

Attachment - Draft Conditions

Site 00 – 272-280 NORMANBY ROAD, SOUTH MELBOURNE

GC50/59 Amended plans – March 2017

DELWP Ref: PA16/00106

Council Ref: 4/2016/MIN

I. Amended Plans required

Before the development and/or use starts, amended plans 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 be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) The height of the podium varied, and reduced to not more than 20.0m;
- (b) The height of the tower reduced by at least five levels;
- (c) The building modified to not overshadow the proposed Local Recreational Open Space on Johnson Street between Normanby Road and Munro Street between 11.00am and 2.00pm on 22 September (equinox).
- (d) At least 15 per cent of total habitable gross floor area to be non-residential floor space.
- (e) The location, floor area and open space area (with a minimum dimension of 2.0m) of the affordable housing dwellings required in the corresponding condition below;
- (f) The canopy over the through block link and Easement E-1 raised (eg. to approx. Level 02) to allow unrestrained carriageway access and a more open character to the spaces below, including space for landscaping outside of Easement E-1 to incorporate trees;
- (g) The provision of natural light to the tower lobbies and internal corridors;
- (h) The podium and tower facades revised to increase articulation, variation, animation and visual interest;
- (i) Any modifications to the plans as required by the Wind Assessment Report in the corresponding condition below;
- (j) Any modifications to the plans as required by the amended Waste Management Plan in the corresponding condition below;
- (k) Any changes required to meet the requirements of the amended Sustainability Management Plan in the corresponding condition below;
- (l) Any changes required to meet the requirements of the Water Sensitive Urban Design Response in the corresponding condition below;
- (m) Any changes required to meet the requirements of the Noise Attenuation Report in the corresponding condition below;
- (q) Any changes required to meet the floor level requirements of Melbourne Water and the City of Port Phillip;
- (n) Plan notations for lighting to main building entries, pedestrian areas & car parks;
- (o) All plant, equipment and services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally;
- (p) The development to include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority in the corresponding condition below;
- (q) Details of Urban Art in accordance with Council's Urban Art Strategy;
- (r) All plan and elevation drawings to be fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels;
- (s) A coloured schedule (2 copies in a form that are able to be endorsed and held on file) of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed building.

2. Sustainable Management Plan

Before the development starts (other than demolition or works to remediate contaminated land) an amended Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. The plan should include:

- (a) The measures set out in the Sustainable Management Plan entitled 272 Normanby Road South Melbourne, Revision C dated 06 May 2016 prepared by Simpson Kotzman Consulting Engineers, but with changes as necessary to incorporate;
- (b) Use of the latest version of the Green Star tool (Design and As-Built) to assess the entire development as it has been designed to allow for different building classes ie commercial and residential to reflect the inputs provided by the multi-residential tool assessment provided as part of the SMP (ie 60 points 5 Stars).
- (c) Further information on the size of the fire system test tank and its intended re-use and reference to its location and size on the town planning drawings.
- (d) A commitment to providing a third pipe to supply non-potable water uses in the development such as toilet flushing, fire services, irrigation and cooling, including a building connection point to connect to future precinct scale alternative water supply.
- (e) The requirements for on-site detention of stormwater for the development including any tank sizing increase and utilisation for re-use prior to the option of the third pipe being provided by an alternative water supply.
- (f) A drawing which illustrates the area inputs provided in the STORM report and the connected treatments.
- (g) Consideration of solar PV to offset common area energy use.
- (h) Consideration of increasing the thermal performance of the development to exceed minimum requirements by 10%.

Upon approval the Plan will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed.

3. Implementation of Sustainable Design Initiatives

Prior to the occupation of the development approved by this permit, a report from the author of the Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

4. Water Sensitive Urban Design Response

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Response must be submitted to and approved by the Responsible Authority. The Response must:

- (a) Set out proposed stormwater treatment measures for the development and how they would meet the relevant Policy objectives of Clause 22.12 Stormwater Management (Water Sensitive Urban Design) of the Planning Scheme;
- (b) Include justification for how the development meets the objectives of Clause 22.12 if the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) are not met.
- (c) Incorporate the relevant measures and undertakings set out in the letter dated 22 March 2016 prepared by Simpson Kotzman Consulting Engineers.

