

PLANNING PERMIT

Permit No.:	PA2402980
Planning scheme:	Stonnington Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	173 Burke Road and 28 Hope Street, Glen Iris

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
Clause 34.01-2	Use the land for accommodation (dwellings) with a frontage of more than 2 metres at ground level
Clause 34.01-4	Construct a building and construct or carry out works
Clause 32.08-7	Construct a residential building
Clause 32.08-7	Construct a front fence greater than 1.5 metres high associated with a residential building
Clause 52.05-11	Construct and display internally illuminated business identification signage
Clause 52.06-3	Reduction to the car parking requirements
Clause 52.29-2	Create or alter access to a road in a Transport Zone 2

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Commencement of permit

1. This permit will operate from the issued date of this permit.

Compliance with documents approved under this permit

2. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Layout not altered

3. The use and development as shown on the endorsed plans must not be altered (unless the Stonnington Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Date issued: 25 October 2024 Signature for the responsible authority



Tree Management Plan

4. Before the development starts, including demolition, bulk excavation and site preparation works, a Tree Management Plan (TMP) must be approved and endorsed by the responsible authority in consultation with Stonnington City Council. The TMP must be prepared by a suitably qualified and experienced Arborist and must address the management and maintenance of all retained trees numbered. The TMP must be generally in accordance with the *Development Impact Assessment* (arborist report) prepared by Arbor Survey, dated 11 December 2023 and must include:
 - a. Measures that must be incorporated into the design and construction of the development to ensure the protection of any trees identified for retention, determined in accordance with Australian Standard AS4970-2009 - Protection of Trees on Development Sites.
 - b. Specialised construction requirements for the *Platanus x acerifolia* (London Plane) street tree (Tree 1) including correct root pruning measures during the construction of the crossover to Hope Street (crossover at a minimum distance of 4.5m from the street tree including splays. The location of tree protection zones (TPZ), structural root zones (SRZ) and tree protection fencing for trees identified for retention on a plan that is drawn to scale with dimensions.
 - c. A clear photograph(s) of each tree.
 - d. Any specific damage/faults evident within each tree prior to demolition or construction. These photographs must be supplied within the TMP as a preliminary dilapidation report.
 - e. Restricted activities in the TPZ.
 - f. Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages.
 - g. A timeline of required site visits by the Project Arborist to ensure compliance with the endorsed TMP.
 - h. Details of any TPZ encroachments including if necessary:
 - i. Any details of exploratory root investigation.
 - ii. Any alternative construction techniques.
 - iii. Any root pruning.
 - iv. Any arborist supervision.
 - i. Methods for installation of services e.g. sewerage, stormwater, telecommunications, electricity etc. within proximity to tree protection zones.
 - j. Remedial pruning works as required including a detailed photographic diagram specifying what pruning will occur.
 - k. Certification of Tree Protection Fencing installed in accordance with the endorsed TPMP.

Tree protection during construction

5. Before the development starts, including demolition, tree protection fences must be erected around the trees as identified within the endorsed TMP.

Maintenance of tree protection fencing and exclusion of activities within fencing

6. At all times during the carrying out of the development:
 - a. The tree protection fencing and tree protection zones must be established and remain in place and be maintained around any trees identified for retention on the approved and endorsed plans, in accordance with the approved tree management plan and *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*, to the satisfaction of the responsible authority.

Date issued: 25 October 2024 Signature for the responsible authority:



- b. Development, excavation, construction works or activities, grade changes, surface treatments, storage and movement of construction materials and vehicles of any kind must not occur on or over and must be excluded from any areas inside the tree protection fencing.

7. The responsible authority may consent in writing to vary any of these requirements.

Pruning of trees to be retained

- 8. Any pruning that is required to be done to the canopy of any tree to be retained must be done by a qualified arborist in accordance with Stonnington City Council Local Laws and to *Australian Standard – Pruning of Amenity Trees AS4373-1996*, to the satisfaction of Stonnington City Council.
- 9. Any pruning of the root system of any tree to be retained must be done by hand by a qualified arborist, to the satisfaction of Stonnington City Council.

Environmental Audit – Preliminary Risk Screen Assessment

- 10. Before the development starts (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the responsible authority in accordance with section 205 of the *Environment Protection Act 2017* and respond to the matters contained in Part 8.3, Division 2 of the *Environment Protection Act 2017* to the satisfaction of the responsible authority.

