



PLANNING PERMIT PLN17/0703

Address of the land: 640 Heidelberg Rd, Alphington VIC 3078

The permit allows: Use and development of the land for a mixed use development containing dwellings, supermarkets, shops, restricted retail, food and drink premises, office (including medical centre), restricted recreation facility (gym & pilates studio), childcare centre, and place of assembly, sale of packaged liquor, a reduction in the car parking requirements and creating access to a Transport Zone 2 road generally in accordance with the Development Plan.

The following conditions apply to the permit:

Amended Plans

- 1 Before the development commences (excluding retention, bulk excavation and early works), 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 Fender Katsalidis (Revision C) dated 29 July 2022 and Red Line plan (Drw. No. TP9001) dated 29 March 2022 but modified to show:

Design

- (a) Buildings D1 and C modified to show:
 - (i) Building D1 south-eastern corner chamfered at Level 8 in accordance with the Without Prejudice Plans prepared by Fender Katsalidis SK2000, SK2001 and SK2002, dated 12 January 2023 to ensure that there is no additional shadow cast by the built form of Building D1 above level 8 over the village square between the hours of 11am and 2pm at the September equinox and reduction in the height of the roof top plant screen of this building to 3.0 metres; and
 - (ii) The eastern portion of Building C reduced in height to a maximum of eight (8) storeys and converting area on west of upper ground floor to residential apartments in Building B in accordance with the Without Prejudice Plans prepared by Fender Katsalidis SK 2501, SK2502, SK2503, SK2505, SK2506 dated 21/12/22;
- (b) Building F reduced in height by deleting Level 5 and converting a portion of the Upper Ground Floor into two levels of apartments without any additional building height in accordance with Fender Katsalidis plans SK3001, SK3002, SK3002B, SK3008 and SK3009 dated 13 January 2023.

- (c) 3D images/renders of the interfacing ramps/stairs/retaining walls to the Village Square, depicting any elements as required by the Access Report pursuant to Condition 26.
- (d) Any changes required to the ramps/stairs/retaining walls connecting to Village Square as a result of the approved Village Square landscape concept plan pursuant to condition 28.

ESD

- (e) Operable windows to the community facilities;

Materials

- (f) Material of the Heidelberg Road pedestrian entrance threshold changed from exposed aggregate concrete (PV5) to a bluestone paver (PV6);
- (g) Fire booster cabinet doors facing Mills Boulevard to be composed of clear glazing;
- (h) Gas metre room doors to be treated with a high quality material, integrated into the façade;
- (i) All ground floor publicly accessible areas to be treated with a graffiti proof finish;
- (j) Improved articulation/visual interest to the substation doors along the Outer Circle Mews e.g. decorative panels, landscaping and or public art or similar;
- (k) Details of the external material treatment of the fan rooms facing Heidelberg Road and Nelmoore Lane, demonstrating these will be integrated into the overall façade

Bike and Car Parking

- (l) Additional 26 staff car spaces provided on site i.e. total 632 staff/resident car spaces;
- (m) Entry and exit lanes from Heidelberg Road to be dimensioned;
- (n) Pedestrian sight triangles super-imposed on the drawings to demonstrate compliance with Design Standard 1 of Clause 52.06-9 of the Scheme;
- (o) The car park entrance lane from Nelmoore Lane widened from 3m to 3.3m in accordance with AS/NZS 2890.1:2004;
- (p) Convex mirror to be added to the easternmost exit lane to view pedestrians/footpath conditions;
- (q) Headroom clearances to be dimensioned on section drawings, including demonstrating a 2.5m clearance for accessible parking spaces as per AS/NZS 2890.6:2009;
- (r) Length of the tandem spaces dimensioned and be no less than 10.3m in accordance with Design Standard 3 of Clause 52.06-9 of the Scheme;
- (s) Accessible parking bays B1-336, B1-316, B1-415 and B1-394 to be a minimum of 2.4 metres in width as required by AS/NZS 2890.6:2009;
- (t) Relocate columns that encroach on the parking spaces' clearance envelopes as shown in Diagram 1: Clearance to parking spaces in Clause 52.06-9 of the Scheme;

