

## PLANNING PERMIT (Amended)

**Permit No:** PLN17/0041

**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).**

Demolition of an existing dwelling, staged development of the land with the construction of townhouses and a reduction in the residential visitor car parking requirements generally in accordance with the Alphington Paper Mill Development Plan (Precinct 4B north)

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

Amended Plans

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 plans received by Council on 13 December 2016 but modified to show:
  - (a) A complete set of all townhouse types, including floor plans and visible elevations;
  - (b) Location and depth of porch canopies for each dwelling type;
  - (c) Minimum front setback dimensions for Townhouse Lots 12 to 16 at each level, achieving a minimum setback of 2m from the front boundary (excluding the porch canopy);
  - (d) Footpath along the western side of East Road increased to a minimum width of 1.5m and connecting with North Road or otherwise to the satisfaction of the Responsible Authority;
  - (e) Provision for a footpath from North Road to the northern Pedestrian Link, at a minimum width of 1.5m, between Lots 45 and 46;
  - (f) Notation confirming fixed privacy screens (i.e. SH & SCH) have a maximum of 25 per cent visual permeability;
  - (g) Where proposed, replace privacy screens with screens comprising a minimum of 50 per cent openings to:
    - i. Ground and first floors of townhouses to the north of North Road (i.e. Lots 31 to 48);

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Signature for the Responsible Authority



- ii. Ground and first floors of townhouses facing West Lane; and
- iii. Northern walls to balconies associated with Townhouse Lots 1 and 30.
- (h) Remove privacy screens to the first and second floor kitchen windows of Lots 36, 37, 68, 70, 71 and 74;
- (i) Provide openings within end balcony wing walls associated Lots 12, 16, 17, 21;
- (j) Notations to confirm operable windows are provided to all habitable rooms;
- (k) Provision for seven (7) visitor bicycle spaces;
- (l) Bicycle rails designed and located so that bicycles can be readily accessed when vehicles are parked in garages or otherwise to the satisfaction of the responsible authority;
- (m) Provision of a minimum of 6m<sup>3</sup> of storage for each townhouse; and
- (n) Location of mailboxes (e.g. notation included within legend panel)

#### Layout not altered

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

#### Maintenance

3. Before a dwelling approved by this permit is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking relating to the dwelling as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
4. Before a dwelling approved by this permit is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls relating to the dwelling must be cleaned and finished to the satisfaction of the Responsible Authority.

#### Landscaping Plan

5. 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 MDG Landscape Architects and dated 1 June 2017, but modified to include (or show):
  - a) Any changes as a consequence of Condition 1;
  - b) Specific detail of trees/shrubs within the planting outstands within the internal laneways, suitable for the size and location of the planting outstands;
  - c) Landscape details showing proposed lighting, street furniture, paving and planting within the Right of Way;
  - d) Site levels;

to the satisfaction of the Responsible Authority.

6. Before a dwelling approved by this permit is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan within the applicable stage must be carried out and completed to the

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satisfaction of the Responsible Authority. The landscaping works shown on the endorsed landscaping plan must also be maintained in accordance with a maintenance specification report, which must be submitted to and approved by the Responsible Authority prior to commencement of the landscaping works. The maintenance specification report must contain:

- (a) Details of works to be undertaken prior to planting including an irrigation system in accordance with the water sensitive urban design initiatives detailed on the endorsed landscape plans and endorsed sustainable management plan
- (b) maintenance methods proposed for all landscape areas including:
  - i. implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - ii. not using the areas set aside for landscaping on the endorsed Landscape Plan for any other purpose; and
  - iii. replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

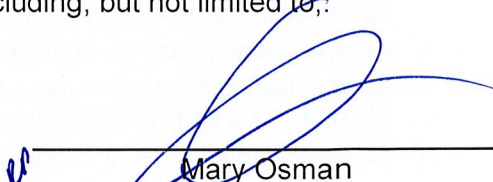
### Waste Management

- 7. The provisions, recommendations and requirements of the endorsed Waste Management Plan, generally in accordance with the Waste Management Plan prepared by Leigh Design dated 24 November 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.
- 8. 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.

