the Responsible Authority.

65. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
66. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking relating to the applicable stage must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Loading Bay Management Plan

67. Before the buildings are occupied, a Loading Bay Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Bay Management Plan will be endorsed and will form part of this permit. The Loading Bay Management Plan must address, but not be limited to, the following:
- (a) details of the frequency, hours and type of deliveries to occur;
 - (b) access management into the loading bay e.g. manual/swipe/pin code;
 - (c) collection of waste and garbage including the separate collection of organic waste and recyclables and medical waste which must be in accordance with the Waste Management Plan required by Condition 29; and
 - (d) loading hours and operations to be consistent with recommendations in the acoustic report pursuant to Condition 12, including that doors are to remain shut while loading and unloading.
68. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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Signature for the Responsible Authority

69. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Road Safety Audit

70. Prior to the endorsement of plans, an amended Road Safety Audit is to be undertaken generally in accordance with the Road Safety Audit Ref. RSA-05937 dated 25 July 2017 but amended to include:
- (a) Shared path priority to be identified as a 'high risk' rating; and
 - (b) Further analysis and recommendations to resolve the shared path priority including to ensure that the shared path priority is clear to drivers, riders and pedestrians.

Green Travel Plan

71. Before the use commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 7 February 2019, but modified to include or show:
- (a) Greater provision for staff bicycle parking and end of trip facilities as outlined in condition 1.
72. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Transport Victoria

73. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Heidelberg Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations during construction and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.

VicRoads Conditions (74 to 77)

74. Before the development starts functional layout plans for the intersection of Heidelberg Road and the accessway to the Village (at the north west) and the intersection of Heidelberg Road and Latrobe Avenue, must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies submitted with the application (by GTA consulting, Heidelberg Road Frontage Alphington, Functional Layout, reference: 16M192300-05 Issue F7). The Functional Layout Plans must also incorporate the recommendations of the Road Safety Audit, Reference RSA – 05937 by Road Safety Audits).
75. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access lanes, driveway, crossovers and associated works must be provided and available for use and be:
- (a) formed to such levels and drained so that they can be used in accordance with the plan; and
 - (b) treated with an all-weather seal or some other durable surface.
76. The crossover and driveway must be constructed to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.

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Amy Hodgen
Signature for the Responsible Authority

77. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operation efficiency of the road or public safety.

Construction Management

78. 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) measures to maintain the access and integrity of the continuous bike path along Heidelberg Road;
 - (o) 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;
 - (p) 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;
 - (q) 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;

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- (iv) fitting pneumatic tools with an effective silencer;
- (v) other relevant considerations; and
- (r) any site-specific requirements.

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (t) 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;
 - (u) vehicle borne material must not accumulate on the roads abutting the land;
 - (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
79. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
80. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
81. 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; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time Expiry

82. 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 uses have 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:

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.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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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.

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 development permitted under the permit.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

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.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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.

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 development permitted under the permit.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

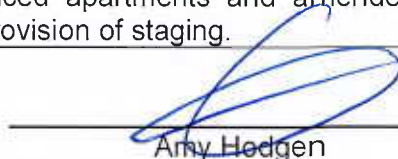
VicRoads Notes:

Separate approval under the Road Management Act may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
06/05/2019	Pursuant to Section 73 and 74 of the <i>Planning and Environment Act 1987</i> , amendment to the layout, materials and design of the approved development, introduce serviced apartments and amended various permit conditions, including provision of staging.

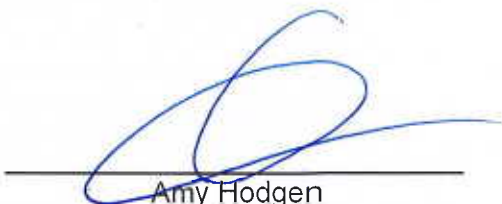
Date: 05 June 2018


Signature for the Responsible Authority

THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS:

Date of correction	Brief description of correction
17/02/2020	Pursuant to Section 71 of the <i>Planning and Environment Act 1987</i> , correct the "permit issued" date

Date: 05 June 2018



Amy Hodgen
Signature for the Responsible Authority