Upon approval the Response will be endorsed as part of the planning permit and the project must incorporate the Water Sensitive Design initiatives listed.

5. Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority. The manual must set out future operational and maintenance

arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- Inspection frequency
- Cleanout procedures
- As installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

6. Incorporation of Water Sensitive Urban Design initiatives

Prior to the occupation of the development approved by this permit, a report from the author of the Water Sensitive Urban Design Response approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Water Sensitive Urban Design Response have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

7. Noise Attenuation for Apartments

Prior to the occupation of the building(s) allowed by this permit, the applicant/owner must ensure that external noise intrusion into apartment bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 Acoustics - Recommended Design Sound levels and Reverberation Times for Building Interior shall comply with the following:

- (a) Between 10pm and 7am in bedrooms areas must not exceed LAeq (9 hour) 40dB(A);
- (b) Between 7am and 10pm in living rooms must not exceed LAeq (15 hour) 45dB(A).

8. Incorporation of Noise attenuation Measures

Prior to the occupation of the development approved by this permit, a report from the author of the Acoustic Report approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Acoustic Report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

9. Vehicle crossings

Prior to the occupation of the building(s) allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings and all redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at cost of the applicant/owner to the satisfaction of the responsible authority.

10. Alteration/Reinstatement of Council or Public Authority Assets

Prior to the occupation of the building(s) allowed by this permit, the Applicant/ Owner shall do the following things to the satisfaction of the Responsible Authority:

- (a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development.
- (b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- (c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

11. Public Services

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.

12. Urban Art Plan

Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the

approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

13. Incorporation of Urban Art Plan Measures

Prior to the occupation of the building(s) allowed by this permit, urban art in accordance with the endorsed Urban Art Plan must be installed to the satisfaction of the Responsible Authority.

14. Contaminated Land

Before the development starts (other than demolition or works to remediate contaminated land), the Responsible Authority must be provided with:

- (a) A certificate of Environmental Audit for the land issued in accordance with Section 53Y of the Environment Protection Act 1970; or
- (b) A Statement of Environmental Audit for the land issued under Section 53Z of the Environment Protection Act 1970 confirming that the environmental conditions of the land are suitable for the use and development allowed by this permit.

15. Compliance with Statement of Environmental Audit

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the statement.

Where a Statement of Environmental Audit is issued for the land, before the commencement of the use, and before the issue of a Statement of Compliance under the Subdivision Act 1988, and before the issue of an occupancy permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that statement requires any maintenance or monitoring of an on-going nature, the owner(s) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning & Environment Act 1987, which must be executed before the commencement of the permitted use and before the certification of the Plan of Subdivision under the Subdivision Act 1988. All such expenses related to the Section 173 Agreement including drafting, negotiating, lodging, registering, execution and ending of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

16. Remediation Works Plan

Before any remediation works are undertaken in association with the environmental audit, a 'remediation works plan' must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plans are permitted to be carried out before the issue of a Certificate or Statement of Environmental Audit.

17. Agreement under Section 173 of the Planning and Environment Act 1987 Re: Developer Contribution

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:

- (a) Enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority;
- (b) Register the agreement on the title(s) for the land in accordance with Section 181 of the *Planning and Environment Act 1987*; and
- (c) Provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- (a) The developer to pay a development contribution of:
 - \$15,900 per dwelling
 - \$180 per sqm of gross commercial floor area;
 - \$150 per sqm of gross retail floor area;