- (u) Transition grades at the basis of 1 in 4 ramp sections to be dimensioned and no less than 2.5m;
- (v) Swept path diagrams for a B99 design vehicle undertaking left and right turn movements at the top of the Level 1 car park ramp to demonstrate adequate clearance from nearby parking spaces and the column in the centre of the ramp;
- (w) Ground clearance check on dimensioned cross-sectional drawings for the vehicle crossover to Heidelberg Road;
- (x) A minimum 41 Electric Vehicle charging points to be provided, shared across the long and short term parking areas;
- (y) A minimum of 80% horizontal on-ground visitor bicycle spaces to be provided;
- (z) An additional bicycle hoop (i.e. total of 6 hoops accommodating 12 bicycles) on Nelmoore Lane, adjacent to Mills Boulevard;
- (aa) A minimum 20% of horizontal on-ground bicycle spaces within each residential and office bicycle store area;
- (bb) a minimum of 20 charging points for electric bicycles to horizontal on-ground resident/staff bicycle storage areas;
- (cc) Access corridors to bicycle parking areas to be widened to a minimum of 2.5m;
- (dd) Provision for a locker per staff bicycle space, conveniently located to the bicycle parking and shower facilities;
- (ee) dimensions of all accessways, aisles and lifts proposed for bicycle access to demonstrate compliance with Australian Standard AS2890.3;
- (ff) A minimum 40A single phase electrical sub circuit installed in the car park areas for 'EV readiness';

General

- (gg) Notation to be added to the plans that the floor of the multi-purpose court is to incorporate a secondary isolated floating floor on damped springs in accordance with the endorsed Acoustic Report pursuant to Condition 16;
- (hh) Floor layout of the proposed gym including specification for the type of floor (minimum static deflection) in accordance with the endorsed Acoustic Report pursuant to Condition 16;
- (ii) Planters to be shown within the stairs from Mills Boulevard to the podium terrace, consistent with the landscape plans;
- (jj) Screening measures to prevent overlooking within 9m to a maximum of 25% transparency and 1.7m in height but not limited to:
 - (i) Apartments 413 and 414 of Building A (and levels above);
 - (ii) Apartments A415 and A416 of Building B (and levels above);
 - (iii) Apartments 501 and 522 of Building C (and levels above);
- (kk) Levels and details of Heidelberg Road and Mills Boulevard consistent with the approved civil and detailed design drawings, with finished floor levels at points of entry to be aligned accordingly;

- (ll) A gate provided from the stairs to the Upper Ground level terrace, with a notation that this be closed when retail tenancies are not in operation to restrict access to the terrace;
- (mm) Windows to common area internal corridors to be shown as operable;
- (nn) Minimum widths of common area internal corridors to be widened to 1.5m;
- (oo) A floor plan showing the distribution of patron across the various food and drink premises to show no more than 1,293 patrons;
- (pp) Details of the canopy extending from the corner of Heidelberg Road and Mills Boulevard, demonstrating that this will not adversely impact upon street tree planting;

Clause 58

- (qq) Demonstrate that all apartments comply with the total minimum storage volume pursuant to Table D6 of Standard D20 (Storage);
- (rr) Apartment Type TC-B01 to achieve an average living room width of 3.6m;
- (ss) Apartment Type A1.02 apartments without a second window to the side wall of the living area to be reduced in depth to no greater than 9m to the end of the kitchen;
- (tt) Minimum widths of living areas to be accurately dimensioned pursuant to Standard D24 of Clause 58 of the Yarra Planning Scheme;