Environmental Audit

- 11. If the PRSA requires an Environmental Audit to be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the responsible authority in accordance with section 210 of the *Environment Protection Act 2017* responding to the matters contained in Part 8.3, Division 3 of the *Environment Protection Act 2017* to the satisfaction of the responsible authority. The EAS must either:
 - a. State the site is suitable for the use and development allowed by this permit; or
 - b. State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

Environmental Audit Statement

- 12. All the recommendations of the EAS must be complied with to the satisfaction of the responsible authority for the full duration of any buildings and works on the land in accordance with the development hereby approved and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.

Environmental Audit Statement – Section 173

- 13. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the *Subdivision Act 1988*, the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the responsible authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

Approved and endorsed plans – changes required

- 14. Before the development starts, excluding demolition, bulk excavation and site preparation works, plans must be approved by the responsible authority. The plans must be prepared to the



satisfaction of the responsible authority and be generally in accordance with plans prepared by Cera Stribley Architects, dated August 2024, but amended to show the following details:

- a. Amendments to the building massing and the number of dwellings generally in accordance with plans TP.1101, TP.1102, TP.1103, TP.1104 and TP.8000 prepared by Cera Stribley Architects, dated 18 September 2024, but amended to show the following details:
 - i. Detailed signage plans that show sign locations, dimensions, setbacks, illumination, measures in relation to the control of illumination and materials.
 - ii. Measures to restrict views to habitable room windows and private open space at 25 Irymple Avenue within 9 metres of Apartment 113, 114, 115, 120 terraces at Level 1 of the development.
 - iii. Measures to restrict views to habitable room windows and private open space at 23 Irymple Avenue within 9 metres of the terrace of Apartment 115 and the communal terrace at Level 1 of the development.
 - iv. 'White rooftops' (roofs covered in light coloured or reflective materials) and/or 'green rooftops' (roofs covered in vegetation).
 - v. Details of dimensions, transparency and materials of the front fence to 28 Hope Street.
 - vi. Dimensions of the minimum setback of the vehicle crossover to Hope Street from the street tree in front of 28 Hope Street (Tree 1, Platanus x acerifolia (London Plane)).
 - vii. Annotations to confirm specialised construction measures to preserve the street tree in front of 28 Hope Street (Tree 1, Platanus x acerifolia (London Plane)).
 - viii. Details of roof mechanical plant and equipment and details of dimensions, setbacks, transparency and materials of associated plant screening.
 - ix. Details of dimensions, transparency and materials of the car park entry door to Hope Street.
 - x. Elevations dimensioned to confirm the screen heights, depths and materials of screens designed to restrict overlooking in accordance with Standard B22 of Clause 55.04-6 of the Stonnington Planning Scheme for the dwellings at 28 Hope Street.
 - xi. Details of dimensions, transparency and materials of the vertical steel battens applied to the building core of 28 Hope Street to ensure northern light access through to the terraces of dwellings
 - xii. Details of dimensions, setbacks, transparency and materials of the roof plant screen to 28 Hope Street.
 - xiii. Confirmation of the location of heat pumps to 28 Hope Street.
 - xiv. Access to the level 1 indoor communal area of the building at 173 Burke Road.
 - xv. Access to services rooms at levels 1, 2, 3 and 4 of the building at 173 Burke Road.
 - xvi. Deletion of street furniture and bicycle parking outside of title boundaries.
 - xvii. Annotations to confirm application of double glazing and the solar panels location and size.
 - xviii. Overall storage volumes generally in accordance with Clause 58.05-4 of the Stonnington Planning Scheme.
 - xix. Annotations to confirm acoustic measures included in the endorsed acoustic report.
 - xx. Annotations to confirm details of key specialised construction measures for tree protection.



- xxi. Lighting to ensure safety to pedestrian entries, access areas and car parking areas.
- xxii. Clarification of external wall details of the ground level services plant room to the south of the building at 173 Burke Road.
- xxiii. Any changes to ensure consistency with the endorsed tree management plan.
- xxiv. Any changes required to ensure consistency with the endorsed landscape plan.
- xxv. Any changes to ensure consistency with the endorsed façade strategy.
- xxvi. Any changes to ensure consistency with the endorsed sustainable management plan.
- xxvii. Any changes to ensure consistency with the endorsed waste management plan.
- xxviii. Any changes to ensure consistency with the endorsed car parking management plan.
- xxix. Any changes to ensure consistency with the endorsed loading management plan.
- xxx. Any changes to ensure consistency with the Head, Transport for Victoria conditions.
- xxxi. Any changes to ensure consistency with the endorsed acoustic report.

