

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

Permit No.: PA2101189
Planning Scheme: Stonnington
Responsible authority: Minister for Planning

ADDRESS OF THE LAND: 196-206 High Street, Windsor
Lot 1 on Plan of Subdivision 600803Q (VOLUME 11159 FOLIO 116)

THE PERMIT ALLOWS: Use of the land as Office, construction of a mixed-use development comprising food and drink premises (other than Hotel, Convenience restaurant and Bar) and a shop (other than Adult sex product shop, Bottle shop and Restricted retail premises) and offices in an Activity Centre Zone with associated reduction in the car parking requirements and alteration of access to a road in a Road Zone Category 1

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Amended Plans

1. Prior to the commencement of the development, excluding demolition and bulk excavation, amended development plans and an updated development summary must be submitted to, approved, and endorsed by the responsible authority. The plans must be fully dimensioned and drawn to scale.. The plans must be generally in accordance with the plans prepared by K2LD dated 22.09.21 and marked SAC Hearing Issue including plans TP102 Rev TP3, TP103 Rev TP2, TP104 Rev TP3, TP105 Rev TP4, TP106 Rev TP4 and TP107 Rev TP4 but modified to show:
 - a) The installation of barriers on level 4 to increase setback distances to provide for sightlines setback at least 1 metre further, to preclude overlooking.
 - b) Redesign of the High Street street-wall in accordance with the recommendations of Mark Sheppard in Appendix D of the Kinetica evidence statement dated October 2021 to better reflect the character, diversity and vertical rhythms of the fine-grained heritage buildings in the streetscape.
 - c) All operable windows, doors, winter garden openings & vents in elevation drawings.
 - d) Roof and relevant floor plans show the extent of roof and terrace rainwater catchment areas, with a note that rainwater from trafficable areas will be treated.
 - e) All meter locations for water, electricity and gas covering all tenancies and common areas.
 - f) Mechanical ventilation systems with heat recovery for all levels.
 - g) Dimensions of tandem car parking and motorcycle parking spaces.
 - h) Dimension of the blind aisle extension.

- i) The minimum gradient of the parking area shall be 1 in 200 (0.5%) for covered areas to allow for adequate drainage as per AS 2890.1. This is to be shown or indicated in the plans.
- j) Deletion of bicycle parking spaces shown outside the title boundary of the site.
- k) Staff bicycle parking spaces redesigned to that at least 50% are on ground and that all racks are separated by at least 0.5m and heights staggered.
- l) Any privacy screening to comply with the Overlooking Standard of Clause 54/55 clearly shown on the floor plans, elevations and sections.
- m) Service cupboard doors amended so they do not open outside the title boundary or installed with hinges to allow the doors to be opened and fixed at 180 degrees. The doors may not protrude more than 600mm into the footpath from the title boundary.
- n) Modify the rooftop services to limit any visibility from the street view.
- o) Improve the Victoria Street Ground Floor entrance to emphasise a sense of address.
- p) Provide a variance in frontage setbacks to Victoria Street with subtle insets to assist in ameliorating the wide continuous street wall presentation.
- q) Any changes as required by Conditions 3 (Materials Schedule) 4 (Acoustic Report); 6 (Sustainability Management Plan), 8 (Water Sensitive Urban Design Response), 10 (Landscape Plan), 12 (Waste Management Plan), 13 (Green Travel Plan) and 14 (3D Model).

All to the satisfaction of the Responsible Authority.

Endorsed Plans

- 2. The layout of the site and the size, levels, design and location of the buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the responsible authority.

Materials and Finishes

- 3. Prior to the commencement of the development, excluding demolition and bulk excavation, a schedule of construction materials, external finishes and colours must be submitted to, approved, and endorsed by the responsible authority. The schedule must be generally in accordance with the External Material Schedule prepared by K2LD (Dwg No. TP205, Rev TP1). All materials must be confirmed as having no more than 25% reflectivity. When endorsed, the schedule will be endorsed and will form part of the permit.