Village Square

- (uu) The design of the village square to be in accordance with the General Arrangement Plan” prepared by Aspect Studios (Drawing No. LA-101, Revision A), dated 18 November 2022 and “Area Plan” prepared by Aspect Studios (Drawing No. LA-200, Revision A) dated 5 December 2022” and showing a minimum 714sqm footprint which excludes:
 - (i) Any ramps, handrails, tactiles and stairs to the satisfaction of the responsible authority;
 - (ii) Retaining walls other than those required between Mills Boulevard and the Park;
- (vv) Village Square to be unencumbered by levels above and below.
- (ww) Any further changes to the basement required to ensure that plantings within Village Square are not compromised, in accordance with Condition 28

Community Facilities

- (xx) Community Facilities to show/include:
 - (i) Showers in the change rooms of the multi-purpose court clearly shown;
 - (ii) Direct access to the store room provided from the two consultation rooms within the Community Space, with the door to the corridor removed;
 - (iii) A sink and bench area to be provided within each of the consultation rooms within the Community Space;
 - (iv) Identify the Community Centre as a ‘Warm Shell’;

- (v) Change rooms associated with the multipurpose court to include a dedicated gender neutral change room in addition to those already provided.

Reports

- (yy) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 14 to be shown on plans;
- (zz) any requirements as a result of the endorsed Acoustic Report pursuant to condition 16 to be shown on plans;
- (aaa) any requirements as a result of the endorsed Wind Assessment report pursuant to condition 20 to be shown on plans;
- (bbb) any amendments as require by the endorsed Landscape Plan pursuant to condition 22 to be shown on plans;
- (ccc) any amendments as require by the endorsed Access Report pursuant to condition 26 to be shown on plans;
- (ddd) Any requirements as a result of the endorsed Car Parking Management Plan pursuant to condition 72 to be shown on plans;
- (eee) any amendments as required by the Road Safety Audit pursuant to Condition 79; and
- (fff) Any amendments as required by the Green Travel Plan pursuant to Condition 80;

Ongoing Architect Involvement

- 2 As part of the ongoing consultant team, Fender Katsalidis 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.

Façade Strategy Plan

- 3 In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) Reflective glare assessment demonstrating glazing will not result in excessive glare
 - (b) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities (including fire booster cabinet doors, Gas meter room doors and external walls to fan rooms) and typical tower facade details;
 - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (d) information about how the façade will be maintained; and

- (e) a sample board and coloured drawings and renders outlining colours, materials and finishes.
- 4 The provisions, recommendations and requirements of the endorsed Façade Strategy Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Early Works

- 5 Prior to the commencement of any early works, excluding retention and bulk excavation, an Early Works Plan detailing the extent of early works to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. This plan must also depict accurate levels of Heidelberg Road and Mills Boulevard consistent with the approved civil and detailed design drawings, with indicative finished floor levels at proposed points of entry to be aligned accordingly;
- 6 The endorsed Early Works Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

- 7 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.
- 8 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 9 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.
- 10 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 11 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.
- 12 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.
- 13 Lift access from the Outer Circle Mews to the podium terrace/Paper Trail to be accessible at all times.

Sustainable Management Plan

- 14 In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), 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 Stantec and dated 1 June 2022, but modified to include or show:

- (a) inclusion of the UDIA EnviroDevelopment tool and confirmation that the project will continue to be certified under all six categories;
 - (b) Use of recycled materials to be nominated, including concrete (>30% recycled aggregate nominated), steel, insulation and plasterboard with a recycled content;
 - (c) Specify that all engineered timber is to be FSC certified; and
 - (d) The following improvements in relation to the community facilities:
 - (i) Operable windows to all facilities;
 - (ii) Provision of a ventilation / air movement system to achieve sufficient air movement to the multipurpose court that is designed fit for purpose and compliant with the applicable authority standard and guidelines, such as the Airius Fans referenced in the Design Memo prepared by Integrated Group Services, dated 6 December 2022. and
 - (iii) Hot water to be solar-boosted electric .
 - (e) Provision of a shading study to be completed for north and west glazing of Building A and the west facing glazing of Building B, with recommendations of study be incorporated within design
- 15 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

