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# PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

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Permit No.: WH/2016/1196

Planning scheme: Whitehorse Planning Scheme

Responsible authority: Whitehorse City Council

**ADDRESS OF THE LAND:** 517-521 STATION STREET, BOX HILL (LOT 1 TP 223614, LOTS 1 & 2 LP 73741, LOT 1 TP 157268, LOT 1 TP 238992, LOT 1 TP 387903, LOT 1 TP 566708, LOT 1 TP 384071, CP 167167)

**THE PERMIT ALLOWS:** Development of land for the construction of three (3) buildings (two at 18 storey and one at 6 storey) plus rooftop plant and three (3) levels of basement car parking, comprising retail premises, office, restricted recreational facility (gymnasium), medical centre, accommodation, serviced apartments, child care facility, a reduction in the standard requirements for car parking and alteration of access to a road in a Road Zone, Category 1

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

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1. Before the development starts, excluding demolition, bulk excavation and site preparation works, amended plans (three copies) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans prepared by DKO Architects, Ref 11367, Dated 21 December 2016, submitted with the application but modified to show:
  - a) Provision of direct access, in the form of escalator and lift from Cambridge Street adjacent to the proposed pedestrian crossing, to the Lower Ground Level retail spaces.
  - b) The Finished Floor Level of the northeastern retail tenancy, as well as the tenancy to the west of the abovementioned tenancy, to be adjusted to provide DDA compliant access from Cambridge Street.
  - c) The Finished Floor Level of each retail tenancy, commercial and residential foyer areas of Building A ground level to be annotated.
  - d) Provision of waiting areas with seating and mail facilities within the ground level lobby of Buildings A and B.
  - e) Ground level lobby area of Building C to be redesigned for the provision of reception, luggage storage, laundry and waste management and toilet facilities.
  - f) Ground level residential and commercial lobby areas of Buildings A and B to be redesigned for the provision of mailroom and seating waiting areas.
  - g) The boundary fence or retaining wall along the southern boundary abutting 2-6 Oxford Street must not exceed 1 metre in height.
  - h) The built form must not protrude outside the title boundary onto the Station Street and Cambridge Road road reserves. This does not apply to canopy overhanging the footpath.

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- i) All residential balconies must have a minimum area of 8 square metres uninterrupted by any plant or equipment, such as air-conditioner external units.
- j) Provision of play equipment or playable elements for children, such as sculpture or seating elements in communal areas.
- k) Provision of overlooking screens up to 1.7 metres in height above the relevant finished floor level to the western elevation of the serviced apartments.
- l) Provision of overlooking screens up to 1.7 metres in height above the relevant finished floor level to the three northernmost east facing serviced apartments on each level of Building C to avoid internal overlooking into Building B.
- m) The requirements of the approved Parking Management Plan and Green Travel Plan, where relevant.
- n) All car parking spaces with sideage to a wall must have a minimum width of 2.7 metres.
- o) All columns in car parking areas must be setback at least 750mm from the edge of aisle to allow vehicle door opening.
- p) Provision of a minimum of the (10) motorcycle parking spaces within the basement.
- q) A minimum 4.5 metre height clearance is to be provided at the entrance to the loading and unloading area at the street level and the building canopy abutting the entrance.
- r) A minimum of 23 car parking spaces reserved for the child care centre during drop off and pick up hours in Basement Level 1 to be line-marked and signed appropriately with a parking time limit no less than 15 minutes.
- s) A minimum of 14 car parking spaces reserved for practitioners and patients of the medical centre during its operating hours in Basement Level 1 to be line-marked and signed appropriately.
- t) All other car parking spaces in Basement Level 1 to be line-marked and signed appropriately to reflect the relevant commercial uses.
- u) The provision of 82 car parking space on Basement Level 2 to be made available for non-residential uses.
- v) Residential visitor car parking spaces to be line-marked and signed appropriately.
- w) The car park entry and exit ramp off Cambridge Street must be increased to 6.1 metres in width.
- x) The accessway to the loading and unloading area must be at least 3.5 metres wide.
- y) Provision of pedestrian sightline triangles to vehicle accesses along Cambridge Street in accordance with Clause 52.06 (Car Parking).
- z) The 50 bicycle racks along Station Street frontage to be relocated away from the façade of buildings, to enhance pedestrian safety and remove potential tripping hazards especially to those who are visually impaired. The provision of bicycle parking must be located with the subject site.
- aa) Details of shading devices for the childcare outdoor play area.
- bb) Provision of access to toilet facilities for staff and visitors of all commercial tenancies, including the retail, indoor recreation facility, medical centre, office and child care centre.
- cc) Provision of way finding signs throughout the pedestrian link, public realm and associated public open space.

