

ADVERTISED COPY

DRAFT PERMIT CONDITIONS

PERMIT APPLICATION NO	TPA/45451
LAND	149 Hansworth Street, Mulgrave

WHAT THE PERMIT ALLOWS

The permit allows:

- The staged development of two residential apartment towers (including podium) of 9 and 10 stories in total height and associated landscaping and works and of ~~30-28~~ two ~~or three~~ storey townhouses and associated landscaping and works

in accordance with the endorsed plans.

CONDITIONS

- Before the development of each stage starts, ~~three copies of~~ amended plans of that stage drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.

The plans for Stage 1 must be generally in accordance with the plans substituted for the application plans at the VCAT hearing in P2277/2016, but modified to show:

- The details of the pedestrian footpath required by condition 3.
 - A detailed schedule of all materials and finishes including samples, coloured elevations and perspectives. The facades of the tower buildings must confirm the glass and other reflective materials meet the relevant EPA standard for glare.
 - The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.
 - A complete set of detailed elevation drawings showing all windows, doors, balconies and the like, ~~including a garage door at the entrance to the undercroft parking for the mid-site apartment block.~~
 - ~~Revision of the western tower to accord with the recommendations made in the evidence of Craig Czarny given in the VCAT hearing in P2277/2016.~~
- ~~(f)~~(e) Redesign of the entry area to the Land accessed off Hansworth Street at the western end of the site to accord with the recommendations made in the evidence of Craig Czarny given in the VCAT hearing in P2277/2016 (including a revised more sympathetic/transparent

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fencing treatment on that part of the western boundary alongside Hansworth Street).

- ~~(g) A general signage plan, including providing directional signage for the residential entries for the towers.~~
- ~~(h) Full detail of ramp grades designed to provide no greater than a grade of 1 in 4 and a minimum of a 2.0 metre transition between different sections of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).~~
- ~~(i) The apartment car park circulation ramps redesigned to accommodate simultaneous B99 and B85 vehicle paths in opposing directions along each ramp, in accordance with section 4.2 of the traffic assessment report and the Australian Standard for Off Street Car Parking, AS/NZ 2890.1.~~
- (f) Compliance with the design standards of 52.06-8 for all car parking areas provided on or to the Land.
- ~~(k) Details of the bicycle parking in accordance with the design standards (including signage) required by clause 52.34 of the Scheme.~~
- (g) A detailed plan of the access to the southern end of Hansworth Street, including threshold treatment, in accordance with Council's standards.
- ~~(m) All apartment visitor parking spaces shown at the car park entry level and clearly marked.~~
- ~~(n)~~(h) The proposed three storey townhouses 11-13 modified by the deletion of their third level, including any consequential re-configuration of their ground and first floor levels.
- ~~(o)~~(i) The proposed townhouses ~~20~~, 17, 16 and 10 each modified by deleting the top level ~~bedroom closest to the western boundary.~~
- ~~(p)~~(j) A detailed fencing plan (to include suitable changes to that part of the fence on the western boundary alongside Hansworth Street), including elevations and the specification of a graffiti-resistant finish.
- ~~(q)~~(k) The width of the internal access roads fine-tuned to be consistent with the relevant turning circle distances of the intended type of waste collection truck, as per the approved Waste Management Plan required by Condition 9 hereof.
- ~~(r)~~(l) The correct location and details of all existing vehicle entry points where vehicles can currently enter and exit the adjacent Blue Cross aged care facility car park and any associated porte-cochere.
- ~~(s)~~(m) Full details as required by the endorsed Waste Management Plan.
- ~~(t) Full details including as to materials as required by the endorsed Acoustic Plan.~~

~~(u)~~ Full details as required by the endorsed Wind Assessment Report.

~~(v)~~(n) Full details as required by the endorsed Public Lighting Plan for this stage.

~~(w)~~(o) Full details as required by the endorsed Sustainability Management Plan for this stage.

(p) Provision for the removal of drains within the existing easements on the Land and the creation of new drains in accordance with Council's standards and specifications.

~~(x)~~(q) Compliance with the design standards of 52.06-8 for all car parking areas provided on or to the Land.

The plans for Stage 2 must be generally in accordance with the plans substituted for the application plans at the VCAT hearing in P2277/2016, but modified to show:

(r) A detailed schedule of all materials and finishes including samples, coloured elevations and perspectives. The facades of the tower buildings must confirm the glass and other reflective materials meet the relevant EPA standard for glare.

