

# City of Whitehorse

## PLANNING PERMIT

Permit Number: WH/2013/749  
Planning Scheme: Whitehorse  
Responsible Authority: City of Whitehorse

### ADDRESS OF THE LAND:

47 - 49 McIntyre Street, BURWOOD (LOT 1 TP 214992X & LOT 3 TP 186129R)

### THE PERMIT ALLOWS:

Development of five storey building comprising 50 apartments, generally in accordance with the endorsed plans and subject to the following conditions.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, or any trees or vegetation removed, amended plans (three copies in A1 size and one copy reduced to A3 size) shall be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans dated 5 October 2016, revision I, sheets 01-01, 02, 02.1, 02-2, 02-3, 03-15, 15.1, 16 and 17 but modified to show:
  - a) Dwellings G.07 and L1.07 set back not less than 5.234m from the east boundary with consequential changes to the Dwellings G.04 to G.06 and L1.04 to L1.06.
  - b) Dwelling G.01 set back at least 4.647m from the west boundary and at least 10m from the southern boundary and its secluded private open space contained within the western setback.
  - c) Dwelling G.10 set back at least 4.694 from the southern boundary, and its balcony extended westwards to achieve a width of 6.5m and a maximum depth to the balcony of 2m, with the balcony encompassed within the framing element.
  - d) Dwelling L.01 set back at least 4.647m from the western boundary and setback (including the balcony) at least 7.5m from the southern boundary.
  - e) East facing balustrade to the balconies to Dwellings G.08, G.09, L1.08 and L1.09 to have an overall height of 1.7 metres above floor level comprising obscure glass above the solid rendered finish component of balustrade.
  - f) Modifications to the east, west and south facades to provide the framing elements and modified roof form generally as shown on the concept plan marked up as sheet 12 hand dated 18 October 2016 and the marked up versions of sheets 6-10 hand dated 18<sup>th</sup> October 2016.
  - g) Tree protection measures in accordance with Conditions 6 & 7.
  - h) Ramp grades to be in accordance with Clause 52.06 of the Whitehorse Planning Scheme.
  - i) Car park layout and column locations to be in accordance with Clause 52.06 of the Whitehorse Planning Scheme.
  - j) A detailed schedule of material and colour finishes for all elevations, including demonstration of how material and colour finishes will be used to articulate the eastern façade.

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18 October 2016

Date Issued

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Condition 1 continued

- k) Notation on site plans indicating that all obscured glazing be manufactured obscured glass. Obscure film being applied to clear glazing will not be accepted.
- l) A Tree Management Plan in accordance with Condition 7.
- m) A Waste Management Plan in accordance with Condition 9.
- n) A Sustainable Management Plan in accordance with Condition 8.
- o) Notation of Tree Protection Fencing to the Street Trees during construction.
- p) An amended Landscape Plan in accordance with Condition 4, including the following:
  - i. Details of containerised planting where this is to occur above the basement.
  - ii. All new trees must be planted at a minimum height of 1.5 metres.

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

- 2. Except with the further consent of the Responsible Authority, the building must not contain more than must not contain more than 41 dwellings.
- 3. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 4. No building or works must be commenced (and no trees or vegetation shall be removed) 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 shall form part of this permit. This plan must show:
  - a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
  - b) Buildings, outbuildings and trees in neighbouring lots that would affect the landscape design.
  - c) Planting within and around the perimeter of the site comprising trees and shrubs capable of:
    - i. providing a complete garden scheme,
    - ii. softening the building bulk,
    - iii. providing some upper canopy for landscape perspective,
    - iv. minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
  - d) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.
  - e) The proposed design features such as paths, paving, lawn and mulch.
  - f) 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.

Landscaping in accordance with this approved plan and schedule shall be completed before the addition to the building is occupied.

Once approved these plans become the endorsed plans of this permit.

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5. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.
6. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around the following trees in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority:
  - a) Tree protection zone distances:
    - i. Tree 17 - *Eucalyptus leucoxylon* TPZ- 4.9 radius from centre base of tree.
    - ii. Tree 18 - *Corymbia citriodora* TPZ- 2.6 radius from centre base of tree.
    - iii. Tree 20 - *Pittosporum undulatum* TPZ- 5.3 radius from centre base of tree.
    - iv. Tree 24 - *Melaleuca armillaris* TPZ- 6.8 radius from centre base of tree.
    - v. Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
      - vi. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.
      - vii. Signage placed around the outer edge of perimeter the fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
      - viii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
      - ix. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
      - x. All supports and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.
      - xi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.
      - xii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
      - xiii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ, and must be restored in accordance with the above requirements at all other times.
7. During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible Authority:
  - a) For Trees #17, #18, #20 and #24, no roots are to be cut or damaged (no roots greater than 40 mm) during any part of the construction process.
  - b) Buildings and works for the construction of five story building – North side adjacent to Trees #17, #18 and #20 as shown on the endorsed plans must not alter the existing ground level or the topography of the land within 1.2m of East boundary fence.