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- dd) Provision of a metal capping or a different treatment along the Station Street and Cambridge Street frontage to delineate the title boundary. While the rest of the public open space should be designed to match Council's Box Hill Urban Design guidelines.
- ee) The location of grease pits and exhaust flues serving all of the retail tenancies, to future proof the use as food and drink premises. Details are to include the connection points for the grease removal truck, from a loading area that will not block vehicular access to and from the site.
- ff) All wind mitigation measures as recommended by the Wind Report in accordance with Condition 19.
- gg) All of the relevant requirements of the Lighting Strategy in accordance with Condition 29.
- hh) All external cladding materials, colours and finishes, including fine grain details of façade treatments such as door and window openings at all levels. Consideration must be given to energy efficiency properties, durability and maintenance requirements of selected materials, colours and finishes.
- ii) Specification of glazing materials to be used on all external walls, including details demonstrating that they will not reflect unreasonable glare when viewed from any nearby road network, to the satisfaction of the Responsible Authority.
- jj) All sustainability features indicated in the updated Sustainability Management Plan required by Condition 26. Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.)
- kk) The following reports to be amended as required will form part of the endorsed documentation:
  - i. Landscape Plan in accordance with Condition 11.
  - ii. Landscaping Maintenance Plan in accordance with Condition 12.
  - iii. Amended Wind Report in accordance with Condition 19.
  - iv. Amended Sustainability Management Plan in accordance with Condition 26.
  - v. Lighting Strategy in accordance with Condition 29.
  - vi. Art Strategy in accordance with Condition 30.
  - vii. Green Travel Plan in accordance with Condition 32.
  - viii. Disability Access Report in accordance with Condition 33.
  - ix. An amended Waste Management Plan in accordance with Condition 34.
  - x. Parking Management Plan in accordance with Condition 39.
  - xi. Detailed Engineering Design Drawings for treatment of land within surrounding road reserve in accordance with Condition 40.
  - xii. Acoustic Treatment Report in accordance with Condition 50.

All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of the permit.

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. The uses as approved, must not commence until all of the buildings and works, landscaping hereby approved are completed to the satisfaction of the Responsible Authority.

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4. Notwithstanding signage that can be displayed as of right or as approved by a planning permit, any transparent glazing at facades of the lower ground and ground levels must be retained without visual obstruction, to the satisfaction of the Responsible Authority.
5. The communal areas, including the gardens at Level 1 of Building B and the rooftop area, must be available for use by all residents of the particular building.
6. The pedestrian link connecting Station Street and Cambridge Street must remain accessible to the public between 6am and 12 midnight daily.
7. This Planning Permit does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy itself that it holds the permissions or interests necessary to carry out the use and/or development.

#### Child Care Centre

8. Unless with the prior written consent of the Responsible Authority, the child care centre must not have the provision for more than 107 children on the premises at any one time.
9. The outdoor play area must only be utilised between the hours of 7am to 7pm, unless with the prior written consent of the Responsible Authority.
10. The layout and design must be in compliance with the National Education and Care Act 2010 and Regulations 2011 and licenced accordingly with the appropriate authority.

#### Landscaping

11. No building or works are to be commenced until an amended Landscape Plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed will form part of this permit. This plan must show:
  - a) Details of all street frontage features and footpath areas from the building façade to the kerbs of Station Street and Cambridge Street. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment.
  - b) Details of all proposed landscaping within the communal area, road reserves, pedestrian link and public open spaces.
  - c) Nomination of all proposed services, e.g. street lights and all existing infrastructure services, street furniture, bins, etc.
  - d) Details of all containerised planting infrastructure.
  - e) Play equipment or playable elements such as sculptures for children residing in or visiting the building.
  - f) Cross-section of the planting area in the central courtyard on Lower Ground Level through to the Ground Level.
  - g) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes: botanical names, common names, pot size, mature size and total quantities of each plant.