(s) The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.

(t) A complete set of detailed elevation drawings showing all windows, doors, balconies and the like

(u) Compliance with the design standards of 52.06-8 for all car parking areas provided on or to the Land.

(v) The proposed townhouse 20 modified by deleting the top level.

(w) A detailed fencing plan (to include suitable changes to that part of the fence on the western boundary alongside Hansworth Street), including elevations and the specification of a graffiti-resistant finish.

(x) Full details including as to materials as required by the endorsed Acoustic Plan.

(y) Full details as required by the endorsed Public Lighting Plan for this stage.

(z) Full details as required by the endorsed Sustainability Management Plan for this stage.

Amended plans for Stage 3 must be generally in accordance with the plans substituted for the application plans at the VCAT hearing in P2277/2016, but modified to show:

(aa) Revision of the western tower to accord with the recommendations made in the evidence of Craig Czarny given in the VCAT hearing in P2277/2016.

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- (bb) A general signage plan, including providing directional signage for the residential entries for the towers.
- (cc) Full detail of ramp grades designed to provide no greater than a grade of 1 in 4 and a minimum of a 2.0 metre transition between different sections of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sas grade change).
- (dd) The apartment car park circulation ramps redesigned to accommodate simultaneous B99 and B85 vehicle paths in opposing directions along each ramp, in accordance with section 4.2 of the traffic assessment report and the Australian Standard for Off Street Car Parking, AS/NZ 2890.1.
- (ee) Compliance with the design standards of 52.06-8 for all car parking areas provided on or to the Land.
- (ff) Details of the bicycle parking in accordance with the design standards (including signage) required by clause 52.34 of the Scheme
- (gg) All apartment visitor parking spaces shown at the car park entry level and clearly marked.
- (hh) Full details including as to materials as required by the endorsed Acoustic Plan.
- (ii) Full details as required by the endorsed Wind Assessment Report.
- (jj) Full details as required by the endorsed Public Lighting Plan for this stage.
- (kk) Full details as required by the endorsed Sustainability Management Plan for this stage.

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All to the satisfaction of the responsible authority.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Prior to occupation of Stage 1 of the development:
 - (a) A 6.0m wide (minimum width) reserve/pedestrian open space link must be provided through the Land providing for a legible pedestrian link (public access) from Hansworth Street west to Hansworth Street south. The land within the reserve must be vested to the City of Monash prior to subdivision or occupation of any dwelling within the approved development (whichever occurs first).
 - (b) The 6.0m wide reserve must accommodate:
 - (i) a pedestrian footpath generally of a 2.5m width through the Land designed in accordance with Council's standards and specifications, in particular:

- (A) a width of no less than 1.5m;
 - (B) 125mm concrete paving depth plus 50mm consolidated depth of fine crushed rock bedding;
 - (C) all concrete paving to be N32 (minimum) strength grade;
 - (D) maximum crossfall of 1:40 (2.5%);
 - (E) contraction joints as per Council's standard (drawing C07);
 - (F) light broom finish across path;
 - (G) footpath to generally match existing levels; and
 - (H) 100mm topsoil and seeded with backfill either side of path.
- (ii) pedestrian crossings/priority across internal roadways;
 - (iii) integrated landscaping elements adjoining the pedestrian path;
 - (iv) integrated public lighting; and
 - (v) fencing and retaining wall details.
- (c) The reserve/pedestrian open space link must be designed and constructed to the satisfaction of the Council at full cost of the permit holder prior to subdivision or occupation of any dwelling within the permitted development (whichever occurs first).
 - (d) Prior to the development commencing, detailed engineering plans for civil works within the reserve/pedestrian open space link are required to be submitted to Council for approval. These works are to be designed, constructed and inspected to the satisfaction of Council at the full cost of the permit holder.
4. Prior to the commencement of any works, use and development and for the usage of the land to be changed for a sensitive use (Residential) permitted by this permit for the land:
- (a) A preliminary site assessment of the land must be conducted by a suitably qualified professional appointed as an environmental auditor under the Environment Protection Act 1970 at the cost of the permit holder.
 - (b) A report setting out the findings of the preliminary site assessment, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority.
5. If the Responsible Authority, having regard to the preliminary site assessment, considers that further assessment of potential contamination is required:
- (a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - (b) An environmental auditor appointed under the Environment Protection Act 1970 must make a Statement in accordance with Part

IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Three copies of the Certificate of Environmental Audit or the Statement of Environmental Audit and the audit area plan must be submitted to the Responsible Authority.