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- c) Any Paved area where within the TPZ of Tree #24 must be constructed at the existing soil grade using porous materials, allows water to penetrate through the surface and into the soil profile. No roots are to be cut or damaged (no roots greater than 40 mm) during any part of the construction process. In addition a Geocell root barrier/membrane must be installed to prevent impact upon the root zone.
  - d) All tree pruning is to conform to AS4373-2007 *Pruning of Amenity Trees* and the work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum).
8. Prior to the commencement of buildings and works, a Sustainability Management Plan (SMP) and Green Travel Management Plan prepared by a suitably qualified environmental engineer or equivalent 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 the permit. The plans must detail proposed environmentally sustainable design initiatives and construction methods and must include the following;
- a) An energy rating report to demonstrate how the development will achieve a 6 star energy rating when measured against the Sustainable Energy Authority of Victoria 'FirstRate' system or equivalent;
  - b) An Energy Use and Management Plan;
  - c) Water Conservation and Re-use Plan;
  - d) Schedule for monitoring of the ESD Management Plan; and
  - e) Management of car parking, bicycle parking for residents and visitors.
- Before the development is occupied, the approved ESD Management Plan and Green Travel Management Plan must be implemented and adhered to during the construction of the development allowed by this permit, to the satisfaction of the Responsible Authority and any on-going obligations must be complied with at all times to the satisfaction of the Responsible Authority.
9. Prior to the commencement of buildings and works, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority. The Waste Management Plan must provide details in relation to:
- a) Private collection of all wastes generated on the site,
  - b) On-site waste storage capacity: including justification based on similar uses and developments operating elsewhere that the on-site waste storage capacity will be sufficient for the likely residents, and options to increase capacity if required,
  - c) Bin storage areas: their location, accessibility and number, size and capacity of bins that can be accommodated,
  - d) An on-going commitment to recycling,
  - e) The separation of garbage from recyclables and other wastes (such as green waste): including ease of separation by residents, and separate collections by waste contractors, to ensure that separation of recyclables is facilitated and not hindered by the site layout,
  - f) Delivery of bins to waste collection points and retrieval of bins to nominated storage areas: including management of potential conflicts between vehicles accessing the site and waste collection arrangements,

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Condition 9 continued

g) Waste collection arrangements: including collection frequency, collection location, collection vehicle access arrangements, including clearance and turning movements, appropriate collection standards including collection cleanliness and spill management, hours of access, noise impacts and other amenity related issues, and any signage required to facilitate these arrangements,

h) Litter and green waste management,

The requirements of the Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement.

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

The requirements of the Waste Management Plan must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

10. Before the development starts, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The CMP must detail how the owner will manage the construction issues associated with the development.

The CMP must address: any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials, location of site offices, redirection of any above or underground services, and site security lighting.

The CMP must also include suitable washing facilities are to be provided and utilised on site for the cleaning of all construction vehicles prior to them exiting the designated property so as to prevent any grease, oil, mud, clay or other substance to fall or run off a vehicle onto a road, into any drain or under the road.

The CMP must be implemented to the satisfaction of the Responsible Authority and a contact name and phone numbers for the site manager must be provided to the Responsible Authority.

11. All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.
12. Detailed civil plans and computations for connection to the point of discharge and construction of an on-site stormwater detention system and a stormwater outfall drain, to be located in the rear easement, that conveys stormwater from the site to the Council stormwater pit in Station Walk must be prepared by a suitably experienced and qualified professional, and submitted for approval by the Responsible Authority prior to the commencement of any works.
13. Stormwater connection to the nominated point of discharge and construction of an on-site stormwater detention system and a stormwater outfall drain must be completed and approved to the satisfaction of the Responsible Authority prior to the occupation of the building.
14. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.

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15. Prior to the occupation of the building, the proposed vehicle crossing is to be constructed to the satisfaction of the Responsible Authority.
16. Prior to the occupation of the building, the redundant vehicle crossings are to be removed and replaced with concrete kerb and channel and the affected nature strip areas are to be reinstated with topsoil and grass seed to the satisfaction of the Responsible Authority.
17. The Applicant/Owner shall 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.
18. All treatments to prevent overlooking must not include 'Translucent film' on windows and must be in accordance with Standard B22 of Clause 55.
19. This permit will expire if one of the following circumstances applies:
  - a) the development is not commenced within two (2) years from the date of issue of this permit;
  - b) the development is not completed within four (4) years from the date of this permit.

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

**VCAT Order P2689/2015 dated 21 July 2016**

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**18 October 2016**

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**Signature for Responsible Authority**



## IMPORTANT INFORMATION ABOUT THIS NOTICE

### 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**.)

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A 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:
  - the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  - the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

A permit for 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**.

A permit for the use of the 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.

A permit for 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 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.

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 a permit contains a different provision –

- the use or development of any stage is to be taken to have started when the plan is certified; or
- the permit expires if the plan is not certified within two years of the issue of the permit.

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 appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal 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 appeal 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 the 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 also 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. The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne. The telephone number is (03) 9628 9777.