All of the above must be to the satisfaction of the Responsible Authority.

Once approved this plan will become part of the endorsed plans of this permit.

12. Prior to the occupation of the development, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to and approved by the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:

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- a) Details in relation to the transportation of substrates and proposed species for all proposed garden or landscaping areas.
- b) Details of the ongoing maintenance procedures to ensure that the vegetation planted in garden and landscaping areas remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include:
  - i. Irrigation frequency and delivery method.
  - ii. Drainage.
  - iii. Pruning and mulching.

All of the above must be to the satisfaction of the Responsible Authority.

Once approved this plan will become part of the endorsed plans of this permit.

- 13. The garden and recreation areas shown on the endorsed plan and schedule must only be used as gardens and recreational areas and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety. Landscaping in accordance with the approved plan and schedule shall be completed before the building is occupied.
- 14. Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along the Station Street and Cambridge Street frontages must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.
- 15. No street tree may be removed without the prior written consent of the Responsible Authority.

Section 173 Agreement

- 16. Prior to the commencement of works on site, a legal agreement under Section 173 of the Planning and Environment Act 1987 must be entered into with the Council to ensure the use of the land for the purpose of serviced apartments is maintained.
- 17. Prior to the commencement of works on the site, a legal agreement under Section 173 of the Planning and Environment Act 1987 must be entered into with the Council in respect of any structure built over the Cambridge Street road reserve. The permit holder must also seek authorisation from the Roads Corporation for construction of any canopy or structure over Station Street road reserve.

Landscape and Public Realm Plan

- 18. Within 6 months of commencement of works on the site, excluding demolition, bulk excavation and site preparation works a Landscape and Public Realm Plan prepared by a suitably qualified and experienced person or firm to be submitted to and endorsed by the Responsible Authority. This plan should be generally in accordance with or complementary to the Box Hill Urban and Landscape Guidelines and shall show:
  - a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
  - b) The proposed design features such as paths, paving, lawn, mulch, garden beds and lighting.
  - c) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
  - d) Location of any wayfinding signage, information or other wayfinding measures.
  - e) Detail of public realm upgrades including lighting.
  - f) Indicative detail of public art, including budget and timing of delivery.

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Landscaping and public realm works in accordance with this approved plan and schedule shall be completed prior to the occupation of the all tenancies and dwellings of this development. Once approved these plans become the endorsed plans of this permit.

Amended Wind Report

19. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works, an amended Wind Report, carried out by a suitably qualified consultant, must be submitted to the Responsible Authority. The amended report must include wind amelioration measures that achieve the specified comfort level in the following areas in association with the proposed uses, unless otherwise agreed with the Responsible Authority:
  - a) Short term stationary criterion at the seating area to the west of the central courtyard of the pedestrian link.
  - b) Short term stationary criterion at the seating area of the public open space and communal area on Level 1 of Building B.
  - c) Short term stationary criterion at the seating areas of rooftop communal areas and walking criterion in other rooftop areas.

The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

Glazing

20. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

Services

21. All building plant and equipment on the roofs, balcony areas, common areas and public thoroughfares are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures down pipes, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.

Street Trees

22. No street tree may be removed without the prior written consent of the Responsible Authority.

Mechanical Exhaust Systems

23. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.

Loading/unloading

24. The loading and unloading of goods from vehicles shall only be carried out within the boundaries of the site or a dedicated loading bay and shall not unreasonably impede access along the laneway to the west of the site.
25. The deliveries to the commercial tenancies must occur between the following hours:
  - a) 7am to 7pm Monday to Saturday.
  - b) 9am to 7pm Sundays and Public Holidays

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Sustainability Management Plan

26. Prior to the commencement of development on the site, excluding demolition, bulk excavation and site preparation works, an amended Sustainability Management Plan (SMP) must be prepared by a suitably qualified environmental engineer or equivalent, elaborating on the design initiatives and construction methods. This may include use of high performance glazing, low water use bathroom and kitchen fittings, energy efficient appliances, light fittings, gas boosted solar hot water and stormwater storage for garden irrigation. The report must also be amended to include the following:

- a) Clarification on the type of glazing used in the BESS daylight calculations.
- b) The Lower Ground Level in the BESS daylight calculations.
- c) The internal partition wall impact on commercial tenancies in the BESS daylight calculations.