- 16 In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 25 March 2022, but modified to include (or show, or address):
- (a) Noise from the childcare to target 35 dBA Leq for all habitable rooms during the day and evening periods;
 - (b) Advice on any façade upgrades required for office spaces to achieve AS/NZS2108 design levels internally, having regard to traffic noise and voice noise from the childcare centre. Specification of external walls and glazing to the Community facility and Multi-purpose court to enable these areas to be used for live or loud music in accordance with the Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021);
 - (c) Specification of the floor to the multi-purpose court to detail a secondary isolated floating floor on damped springs;

- (d) The gym use to adopt maximum noise levels of 25LA_{max} for bedrooms during the night-time period;
 - (e) Specification for the type of floor to the gym e.g. Minimum static deflection;
 - (f) L_{max} criteria for noise from the loading dock to achieve dBA in bedrooms and 45 dBA in living rooms;
 - (g) A specification provided for the slab / floor ceiling separating the loading bay from apartments above; and
 - (h) Assessment of noise impacts from the multi-purpose court onto the community space and details of any noise attenuation measures required including the installation of a noise limiter.
 - (i) Assessment of noise impacts from the substation on the Upper Ground Floor dwellings of Building B and details of any noise attenuation measures required.
 - (j) Assessment of noise impacts from the food and drink premise on the habitable rooms of Apartment F-B07 and details of any noise attenuation measures required.
- 17 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 18 Prior to the commencement of the use of the community facility or multipurpose court authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
- (a) be set at a level specified by a qualified acoustic engineer;
 - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement; and
 - (c) be maintained and operated at all times,
- to the satisfaction of the Responsible Authority.

Post commencement Acoustic Report

- 19 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);

- (c) The acoustic report must demonstrate noise impacts comply with the targets in the Acoustic Report endorsed under condition 16 and, where necessary, make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021)) or any other requirement to the satisfaction of the Responsible Authority.
- (d) Noise impacts from the substation on the Upper Ground Floor dwellings of Building B; and
- (e) Noise impacts from the food and drink premise on the bedrooms and living rooms of Apartment F-B07.

Wind Assessment Report

- 20 In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), 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 and dated 10 May 2022, but modified to include (or show):
- (a) Assessment of the amended plans pursuant to Condition 1 of this permit, including any changes required to the canopy near the corner of Mills Boulevard and Heidelberg Road to accommodate street tree planting;
 - (b) 'Walking' rather than 'fast walking' used as the minimum acceptable criterion;
 - (c) Update the 'existing configuration' to reflect existing conditions i.e. vacant site with hoarding.
 - (d) Demonstrate Study Location 1 does not exceed walking comfort by the proposed development;
 - (e) Assessment of the wind conditions within the Lower Ground and upper ground dining areas demonstrating sitting comfort is achieved.
- 21 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

- 22 In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), 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 27 July 2022, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;

- (b) Details and provision of planting within the stairs from the podium terrace to the Outer Circle Mews;
- (c) Details and the provision of planting and seating opportunities within the stairs leading from Mills Boulevard to the podium terrace;
- (d) Replace the central handrail to the stairs from Mills Boulevard to along either side;
- (e) Details of plant species and quantities for each planted area;
- (f) Confirmation that none of the proposed species are on DELWP's list of environmental weeds;
- (g) Pot sizes and install sizes for trees and plants;
- (h) Confirm soil volume for each tree and confirm suitability;
- (i) Consideration of drainage, including confirmation that green roof planter drainage (and irrigation) will be integrated into the built form/roof slab, with all pipes suitably concealed;
- (j) Details of maintenance requirements;
- (k) Detailed paving plan (with consistency provided with the architectural plans);
- (l) Landscape technical specification;
- (m) Details of the Outer Circle Mews, generally in accordance with the Outer Circle Mews Landscape plan prepared by Aspect Studios and endorsed 11 May 2022 but modified further to show:
 - (i) Consistency with the architectural drawings;
 - (ii) Relocation of the raingardens to align with revised openings;
- (n) Nelmoore Lane landscape plan updated to show:
 - (i) Full extent of Nelmoore Lane, generally in accordance with the Nelmoore Lane Landscape Plan prepared by Aspect Studios and endorsed 25 March 2022, including details of tree planting, bench seating and a minimum of 6 bicycle hoops (accommodating 12 bicycles);
 - (ii) Provision for recycle and general waste bin within the title boundaries;
 - (iii) Consistency with the architectural drawings;
- (o) To the Upper Ground terrace:
 - (i) Seating to be provided;
 - (ii) deciduous tree varieties;
- (p) To the Paper Trail:
 - (i) Additional details of fencing i.e. height, batten spacing, transparency; and
 - (ii) Confirmation that planting on the podium is suitable having regard to the micro climate e.g. sun/shade and wind levels including the Coymbia, Melaleuca and Elaeocarpus species.