Landscape plan

15. Concurrent with endorsement of architectural plans, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the Landscape Plan prepared by Acre, dated 29 July 2024 and must include the following:
- a. Any changes required to be consistent with the endorsed architectural plans.
 - b. A survey (including botanical names) of all existing vegetation on the site and within 3 metres of the site boundary on adjoining properties, accurately illustrated to represent tree canopy width and labelled with botanical name, height and whether the tree is to be retained or removed.
 - c. Details of surface finishes of pathways and driveways.
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e. Planters on the south-east corner boundary walls containing 'Blueberry Ash' feature trees to be supplemented with underplanting with species that will cascade down the planter and laneway walls.
 - f. Climber plants to the residential entries and ground level arches.
 - g. Notes regarding site preparation, including in-ground recycled water irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - h. Details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.
 - i. Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
 - j. The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.



Completion of landscaping

16. Before the development is occupied, the landscaping works shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.
17. The responsible authority may consent in writing to vary this requirement.

Landscaping maintenance

18. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Stonnington City Council.

Façade Strategy

19. Concurrent with the endorsement of architectural plans, a façade strategy must be approved and endorsed by the responsible authority. The façade strategy be prepared to the satisfaction of the responsible authority, be generally in accordance with the architectural plans prepared by Cera Stribley Architects, dated August 2024 and 18 September 2024, and the urban context report prepared by Urbis, dated May 2024, and must include the following:
 - a. Any changes required to be consistent with the endorsed architectural plans.
 - b. A concise description by the architect of the building design concept and how the façade works to achieve this.
 - c. A schedule of colours, materials and finishes, including the colour, type and quality of materials and glazing type showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes, and linking them to a physical sample board with clear coding. The schedule must include the following:
 - i. Samples of colours and materials.
 - ii. Screens for mechanical plant and equipment.
 - iii. Front fence materials to 28 Hope Street.
 - iv. Materials of the car park entry door to Hope Street.
 - v. Materials of overlooking screens.
 - d. Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the responsible authority, illustrating typical building details, entries and doors, utilities, and any special features, including hit and miss brick detailing, which are important to the presentation.
 - e. Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
 - f. Measures to ensure the screening associated with mechanical plant and equipment is well considered and integrated with the overall development.
 - g. Information about how the façade will be accessed, maintained and cleaned.
 - h. Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
 - i. Details of materials and finishes to demonstrate these will be of high quality, do not easily deteriorate or stain, weather well over time, are robust, resilient to the wear and tear from their intended use and require low maintenance.

3D Digital Model

Date issued: 25 October 2024 Signature for the responsible authority



20. Concurrent with the endorsement of architectural plans, a 3D digital model of the development and its immediate surrounds must be submitted to and approved by the responsible authority. The model must be prepared having regard to the Technical Advisory Note for 3D Digital Model Submissions, prepared by the Department of Transport and Planning.

Sustainable Management Plan

21. Concurrent with the endorsement of architectural plans, an amended Sustainable Management Plan must be approved and endorsed by the responsible authority. The Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Development Consultants, dated May 2024 but modified to show the following:
- a. Any changes required to be consistent with the endorsed architectural plans with no reduction in the commitments and rating nominated under the Green Star Buildings rating in the Sustainable Management Plan.

Implementation of Sustainable Management Plan initiatives

22. Within six months of the occupation of the development, a report from the author of the endorsed Sustainable Management Plan must be submitted to and approved by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.

Water Sensitive Urban Design – implementation and management

23. The water sensitive urban design measures approved by the responsible authority and included in the endorsed Sustainable Management Plan must be constructed, managed and maintained to the satisfaction of Stonnington City Council.
24. The details of the stormwater management system must not be altered from the details in the endorsed stormwater management plan without the written consent of the responsible authority.

Drainage system

25. Before the development is occupied, a stormwater drainage system, incorporating water sensitive urban design, must be constructed for the development and provisions made to connect this system to Stonnington City Council’s underground stormwater drainage system and, where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by the Stonnington City Council.

Run-off control

26. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into drains or watercourses.

Waste Management Plan

27. Concurrent with the endorsement of architectural plans, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must be generally in accordance with the Waste Management Plan 28 Hope Street prepared by WSP, dated June 2024 and the Waste Management Plan 173 Burke Road prepared by WSP, dated June 2024, but amended to include the following:
- a. Specific collection times within off-peak times whilst maintaining the amenity of the development and surrounding area.
 - b. Details of coordination of waste collection vehicles and loading vehicles to ensure appropriate management of all vehicles using the loading bay and opening of the internal door ahead of arrival.