The outcomes of the above SMP must be illustrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the owners and occupiers of the site when constructing and fitting out the residential building, and for the duration of the building's use in accordance with this permit.

Once submitted and approved to the satisfaction of the Responsible Authority, the SMP will form part of the endorsed plans of this permit.

27. Prior to the occupation of the building approved under this permit, a report from the author of the SMP, approved pursuant to this permit, 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 all measures specified in the SMP have been implemented in accordance with the approved plan.
28. All works must be undertaken in accordance with the endorsed SMP to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.

Lighting Strategy

29. Prior to the commencement of the development, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of proposed lighting of Station Street, Cambridge Street and throughout the pedestrian link, public realm and public open spaces, and must be prepared in accordance with the Safer Design Guidelines for Victoria, Department of Sustainability and Environment, June 2005, to the satisfaction of the Responsible Authority.

All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to surrounding road network, adjoining properties or nearby residents.

This lighting must be maintained and operated for the life of the building to the satisfaction of the Responsible Authority.

Art Strategy

30. Prior to the occupation of all the tenancies and dwellings of this development, an Art Strategy must be prepared to the satisfaction of the Responsible Authority. The Art Strategy must provide details of a process to allow review of the conceptual design of artwork by Council representatives, prior to the installation of the artwork, in order to ensure that the artwork achieves the following objectives:

- a) To activate the façades of the building and facilitate pedestrian activity at the interfaces;
- b) To be constructed in a safe and structurally sound manner and of durable and appropriate materials; and
- c) To display appropriate content.

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- d) To be of high quality and demonstrate artistic excellence.

The permit holder must convene a Review Committee comprising (but not limited to) an Arts Officer and a Planning Officer from Whitehorse City Council, a building surveyor/structural engineer, and representatives of the land owner, artist and architect. The Review Committee must review the artwork at concept stage to ensure it will comply with the objectives listed above. The final artwork must be consistent with the Review Committee's recommendations, and must also achieve structural certification by a suitably qualified structural engineer, as appropriate.

The artwork must be installed and maintained in accordance with the outcomes of the Artwork Strategy, to the satisfaction of the Responsible Authority.

#### Signage Strategy

31. Prior to occupation of the development a Signage Strategy shall be submitted to and approved by the Responsible Authority. The strategy shall include details on signage 'zones' and typology on the building facades including maximum dimensions for future signage planning applications. Details are to include wayfinding and business identification signage.

#### Green Travel Plan

32. Prior to occupation of the development, an amended Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The amended Green Travel Plan is to be updated and include details of the proposed design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport and car pooling) available to residents and visitors. The Green Travel Plan must include, but not be limited to the following:

- a) End of trip facilities such as showers, change rooms, secure storage and bicycle storage.
- b) Education and awareness initiatives and incentives for residents and visitors to encourage more sustainable modes of travel to/from the site.
- c) Management practices identifying sustainable transport alternatives.
- d) The provision of a car share facility, if so, details of the car share facility including management and operational arrangements.
- e) Consider the provision of electric vehicle charging facilities.
- f) Lobby areas of building to include real time information of train, tram and bus services.
- g) Details of bicycle spaces for visitors and residents.
- h) Allocation of parking for food and drink premises and restaurant tenancies to be provided within the on-site car park.
- i) Employee and resident packs (e.g. myki cards for new residents/workers);
- j) Any other relevant matters.

When approved to the satisfaction of the Responsible Authority, the plan will be part of the documents endorsed as part of this planning permit. The Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

#### Disability Access

33. Prior to the commencement of development, excluding demolition, bulk excavation and site preparation works, a detailed report on the compliance with disability access shall be undertaken to the satisfaction of the Responsible Authority.