- 23 Before the landscape 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.
- 24 *Before the buildings 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.
- 25 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.

Access Report

- 26 Before the development commences (excluding retention, bulk excavation and early works), an Access Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Access Report will be endorsed and will form part of this permit. The Access Report must be prepared by a suitably qualified Access Consultant and include, but not be limited to, the following:
- (a) Provide an access evaluation of the publicly accessible areas;
 - (b) Advice on the location and requirements for handrails, tactiles or similar;
 - (c) Recommendations to ensure safe, dignified and equitable access is provided in accordance with the Disability Discrimination Act (DDA).
- 27 The provisions, recommendations and requirements of the endorsed Access Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Village Square

- 28 Before the development commences (excluding retention, bulk excavation and early works), or otherwise approved by the Responsible Authority, a landscape concept plan in accordance with the "General Arrangement Plan" prepared by Aspect Studios (Drawing No. LA-101, Revision A), dated 18 November 2022 and "Area Plan"

prepared by Aspect Studios (Drawing No. LA-200, Revision A) dated 5 December 2022", to the satisfaction of the Responsible Authority 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 include or show:

- (a) Convenient DDA compliant direct access provided from Mills Boulevard;
- (b) Demonstrate a minimum 714sqm is provided excluding any projections from the private realm including hand railings, tactiles, steps and retaining walls (other than those required between Mills Boulevard and the park) to the satisfaction of the Responsible Authority;
- (c) Further information to demonstrate that significant change in levels between the square and Mills Boulevard have been avoided;
- (d) Incorporate landscaping on the eastern edge of the square that will supplement the Mills Boulevard tree planting;
- (e) An entrance into Village Square to align with the Mills Boulevard crossing;
- (f) Detail of any infrastructure e.g. bicycle hoops, drinking fountains and bins, with this to designed 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 33;
- (h) More information to confirm that there will be a clear demarcation between public and private areas, including the location of assets; and
- (i) Detailed cross sections through the proposed building/Village Square and Mills Boulevard, with details of the different interface typologies;
- (j) Details of a clear drainage strategy, including:
 - (i) confirmation is required on how stormwater will be captured and drained to a legal point of discharge; and
 - (ii) Confirm how the 1% AEP rain event will be managed within the park area e.g. how it will be contained and directed through an overland flow path (if applicable) to discharge into the public road reserve; and
- (k) Indicate where utilities within the park are to be connected to service the park area, noting all connections must be independent of the private property.

Section 173 Agreement – Village Square

29 Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit (excluding retention, bulk excavation and early works), 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.

Lighting Plan Design

- 30 Before the buildings 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,
- to the satisfaction of the Responsible Authority.
- 31 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 luminaries and/or solar lighting technologies to reduce carbon emission if possible.
- 32 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.

Wayfinding and Interpretation Strategy

- 33 Before the development commences (excluding retention, bulk excavation and early works), a 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.
- 34 The provisions, recommendations and requirements of the endorsed Wayfinding and Interpretation Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

- 35 Before the development commences (excluding retention, bulk excavation and early works), 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 WSP and dated March 2022, but modified to include:
- (a) Any changes required pursuant to Condition 1.
- 36 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Use Conditions

Sports Court / Pavilion

- 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.