Acoustic Report

- 4. Prior to the commencement of the development, excluding demolition and bulk excavation, an acoustic report must be submitted to, approved, and endorsed by the responsible authority to confirm that the building has been designed in compliance with SEPP N-1 and N-2 at the nearest noise sensitive receivers. All acoustic measures proposed in the acoustic report must be shown on the architectural plans for endorsement.
- 5. Prior to the occupation of the development hereby approved, all acoustic measures proposed in the acoustic report must be incorporated to the satisfaction of the responsible authority.

Sustainable Management Plan

- 6. Prior to the commencement of the development, excluding demolition and bulk excavation and concurrent with the endorsement of any plans pursuant to Condition 1 an amended Sustainable Management Plan (SMP) must be submitted to, approved, and endorsed by the responsible authority. The SMP must be generally as per the SMP prepared by Integral dated March 2021. 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. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must include, but not limited to, the following:

- a) Demonstrate how Best Practice measures from each of the 10 key Sustainable Design Categories of Stonnington Council's Sustainable Design Assessment in the Planning Process (SDAPP) have been addressed;
- 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) Commitment to no less than a 4 star Green Star Designed Buildings rating through the Green Building Council of Australia (GBCA), or using the BESS tool to demonstrate that Council's best practice ESD standards, the minimum expected of large developments, are met. If Green Star is the selected, the applicant must provide a Green Star Designed scorecard with GBCA assessment comments;
- g) Ventilation rates to be 50% above AS 1668.2 standards and ventilation system will use of heat recovery for each floor; and
- h) Mechanical ventilation systems with heat recovery for all levels.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the responsible authority. No alterations to the Sustainable Management Plan may occur without written consent of the responsible authority.

7. Prior to the occupation of the development approved under this permit, a report from the author of the Sustainability Management Plan, 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 Sustainability Management Plan have been implemented in accordance with the approved plan.

Water Sensitive Urban Design Responses

8. Prior to the commencement of the development, excluding demolition and bulk excavation, the applicant must provide a Water Sensitive Urban Design Response to the satisfaction of the responsible authority addressing the Application Requirements of the Water Sensitive Urban Design Policy to the satisfaction of the responsible authority. All proposed treatments included within the Water Sensitive Urban Design Response must also be indicated on the plans. The response must include the following:
 - a) Design details of all treatment types identified in the Sustainability Management Plan and MUSIC modelling;
 - b) Site management plan; and
 - c) Maintenance program which sets out future operational and maintenance requirements for the rainwater tanks and any other treatment proposed.

The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.

Landscape Plan

9. Prior to the commencement of the development, excluding demolition and bulk excavation, an amended landscape plan generally in accordance with the landscape plan prepared by Papworth Davies, dated 11 March 2021 must be submitted to, approved, and endorsed by the responsible authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and must be modified to show:
- a) Any changes as required by condition 1 of this permit;
 - b) All landscaping within the communal open space and roof terrace;
 - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, quantities of each plant, and soil volume detail of any planter box;
 - d) Dimensions of the planters and soil volume of the planters; and
 - e) Details of the irrigation design to accompany all landscaping planted in situ.

All to the satisfaction of the responsible authority.

10. Before the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. Landscaping must then be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Waste Management Plan

11. Prior to the commencement of the development, a Waste Management Plan generally in accordance with the Waste Management Plan prepared by Salt dated 17 March 2021 must be submitted to, approved, and endorsed by the responsible authority. The Waste Management Plan must include:
- a) Dimensions of waste areas;
 - b) The number of bins to be provided;
 - c) Method of waste and recyclables collection;
 - d) Hours of waste and recyclables collection NB. These should correspond with our Local Laws;
 - e) Method of presentation of bins for waste collection;
 - f) Sufficient headroom within the basement to allow the passage of waste collection vehicles;
 - g) Sufficient turning circles for the waste collection vehicles to drive out in forward gear from within the basement; and
 - h) Strategies for how the generation of waste and recyclables from the development will be minimised.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Green Travel Plan

12. Prior to the commencement of the development, excluding demolition and bulk excavation, a Green Travel Plan must be submitted to, approved, and endorsed by the responsible authority. When approved, the Green Travel Plan will be endorsed to form part of the permit. The Green Travel Plan must include actions and recommendations designed to reduce the use of cars and increase the use of alternative travel methods to the satisfaction of the responsible authority. The development must operate in accordance with the Green Travel Plan.