6. The development and/or use allowed by this permit must strictly comply with the directions and conditions of the Environment Protection Act 1970 and, if one has been prepared, with the conditions on the Certificate or Statement of Environmental Audit.
7. In the event that a Statement has been prepared pursuant to condition 5 of this permit, a Section 173 Agreement under the Planning and Environment Act 1987 must be entered into between the owner of the Land and the Responsible Authority at the full cost of the owner and prior to the occupation of any dwelling on the Land.
8. Prior to the ~~use of the land permitted by this permit~~, issue of a Certificate of Occupancy under the Building Act 1993 for each Stage and certification/issue of a statement of compliance under the Subdivision Act 1988 a letter must be submitted to Council prepared by an Environmental Auditor appointed by the Environment Protection Authority under the Environment Protection Act 1970 to verify that the conditions attached to any Statement of Environmental Audit issued for the Land pursuant to this permit for that particular Stage have been satisfied.

A copy of the certificate or statement of Environmental Audit issued for the land must be provided to each owner, under a covering letter which draws attention to any conditions or directions on the Certificate or Statement of Environmental Audit.

9. Prior to the commencement of works in each Stage-on the site, the owner shall prepare a Waste Management Plan for that Stage, which requires for the collection and disposal of garbage and recyclables for all ~~uses-dwellings~~ within that stage on the site by private contractor. The Waste Management Plan shall provide for:
 - (a) The method of collection of garbage and recyclables for uses;
 - (b) Designation of methods of collection by private services;
 - (c) Waste collection via the laneway adjacent to the northern boundary;
 - (d) Appropriate areas of bin storage on site and areas for bin storage on collection days;
 - (e) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
 - (f) Litter management.

A copy of this plan must be submitted to and approved by the Responsible Authority. Once approved the Waste Management Plan will be endorsed to form part of the permit.

10. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
11. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
12. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
13. A landscape plan for each Stage prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of ~~any work~~that Stage. The plan must be generally in accordance with the John Patrick plan but modified to show:-

- (a) The changes required by condition 1 of this permit.
- (b) Full details of all soft and hard landscaping to soften the appearance of the development, including to the podium between the two residential towers.
- (c) The landscaping treatment of the podium communal area.
- (d) Schedule of all proposed trees, shrubs, creepers and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material. The choice of trees species shall include avoiding particularly tall trees being planted in the existing easement area alongside the Blue Cross aged care facility or in the new podium communal area.
- (e) Provision of appropriate species suited to low water use and low ongoing maintenance.
- (f) Detail of growing medium, irrigation and drainage of planter boxes and planting within confined spaces.
- (g) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.

When approved the plan will be endorsed and will then form part of the permit.

14. Before the occupation ~~of the buildings~~of each Stage allowed by this permit, landscaping works as shown on the endorsed plans for that particular Stage

must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

15. Before the ~~use and~~ development of each Stage permitted starts, areas set aside for parked vehicles and access lanes for that particular Stage as shown on the endorsed plans must be:
 - (a) constructed to the satisfaction of the Responsible Authority;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
 - (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
 - (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

16. The layout of the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme.
17. The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metre long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road.
18. Car parking within the development must be allocated as follows:
 - (a) Provision of no less than 1 car space to each one or two bedroom dwelling.
 - (b) Provision of no less than 2 car spaces to each three or more bedroom dwelling.
 - (c) Provision of residential visitor car parking within common property.

Any future subdivision of the development must provide for car parking in accordance with the above-mentioned requirement on Title to the satisfaction of the Responsible Authority.

19. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing.
20. Before the development of each Stage starts, a site layout plan for that Stage drawn to scale and dimensioned must be approved by the Responsible Authority.

The plans must show a drainage scheme providing for the collection of stormwater within the site-Stage and for the conveying of the stormwater to the nominated point of discharge.

21. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:-
 - (a) trench grates (150mm minimum width) located within the property; and/or
 - (b) shaping the driveway so that water is collected in a grated pit on the property; and/or
 - (c) another Council approved equivalent.
22. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.
23. Before the development of any stage starts, a construction management plan for that particular stage must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
 - (a) measures to control noise, dust and water runoff;
 - (b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - (c) the location of where building materials are to be kept during construction;
 - (d) the location of site services and constructions sheds;
 - (e) site security;
 - (f) maintenance of safe movements of vehicles to and from the site during the construction phase;
 - (g) the provision of car parking for vehicles associated with construction of the development;
 - (h) wash down areas for trucks and vehicles associated with construction activities;
 - (i) cleaning and maintaining surrounding road surfaces;
 - (j) a requirement that construction works must only be carried out during the following hours:
 - (i) Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - (ii) Saturday – 9.00am to 1.00pm;

- (iii) Saturday – 1.00pm to 5.00pm (only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

Wind Assessment report

- 24. Before the plans for Stage 3 are endorsed, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must:
 - (a) reflect the plans to be submitted under condition 1 of this permit;
 - (b) include wind tunnel modelling to verify the conclusions in the assessment;
 - (c) details of the type, size and density of foliage of trees used to mitigate wind impacts; and
 - (d) confirm that the balcony areas provided to dwellings will fulfil the sitting criteria.
- 25. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

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Acoustic report

- 26. Before the plans of Stages 2 or 3 are endorsed, an amended Acoustic Report for the applicable Stage 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 during the application phase of the permit but modified to:
 - (a) reflect the plans to be submitted under condition 1 of this permit;
 - (b) recommend all measures necessary to protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development (including the lift, residential air conditioner units and commercial plant and equipment);
 - (c) recommend all measures necessary to protect all dwelling occupants within the development from noise associated with the Monash Freeway and which achieves a noise level of 63dB(A) L10 (18 hour) or less, as measured 1 metre out from the façade of all dwellings for a period of at least 10 years after occupation of the permitted development to the satisfaction of VicRoads;
 - (d) detail any required changes to, or describe the further details required to be made to the plans to be submitted under condition 1 of this

permit to limit the noise impacts in accordance with relevant guidelines or acoustic requirements;- and

- (e) describes by means of architectural drawings and engineering specifications how a design life of 40 years will be achieved to the satisfaction of VicRoads,

to the satisfaction of the Responsible Authority.

- 27. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 28. On the completion of any works required by the endorsed acoustic report and before the residential use commences of any stage of the of the development, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:
 - (a) confirm compliance with relevant conditions of the permit; and
 - (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with relevant guidelines or acoustic requirements.

The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Public lighting plan

- 29. Prior to the commencement of **any Stage of** the development, a public lighting plan **for that particular stage** must be submitted to and approved by the Responsible Authority. When approved, the public lighting plan will be endorsed and will form part of this permit. The public lighting plan must:
 - (a) confirm that all primary pedestrian access to the Land and within the development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
 - (b) confirm that any new poles and luminaries required for the development will be sourced from the relevant power authority's standard energy efficient luminaires list and comply with that power authority's technical requirements;
 - (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;

- (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
 - (e) include a commitment that the permit holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority; and
 - (f) confirm the supply/installation of any additional/upgraded lighting, electrical hardware and poles will be funded by the permit holder.
30. The provisions, recommendations and requirements of the endorsed public lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.
31. Prior to the occupation of any dwelling within any Stage, a fire and emergency management plan for that Stage must be prepared and submitted to the Responsible Authority for approval. Once approved, the fire and emergency management plan will be endorsed. The fire and emergency management plan must include:
- (a) Emergency egress from all areas of the Land below ground level.
 - (b) Details required by the relevant fire authority.
- to the satisfaction of the Responsible Authority.
32. The provisions of the endorsed fire and emergency management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

33. Concurrent with the endorsement of any plans of any Stage, a Sustainable Management Plan (SMP) for that particular Stage must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:
- a Demonstration of how ‘best practice’ sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Planning Scheme.
 - b Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.
 - c Document the means by which the appropriate target or performance is to be achieved.
 - d Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.

- e Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.
- f Any relevant requirements of the Condition 1 sub-clauses hereof.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

~~134. 34.~~ Prior to the occupation any of the dwellings approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that (in relation to those relevant completed dwellings ready for occupation) all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.

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EXPIRY OF PERMIT:

~~34.35. 35.~~ In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

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- The development is not started ~~before 2 years from the date of issue~~ by 8 November 2021.
- The development is not completed ~~before 6 years from the date of issue~~ by 8 November 2024.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

– End of conditions –