The responsible authority may consent in writing to vary any of these requirements.

Traffic and Parking Management Plan



28. Concurrent with the endorsement of architectural plans, a traffic and parking management plan must be approved and endorsed by the responsible authority in consultation with Stonnington City Council and Head, Transport for Victoria. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Traffic Engineering Assessment 28 Hope Street, Glen Iris prepared by Traffix Group, dated 14 December 2023 and the Traffic Engineering Assessment 173 Burke Road prepared by Traffix Group, dated June 2024 and include the following details:
- a. Any change to ensure consistency with Head, Transport for Victoria conditions.
 - b. The means by which the on-site car parking and bicycle parking spaces will be allocated and managed.
 - c. Measures including signage to discourage vehicles from turning left from the carpark egress to Hope Street, excepting local traffic.
 - d. A signage and line marking plan.
 - e. Measures to provide for safety and distinction between pedestrians, cyclists, cars, loading and waste vehicles including (but not limited to) surface treatments, sight triangles and gradients.

Loading Management Plan

29. Concurrent with the endorsement of architectural plans, a loading management plan must be approved and endorsed by the responsible authority in consultation with Stonnington City Council. The loading management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Loading Management Plan prepared by Traffix Group (G28846R-03F (LMP) dated June 2024, and include the following details:
- a. Any change to ensure consistency with the endorsed architectural plans.
 - b. Any change to ensure consistency with Head, Transport for Victoria conditions.
 - c. Any change to ensure consistency with the endorsed acoustic report.
 - d. Details of vehicle entry door opening and closing and how this will operate to ensure no impacts to queueing.
 - e. Lighting of the car park and vehicle entries.
 - f. The management of waste collection and loading and unloading of goods and materials to minimise vehicular, pedestrian and cyclist conflicts and ensure opening of the internal door ahead of vehicle arrival.
 - g. Details of how all users of the loading bay will be managed and co-ordinated, including third party supplier vehicles to the supermarket, and waste vehicles to ensure loading and waste access is co-ordinated ahead of arrival time.
 - h. The loading dock entry managed to ensure that the door is open prior to vehicle arrival to avoid idling vehicles outside of the dock. The door to be fully closed once the vehicle is inside and prior to turntable or loading/un-loading activities commencing.
 - i. Use of pallet jacks within the loading dock that are similar to 'Crown SHR' which uses forklift-type tines rather than conventional mechanical supermarket pallet jacks for loading/unloading, consistent with the endorsed acoustic report.

Car park construction

30. Before the development is occupied, areas set aside for parking vehicles and bicycles, loading, access lanes and paths as shown on the endorsed plans must be:
- a. Constructed.
 - b. Properly formed to such levels that they can be used in accordance with the plans.



- c. Surfaced with an all-weather sealcoat.
- d. Drained.
- e. Line marked to indicate each car space and all access lanes.
- f. Clearly marked to show the direction of traffic along access lanes and driveways.
- g. Acoustically treated in accordance with the endorsed acoustic report.

At all times car spaces, access lanes and driveways must be kept available for these purposes.

Once constructed, these areas must be maintained to the satisfaction of the responsible authority.

- 31. The minimum available clearance for vehicles within the building must be signposted at all entrances.
- 32. Before the development is occupied, all signs directing drivers, pedestrians and cyclists must be installed to the satisfaction of the Stonnington City Council.
- 33. At all times, the traffic and parking signs must be located and maintained to the satisfaction of the Stonnington City Council.

Affordable housing

- 34. Before the development is occupied, the owner of the land must enter into an agreement with Stonnington City Council and the Minister for Planning pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the delivery of affordable housing.

The agreement must provide the following:

- a) The owner is to enter into an agreement with a 'Registered Housing Agency' or a 'Registered Housing Provider' (as defined under the *Housing Act 1983*) for the provision of affordable housing for six dwellings located on the land, requiring:
 - i. Unencumbered ownership of six dwellings to be sold to the registered housing agency or registered housing provider for affordable housing;
 - or
 - ii. Management of six dwellings to be assumed by the registered housing agency or registered housing provider for leasing as affordable housing.

For the purposes of the agreement 'affordable housing' is to have the same meaning as the definition under the *Planning and Environment Act 1987*.