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Waste Management Plan

34. The approved Waste Management Plan applying to all uses within the site must be implemented by the owners/occupiers of the site to the satisfaction of the Responsible Authority unless with the further written consent of the Responsible Authority.

Construction Management Plan

35. Prior to the commencement of development, a Construction Management Plan must be prepared and submitted to Council for approval. This plan is to be to the satisfaction of the Responsible Authority and shall include but not limited to the following:

- a) Site contamination and disposal of contaminated matter.
- b) Containment of dust, dirt and mud within the site and the method and frequency of clean up procedures in the event of build up of matter outside of the site.
- c) On-site facilities for vehicle washing.
- d) Parking facilities for construction workers.
- e) Delivery and unloading points and expected frequency.
- f) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced.
- g) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
- h) A waste minimisation and recycling strategy.
- i) Truck access routes.
- j) A traffic Management Plan shall be developed for the site and the surrounding road network to address the following:
  - Offsite car parking.
  - Vehicle movements, queuing, appropriate informational and directional signs.
  - Management of the basement car park.
  - Pedestrian Management.
  - Road and footpath closure details.

All of the above must be to the satisfaction of the Responsible Authority.

When approved the Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority, to the extent that this is in the control of the owner of the land. The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the requirements of the Traffic Management Plan.

Car Parking

36. The car parking areas and accessways as shown on the endorsed plans shall be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked (where applicable) to the satisfaction of the Responsible Authority
37. The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.
38. The nature strip must be reinstated where any existing vehicle crossover is redundant, to the satisfaction of the Responsible Authority.

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39. Prior to the commencement of buildings or works on the land, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays will be allocated and managed, must be submitted to and approved by Council.

This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:

- a) Allocation of spaces generally in accordance with the Traffic Impact Assessment prepared by GTA dated 19 December 2016 (total of 651 spaces).
- b) Details of ticketing system to be used and incentives to encourage customers visiting the commercial component of the development to utilise the on site car park, including, but not limited to, free parking for patients of the medical centre, staff of the retail tenancies and medical centre.
- c) Details on how visitors of the residential component access the residential car park without resulting in queueing.
- d) Details of car share, accessible (disabled) or motorcycle parking spaces to be nominated within the basement car parking areas.
- e) Allocation of staff parking and a short term visitor and child care centre drop off or pick up and taxi zone within the basement car park, and details as to how this space will be managed to allow access (including outside standard business hours) and advise residents and customers as to its location.
- f) Details of the management of the use of the car park for staff and users of the child care centre during special events.
- g) Details of how the management plan will be distributed to staff and parents visiting the child care centre to ensure all are aware of the document and parking arrangements.
- h) Amendment to the swept path diagrams of vehicles accessing the loading area, to ensure no on-street parking spaces will be required to be deleted except for the construction of vehicle crossovers.
- i) Pedestrian access and movement within the car parking areas, including strategies to minimise the potential for conflict between pedestrians and vehicles. This may include line marking such as hatched shared areas, directions signs and/or physical barriers.
- j) Allocation of bicycle spaces to tenancies and visitors.
- k) Bicycle parking facilities are to be provided in accordance with the Australian Standard.
- l) Locations and details of bicycle parking signs in accordance with Clause 52.34-5.
- m) Signage for car and bicycle parking spaces.
- n) Line marking of car parking spaces.
- o) Details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.
- p) Details of the car share scheme.
- q) Details of how access to the loading bay and waste collection area will be achieved by delivery vehicles and waste collection vehicles (i.e. an intercom) and how these areas will be secured.
- r) How the car park will be managed to ensure that all vehicles exit the site in a forwards direction.
- s) Details of signage or alternate measures to ensure that delivery and waste vehicles reverse into the loading area and exit the site in a forwards direction.

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- t) Centre lines to be provided along curved sections of the access ramp to guide motorists and keep vehicles to the left of the ramp.
- u) Accessibility and parking for the grease removal truck, from a parking space that will not block vehicular access to or from the site.

Once submitted to and approved by the Responsible Authority the Parking Management Plan will form part of the documents endorsed as part of this planning permit.