Childcare

- 38 Except with the prior written consent of the Responsible Authority, no more than 120 children are permitted on the land at any one time.
- 39 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.
- 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 10.00pm.

- 41 Except with the prior written consent of the Responsible Authority, the use of the outdoor areas of the childcare centre may only operate between the following hours:
- (a) Monday to Sunday 7am to 6pm.

Office

- 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.

Medical Centre

- 43 No more than eight (8) practitioners are permitted to operate from 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.
- 45 All infectious waste must be removed by a commercial waste contractor, which holds an appropriate commercial waste licence to the satisfaction of the Responsible Authority.

Restricted Retail/Shop

- 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) Monday to Sunday 6.00am to 10.00pm (excluding the bottle shop); and
- (b) Monday to Sunday 9.00am to 11.00pm (Bottle shop).

Packaged Liquor

- 47 The sale of liquor (packaged liquor) 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.
- 48 Except with the prior written consent of the Responsible Authority, the sale of packaged liquor may only occur between the hours of 9.00am and 11pm

Supermarket

- 49 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

- 50 Except with the prior written consent of the Responsible Authority, no more than 1,293 patrons (distributed across all food and drink premises) are permitted on the land at any one time.
- 51 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

- 52 Except with the prior written consent of the Responsible Authority, no more than 300 patrons are permitted on the land at any one time.

53 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

54 Except with the prior written consent of the Responsible Authority, no more than 156 patrons are permitted on the land at any one time.

55 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.

56 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.

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

Pilates studio

58 Except with the prior written consent of the Responsible Authority, no more than 25 patrons are permitted on the land at any one time.

59 Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:

(a) 6.00am to 10.00pm.

General Use Conditions

60 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.

61 The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

62 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 Infrastructure

- 63 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.
- 64 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.
- 65 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.
- 66 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.
- 67 Prior to the commencement of works (excluding retention, bulk excavation and early 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.
- 68 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.
- 69 Before the buildings within a stage are occupied, redundant pits/services within the applicable stage are to be removed and Council assets reinstated.

- 70 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.

Road works – Section 173 Agreement

- 71 Unless otherwise agreed by the Responsible Authority, prior commencement of the development (excluding retention, bulk excavation and early works) 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 Responsible Authority;
 - (d) The cost of the design and carrying out these works to be borne by the owner of the land;
 - (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.

Car parking Management Plan

- 72 In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), 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 Car Park Management Plan must 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) Car parking rates and provision generally in accordance with the Ratio Transport report dated 31 May 2022 but updated to show/included:
 - (i) the Office car parking rate increased to a rate of 2.0 spaces per 100sqm with no reduction in the car parking rate for the other uses and the additional car parking to be provided at the Level 1 or 2 car park using sliders and combi lifts with details submitted demonstrating the access arrangements, including turning circles, for a B85 design vehicle accessing critical car spaces;
 - (ii) Staff car parking increase by 26 car spaces;
 - (iii) Resident parking, other than for the affordable housing component, to be provided as 'unbundled' i.e. not allocated to a specific apartment;

the satisfaction of the Responsible Authority.

- 73 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.
- 74 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.

Section 173 Agreement – Car Share

- 75 Before the building is occupied, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under Section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for two (2) car share vehicles on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years (or for another agreed to period of time, to the satisfaction of the Responsible Authority). The agreement will reflect that any costs associated with ensuring ongoing availability of at least two (2) car share vehicles on site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Loading Bay Management Plan

- 76 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 35; and
- (d) loading hours and operations to be consistent with recommendations in the acoustic report pursuant to Condition 16, including that doors are to remain shut while loading and unloading.

77 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.