Wind Assessment

13. Prior to the commencement of the development, excluding bulk excavation and site remediation, an amended Wind Report, including a wind tunnel assessment, prepared by a suitably qualified consultant, must be submitted to, approved, and endorsed by the responsible authority. The amended report must consider any modifications required to the development to ensure acceptable wind conditions must be high quality, integrated solutions to the architectural and landscape design. The recommendations of the report must be implemented to the satisfaction of the responsible authority.

3D Model

14. Prior to the commencement of the development excluding demolition and bulk excavation, a 3D digital model of the approved development must be submitted to, approved, and endorsed by the responsible authority. The model should be prepared having regard to the *Department of Environment, Land, Water and Planning Infrastructure Advisory Note - 3D Digital Modelling*. In the event that substantial modifications are made to the approved development (particularly the building envelope), an amended 3D digital model must be submitted to the satisfaction of the responsible authority.

Digital 3D Massing Model

15. Prior to the commencement of the development excluding demolition and bulk excavation, the Applicant must submit a digital 3D massing model of the development hereby approved to Stonnington City Council, in accordance with the specifications of Council's GIS Unit.

Stormwater and Drainage

16. Prior to a building permit being issued, a report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified Engineer in accordance with all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity based system with the exception of runoff from any basement ramp and agricultural drains which may be pumped. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations.
17. Prior to an 'Occupancy Permit' being issued, a suitably qualified Engineer must carry out a detailed inspection of the completed stormwater drainage system and associated works including all water storage tanks to ensure that all works have been constructed in accordance with the approved design and the relevant planning permit conditions. Certification of the completed drainage from the Engineer must be provided to Council prior to a 'Statement of Compliance' being issued for the subdivision.

Building Appurtenances and Services

18. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the responsible authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the responsible authority.
19. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the responsible authority, unless otherwise approved in writing by the responsible authority.

20. All service pipes, apart from roof downpipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares, and adjoining properties.

General

21. Prior to the occupation of the building, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
22. Any poles, service pits or other structures/features on the footpath required to be relocated to facilitate the development must be done so at the cost of the applicant and subject to the relevant authority's consent.
23. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp).
24. The redundant vehicular crossings must be removed and the footpath and kerb reinstated at the owner's cost to the satisfaction of Council.
25. All plant and equipment (including air-conditioning units) shall be located or screened so as to minimise visibility from any of the surrounding footpaths and from overhead views and must not be located on balconies.
26. The level of noise emitted from the premises must comply with EPA Victoria Publication 1826.4 May 2021 "Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues".
27. All utility services to the subject land and buildings approved as part of this permit must be provided underground to the satisfaction of the Responsible Authority by completion of the development.
28. Prior to occupation, access for persons with disabilities must be provided in compliance with the Disability Discrimination Act 1992 and such access must be maintained at all times the building is occupied or in use.
29. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
30. Prior to the occupation of the building, any fixed privacy screens (not adhesive film) designed to limit overlooking in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained

Transport for Victoria

31. All disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.

Expiry

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

- a) The development is not commenced within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.
- c) The use is not commenced within five years of the date of this permit.

The responsible authority may extend the permit if a request is made in writing by the owner or the occupier of the land before the permit expires, or within six months afterwards.

The responsible authority may extend the time for completion of the development if a request is made in writing by the owner or the occupier of the land within 12 months after the permit expires and the development started lawfully before the permit expired.

Date issued:

19 / 12 / 2021

Date permit comes into operation: the date that notice of approval of Amendment C408melb is published in the *Victoria Government Gazette*

Signature for the responsible authority:



NOTES

- 1. This permit does not authorise the commencement of any demolition or construction on the land. Before these activities may commence, the applicant/owner of the land must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- 2. The applicant/owner of the land will provide a copy of this permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner of the land and the Building Surveyor to ensure that all works approved by any building permit are consistent with this permit.

IMPORTANT INFORMATION ABOUT THIS PERMIT

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. C313ston to the Stonnington Planning Scheme.

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.

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

- 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.