The owner of the land must pay all of the responsible authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title

Head, Transport for Victoria

- 35. Prior to commencement of works, amended draft Functional Layout Plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the responsible authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 03/06/2024 and annotated Overall Key Plan DWG No: G28846-04- 01 to G28846-04-06C Rev F, but modified to show:
 - a. The removal of one further, on-street car space on the east side of Burke Road north of Dorrington Ave.
 - b. Modifications and improvements if required by the swept path analysis.
 - c. On street loading zone at the Burke Road frontage, in agreement by the Stonnington City Council.
 - d. Appropriate signage at the Burke Road access to drivers to look out for pedestrians.



- e. Burke Road access to be provided with appropriate signage and line-marking for the Truck “Left in/left out” only access and residential/ retail car left in only access. No right turn movements.
 - f. Suitable street lighting, to code standard, at the respective access approaching the intersection and around parked vehicles.
 - g. The access way/ driveway pavement colouring should not adopt colours used for transport purposes such as green, red, yellow etc.
 - h. Works incidental to the access and signalised intersection, but not limited to signage, line marking, street tree removal, on-street parking removal, and modifications to drainage assets etc.
36. Unless otherwise agreed in writing by the Head, Transport for Victoria, Option 1 access arrangement to operate, being left-turn entry only for supermarket customers and residents and left-in and left-out access for trucks, with appropriate signage and line marking and hazard lights to avoid cars incorrectly exiting via the one-way ramp.
37. Unless otherwise agreed in writing by the Head, Transport for Victoria, the Loading Bay operates between 6:00am to 9:00pm with Block Out times of:
- a. Monday to Friday 8:00am – 9:00am and 3:00pm – 5:30pm; and
 - b. Saturday and Sunday 8:30am – 1:00pm.
38. Swept path analysis of truck access to Hope Street and Burke Road to investigate whether the corners need to be reshaped must be provided to the satisfaction of the Head, Transport for Victoria.
39. A Loading Management Plan to be prepared generally consistent with the Loading Management Plan prepared by Traffix Group (G28846R-03F (LMP), dated June 2024) which must address:
- a. The role of the Loading Dock Manager;
 - b. Access and security;
 - c. Co-ordination between supermarket loading and waste collection;
 - d. Delivery times and block-out windows; and
 - e. Safety of the access point.
40. Unless otherwise agreed by the Head, Transport for Victoria, the vehicle crossover relating to the property at 164 Burke Road to be provided with a detector loop and signal display to exit safely in a forward direction. The signal display to operate independently of other phases.
41. Unless otherwise agreed by the Head, Transport for Victoria, the Medical Centre at 177 Burke Road to be provided with keep clear line marking along Hope Street entrance.
42. The carpark control doors for the Burke Road and Hope Street entrances must remain open during the hours that the supermarket is open.
43. Signal review at no cost to the Head, Transport for Victoria to optimise signal timings and coordination along Burke Road within 3 months of occupation of the whole development – including the sites of Wattletree Road, Hope Street and the pedestrian signalised crossing at Ranfurlie Crescent.
44. Prior to commencement of use, the Burke Road left in/ left out access; the signalised intersection of Burke Road and Hope Street and associated road works along Burke Road and Hope Street must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria and the Responsible Authority.
45. The preparation of functional layout plans, detailed engineering design and the construction and completion of all works must be undertaken in a manner consistent with current Head, Transport for Victoria policy, procedures and standards and at no cost to Head, Transport for Victoria. In



order to meet the Head, Transport for Victoria requirements for these tasks the permit holder will be required to comply with requirements documented as “*Standard Requirements – External Funded Projects*” and any other requirements considered necessary depending on the nature of the works.

46. Prior to commencement of use, the signalised intersection and access works, hereby approved, including Hope Street works, must be provided and available for use to the satisfaction of and at no cost to Head, Transport for Victoria and the responsible authority.

Acoustic Report

47. Concurrent with endorsement of architectural plans, an acoustic report must be approved and endorsed by the responsible authority. The acoustic report must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Acoustic Assessment prepared by Acoustic Logic, dated 4 December 2023 and amended to include the following details:
- a. Any changes required under the endorsed architectural plans of this permit.
48. Acoustic measures for the development must be implemented in accordance with the acoustic report.
49. The responsible authority may consent in writing to vary any of these requirements.

Noise control

50. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, published by the Environment Protection Authority to the satisfaction of the responsible authority.