78 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

79 Prior to the endorsement of plans pursuant to Condition 1, 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

80 In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), 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 Ratio Consultants and dated 7 April 2022, but modified to include or show:

- (a) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);
- (b) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (c) security arrangements to access the employee bicycle storage spaces;
- (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;

- (e) A minimum 40A single phase electrical sub circuit installed in the car park areas for 'EV readiness'
 - (f) Reference to arrangements for parking larger bicycles (e.g. cargo and recumbent bicycles), including access to bicycle storage areas;
 - (g) Reference to arrangements and locations for electric bicycle charging for both residents/employees and visitors; and
 - (h) Assessment of the estimated trip generation for the AM and PM peaks to determine whether any additional dedicated lifts/access arrangements are required.
- 81 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

- 82 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 (83 to 86)

- 83 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).
- 84 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.
- 85 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.
- 86 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.

Community Facilities – Section 173 Agreement

87 Before the development starts (excluding retention, bulk excavation and early works), 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:

- (i) 326sqm community space;
- (ii) 1000sqm community centre (“warm shell”);
- (iii) 1077sqm 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 326sqm 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 the endorsed sustainability management plan pursuant to condition 14 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 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.

Development Contribution Plan

88 Unless the development is exempt pursuant to clause 4.0 of Schedule 1 of the DCPO, prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

89 Unless the development is exempt pursuant to clause 4.0 of Schedule 1 of the DCPO, prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions

Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Construction Management

- 90 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;
 - (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.
- 91 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.
- 92 The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 93 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

94 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; or
- (d) the sale of packaged liquor has not commenced within five years of the date of this permit.

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

Notes

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 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).

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

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.

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.
02/06/2021	<p>Pursuant to Section 73 and 74 of the <i>Planning and Environment Act 1987</i>, update the subject address, permit preamble, make various modifications to permit conditions and the approved development incorporating:</p> <ul style="list-style-type: none">(a) Deletion of the education facility (school);(b) Include a medical centre and increase the floor area of the gymnasium;(c) Increase the number of apartments from 313 dwellings to 431 dwellings;(d) Reduce the floor area of the office and speciality shops;(e) Introduce liquor license for packaged liquor; and(f) Amendments to the plans and elevations including an increase in height at the south-eastern section of the site from RL56m to RL60.99m.
16/09/2022	<p>Pursuant to Section 73 and 74 of the <i>Planning and Environment Act 1987</i>, update the permit preamble, make various modifications to permit conditions and the approved development incorporating:</p> <ul style="list-style-type: none">(a) Increase the number of apartments from 431 dwellings to 632 dwellings (including 150 Affordable Houses);(b) Increase the medical centre from 3 to 8 practitioners and the floor area of the food and drink tenancies from 383sqm to 2,586sqm;(c) Reduce the floor of the office from 7,465sqm to 6,101sqm and the gymnasium from 2,545sqm to 778sqm and introduce a pilates studio and a restricted retail tenancy;(d) Addition of a second liquor license for packaged liquor; and(e) Various amendments to the plans and elevations, including; Relocation of the Community facilities from the centre to the south of the site and across a single (split) level.

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</i> 1987, correct the “permit issued” date

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

Date of order	
23/02/2022	Planning Permit PLN17/0703 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P11301/2021
14/03/2023	Planning Permit PLN17/0703 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P1317/2022 via consent.

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- From the date specified in the permit; or
- If no date is specified, from:
 - (i) The date of the decision of the Victorian Civil and Administration 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 five 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 must be lodged with the [Victorian Civil and Administrative Tribunal \(VCAT\)](#).
- An application for review must be made on the relevant form which can be obtained from [Victorian Civil and Administrative Tribunal \(VCAT\)](#), and must 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 also be served on the responsible authority.

Information about the VCAT process, applications for review and the fees payable to the Victorian Civil and Administrative Tribunal you can look at Council's website <https://www.yarracity.vic.gov.au/services/planning-and-development/decisions-and-appeals>, [download the Planning proceedings at VCAT factsheet](#) (PDF) or visit the [VCAT website](#).