### Construction Management Plan

- 9. 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;

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- (iii) dust;
- (iv) stormwater contamination from run-off and wash-waters;
- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

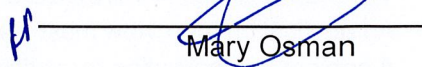
During the construction:

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

#### Environmentally Sustainable Design

12. Before the use and/or development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Cundall and dated January 2017, but modified to include or show:

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- (a) BESS assessment updated to acknowledge glazing commitments contained within the NatHERS;
  - (b) Correctly reference the number of dwellings
13. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Infrastructure

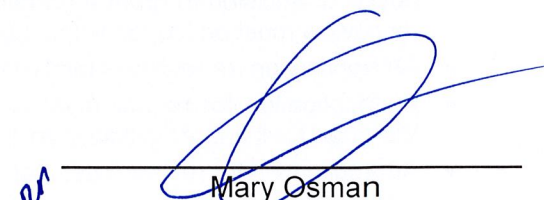
14. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road widening and infrastructure adjacent to the site must be completed by the "owner" of the Amcor land or the "owner" must enter into a Section 173 Agreement for the completion of these works.
15. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

#### Engineering Services

16. Before a dwelling approved by this permit is 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 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.
17. Before a dwelling approved by this permit is 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.
18. Before a dwelling approved by this permit is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works within the applicable stage must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.

#### Lighting Design

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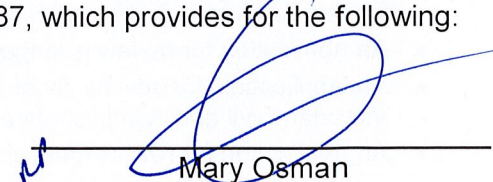


19. Before a dwelling approved by this permit is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkways and dwelling entrances within the applicable stage must be provided. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
20. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting within the internal streets and other publicly accessible areas and the entrances to the approved dwellings. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) A lighting scheme designed for new open public 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.
  - (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
21. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
22. 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.

#### Section 173 Agreement

23. 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:

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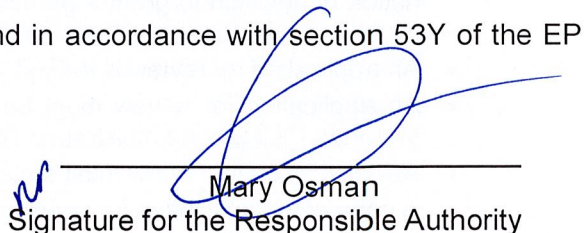
- (a) Landscaping works within the right of way (RoW), including all paving, planting and drainage in accordance with the approved landscape plans required pursuant to condition 5.
- (b) The cost of the design and construction of works referred to in condition 23(a) to be borne by the owner of the land;
- (c) Before the occupation of the development approved by this permit, the RoW must be substantially completed to the satisfaction of the Responsible Authority
- (d) Unfettered 24 hours public access through the RoW to be maintained
- (e) That land within the RoW to be maintained, in accordance with the approved maintenance specification and to the satisfaction of the Responsible Authority, for the life of the proposed development unless alternative arrangement are agreed by the owner of the land and Yarra City Council.

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.

#### Environmental Audit

24. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
  - (a) a description of previous land uses and activities on the land;
  - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
  - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970 (EP Act)* to undertake an Environmental Audit in accordance with the provisions of the EP Act.
25. If the assessment required by condition 24 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
26. If the assessment required by condition 24 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
  - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or

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- (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

27. If, pursuant to condition 26, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
    - i. provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - ii. be executed before the sensitive use for which the land is being developed commences; and
  - (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

#### Expiry

28. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit.

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

#### *Notes:*

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

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Mary Osman  
Signature for the Responsible Authority



Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

Prior of the commencement of the development, the permit holder must provide Council with the location of all future assets within the road reserve. Offsets, depths and gaps in between services must comply with the requirements of new 2016 version of the Code of Practice – Management of Infrastructure in Road Reserves.

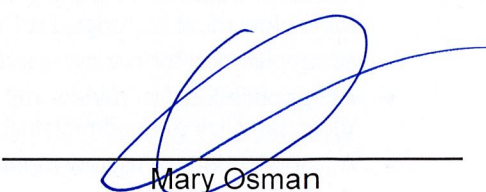
**THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS:**

<b>Date of correction</b>	<b>Brief description of correction</b>
1 February 2018	Pursuant to Section 71 of the Planning and Environment Act (1987), Condition 6 of the permit corrected to reference the requirement for a maintenance specification report.

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

<b>Date of amendment</b>	<b>Brief description of amendment</b>
18 February 2019	Pursuant to Section 73 and 74 of the Planning and Environment Act 1987 amendment to the permit preamble and conditions to allow staging of the development and endorsement of staging plans.

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Mary Osman  
Signature for the Responsible Authority



# PLANNING PERMIT

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.