Public Realm

40. Prior to any works, design plans and specifications of the civil works within the site associated with the development are to be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register), and submitted to the Responsible Authority. Certification by the consulting engineer that the civil works have been completed in accordance with the design plans and specifications must be provided to the Responsible Authority.
41. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the buildings.
42. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.
43. The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
44. No building or works shall be constructed over any easement without the written consent of the relevant Authorities.
45. Prior to the commencement of any works the owner of the land shall enter into an agreement with the City of Whitehorse which will indemnify Council against any loss or damage it may incur as a result of any proposed buildings and works constructed on or over Council owned land.

### Amenity

46. The amenity of the area shall not be detrimentally affected by the commercial uses or development allowed by this Permit, through:
  - a) Transportation of materials, goods or commodities to or from the land,
  - b) Appearance of any building, works or materials,
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
  - d) Presence of vermin, or
  - e) In any other way,to the satisfaction of the Responsible Authority.
47. The commercial use and development of the site shall be so ordered and maintained so it will not prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.
48. All external lights associated with the commercial use and development of the site allowed by this Permit must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents

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and must be provided with approved baffles, so that no direct light or glare is emitted outside the site to the satisfaction of the Responsible Authority.

49. The commercial premises allowed by this Permit shall be provided with a filter system to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.

Acoustic Treatment

50. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works a report generally in accordance with that prepared by Acoustic Logic must be submitted to and be to the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards.
51. Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development is designed and constructed in accordance with the Acoustic Treatment Plan to ensure that noise measured in the proposed dwellings and existing residential dwellings surrounding the subject site does not exceed the levels set out under the Australian Standard.

Melbourne Water

52. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

Drainage and assets

53. Council's existing stormwater pipe and pits within the road reserves must be protected and all times. Any proposal to alter the Council drainage assets in any way must be submitted to Council for approval and if approved by Council be undertaken at the expense of the applicant.
54. All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.
55. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the building.
56. Detailed civil plans and computations for stormwater drain must be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) and submitted for approval for the Responsible Authority prior to the commencement of any works. Dual Certification by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) for design of the on-site detention must be provided to Council prior to the approval of the civil plan.
57. As constructed civil drawings that are computer draft are to be provided to Council after the completion of civil works prior to the occupation of the building.
58. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.
59. The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.

Environmental Assessment

60. Prior to the commencement of any buildings and works on the subject site, the following documentation must be submitted to and endorsed by the Responsible Authority:

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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- 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 that land are suitable for the sensitive uses.

Expiry

61. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within three (3) years from the date of issue of this permit;
- b) The development is not completed within seven (7) years from the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

**PERMIT NOTES**

Engineering and Assets

- A. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.
- B. The property owner/builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.
- C. No alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve crossfall and longitudinal fall all to the satisfaction of the Responsible Authority. The developer is requested to provide existing levels on the surrounding road reserve and footpath areas to show how exiting and entering the development will be undertaken with the proposed floor levels shown on the plans.
- D. Any alteration to existing interface levels in the road reserve along Station Street will require the prior approval of VicRoads, and is not supported by Council.
- E. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.
- F. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right-of-way, reservation or other land owned or managed by Council as may be applicable.
- G. Access doors to the development must not open out onto the road reserves and result in an obstruction.
- H. All stormwater drainage within the development site and associated with the buildings (except for connection to the nominated point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of any of the buildings, in accordance with the provisions of the Building Regulations (2006) section 610.

<b>Date issued:</b>	<b>Date permit comes into operation:</b> (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	<b>Signature for the responsible authority:</b>
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- I. The surface treatment and design of all crossovers and driveways shall be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.

Street Trees

- J. Please contact Parkswide Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.

Property

- K. This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development. In respect to any intrusions into the adjacent Road Reserve, the owner of the property may be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Cambridge Street. In respect to any intrusions into the Station Street Reserve, permission must be obtained from the Roads Corporation.

Residential Parking Permit

- L. Residents of this development and their visitors will not be eligible for Residential Parking Permits.

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**Date issued:**

**Date permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C194 to the Whitehorse Planning Scheme.

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### WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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### 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 a 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.

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### WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.