Development Contributions

51. Prior to the issue of a building permit or prior to the issue of a Statement of Compliance, whichever occurs sooner, a Development Infrastructure Levy must be paid to Stonnington City Council pursuant to Schedule 1 to the Development Contributions Plan Overlay of the Stonnington Planning Scheme and the approved *Stonnington Municipal-Wide Development Contributions Plan (2020-2040), January 2023*. The levy amount payable will be annually adjusted on 1 August each year in accordance with the Consumer Price Index (CPI) and calculated at the time of payment.
52. Prior to the issue of a building permit, a Community Infrastructure Levy must be paid to Stonnington City Council pursuant to Schedule 1 to the Development Contributions Plan Overlay of the Stonnington Planning Scheme and the approved *Stonnington Municipal-Wide Development Contributions Plan (2020-2040), January 2023*. The levy amount payable will be annually adjusted on 1 August each year in accordance with the Consumer Price Index (CPI) and calculated at the time of payment.

Signs

53. The location and details of the signs, and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.
54. The signs must not be animated or contain any flashing or intermittent light.
55. The sign lighting must be designed, baffled and located to prevent any adverse effect of light spill on adjoining land to the satisfaction of the responsible authority.
56. The signs with an interface to Hope Street must only be illuminated during opening hours of the business.
57. Illumination of signs must include the following features to minimise amenity impacts within Hope Street:
- a. A function that makes the illumination dimmable.



- b. The ability to control brightness of illumination to provide upper and lower thresholds as required and respond to the external light levels so as to minimise contrast when ambient light levels are low.

This could be automated via a local light sensor to adjust illumination of signs based on ambient lighting conditions.

58. The signs shall only contain an advertisement which provides or supplies information relating to the business conducted on the land as described in this permit or as shown on the endorsed plans.
59. The responsible authority may consent in writing to vary any of these requirements.

Boundary walls

60. Before the development is occupied, all new walls on or facing the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.

Plant/equipment or features on roofs

61. No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the buildings.

Concealed service pipes and equipment

62. All pipes, fixtures, fittings vents, plant and equipment servicing any building on the land (excluding storm water down pipes, guttering and rainheads) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

Outdoor light

63. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the responsible authority, to prevent any adverse effect on neighbouring land.

Amenity

64. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a. Transport 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; and
 - d. Presence of vermin,
- to the satisfaction of the responsible authority.

65. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

Vehicle crossings and kerbs

66. Before the development is occupied, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of Stonnington City Council and Head, Transport for Victoria (as relevant) and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of Stonnington City Council and Head, Transport for Victoria (as relevant).

Discomfort glare

67. Extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing (including tilted glazing) and external cladding materials and finishes with specular or glossy finishes (including polished metal cladding, finished stainless steel, glazed



tiles, high gloss paint finishes) must be avoided or minimised, to the satisfaction of the responsible authority.

Disability glare to transport

68. External glazing and cladding materials and finishes must avoid disability glare to public transport operators, road users and aircraft, to the satisfaction of the responsible authority.

Expiry – Use and development

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

- a. The development is not started within 2 years of the issued date of this permit.
- b. The development is not completed within 5 years of the issued date of this permit.
- c. The use does not start within 2 years of completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing 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 within twelve months after the permit expires and the development started lawfully before the permit expired.

Expiry – Signs

70. This permit as it relates to signs will expire 15 years from the issued date of this permit.

On expiry of the permit as it relates to signs, the sign and structures built specifically to support and illuminate it must be removed.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the time period referred to in this condition.

USEFUL INFORMATION:

(the following information does not form part of this permit)

- A. This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the permit holder must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- B. The permit holder will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the permit holder and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.
- C. Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the *Building Act 1993* and its regulations.
- D. An owner/occupier is required by law to ensure full compliance with the requirements of the *Building Regulations 2018* and the *Building Act 1993*. Before any building work starts, the *Building Act 1993* requires that a building permit is obtained and be available for inspection during all times of construction.
- E. All projections over the street alignment must conform to *Building Regulations 2018*, Part 6, Sections 98 to 110 as appropriate.

Head, Transport for Victoria

- F. Separate consent for works within the road reserve and the specifications of these works is required under the *Road Management Act 2004*. For the purposes of this application the works will include provision of:

Date issued: 25 October 2024

Signature for the responsible authority:



- The provision of signalised intersection upgrade works.
- Burke Road left in/ left out access.
- Traffic signals.
- Road line marking.



IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

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—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within 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?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on 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.