- or other amount outlined within an approved development contribution plan to the satisfaction of the Responsible Authority.
- (b) Require that development contributions are to be indexed quarterly from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.
 - (c) Require registration of the Agreement on the titles to the affected lands as applicable.
 - (d) Include a schedule of the types of infrastructure to be delivered by the Development Agency using development contributions.
 - (e) Confirm that contributions will be payable to the Metropolitan Planning Authority.
 - (f) Confirm that the contributions will be used by the Development Agency as stipulated by the Metropolitan Planning Authority to deliver the schedule of types of infrastructure.
 - (g) Require that a bank guarantee to the value of 50% of the development contribution must be deposited with the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.
 - (h) Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.
 - (i) Require that payment of 10% of the contribution is at the time of issue of the building permit and 90% to be made prior to the issue of a Statement of Compliance in accordance with the *Subdivision Act 1988*.
 - (j) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

18. Agreement under Section 173 of the Planning and Environment Act 1987 Re: Pedestrian laneway construction and access

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:

- (a) Enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority;
 - (b) Register the agreement on the title(s) for the land in accordance with Section 181 of the *Planning and Environment Act 1987*; and
 - (c) Provide the Responsible Authority with the dealing number confirming the registration of the title.
- The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:
- (a) The timing or staging of the construction of the pedestrian laneway to not impede Easements E-1 and A-1 on TP 337722S for drainage and carriageway in favour of the subject site and the adjoining property at 264-270 Normanby Road, South Melbourne.
 - (b) Give rights of public access to the pedestrian laneway located within the subject land 24 hours, 7 days a week but for these to remain at all times in private ownership as part of the subject land;
 - (c) The owner must, at its cost, maintain the pedestrian laneway to the same standards as is required by the City of Port Phillip for the adjoining road(s);
 - (d) All requirements of the City of Port Phillip being met regarding the design and physical treatment of the pedestrian laneway including sawn bluestone pavement construction and materials and treatments, landscaping, street furniture, lighting and servicing infrastructure.
 - (e) Require that a bank guarantee to the value of 50% of the construction cost of the internal roads and laneways be deposited with the Responsible Authority prior to the commencement of any works. The bank guarantee will be returned upon final completion of the pedestrian laneway to the satisfaction of the City of Port Phillip.
 - (f) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

19. Agreement under Section 173 of the Planning and Environment Act 1987 Re: Affordable Housing Provision

Within 12 months of the commencement of construction, including demolition, bulk excavation and site preparation works (but excluding any clean up works), the owner must:

- (a) enter into an agreement under Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority;

- (b) register the agreement on the title(s) for the land in accordance with Section 181 of the *Planning and Environment Act 1987*; and
 - (c) provide the Responsible Authority with the dealing number confirming the registration of the title.
- The agreement must be in a form to the satisfaction of the Responsible Authority, and the owner must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:
- (i) the provision of 6% of the total number of dwellings (rounded down to the nearest whole number) as affordable housing one bedroom dwellings within the building;
 - (ii) the dwellings to be tenure blind;
 - (iii) title to the dwellings to be transferred to a Housing Trust approved by the Responsible Authority and the City of Port Phillip
 - (iv) dwellings must be managed as social housing in perpetuity in accordance with the Trust Deed by a registered Housing Association or Housing Provider approved by the Responsible Authority and the City of Port Phillip.
 - (v) the dwellings be set aside for occupation by low income residents to the satisfaction of the Responsible Authority and the City of Port Phillip; and
 - (vi) one bicycle space must be allocated to each affordable housing dwelling.
 - (vii) in the event the permit holder is unable to achieve an arrangement in accordance with this condition, to Council's satisfaction, the City of Port Phillip would be responsible for locating a Housing Association or Housing Provider.

20. Agreement under Section 173 of the Planning and Environment Act 1987 Re: Community Infrastructure Provision and Management

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must:

- (a) Enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority;
- (b) Register the agreement on the title(s) for the land in accordance with Section 181 of the *Planning and Environment Act 1987*; and
- (c) Provide the Responsible Authority with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following to the satisfaction of the Responsible Authority:

- (a) That within 12 months of a written direction of the Responsible Authority, the developer must provide the community room in the podium for community infrastructure for one of the purposes set out in the table below:

TIME	SERVICE TYPE	BUILDING REQUIREMENTS	LAND PARCEL REQUIREMENT (m ² /ha)
2016-2021	No service is needed.	N/A	-
2022-2026	Small multipurpose room; 6-49 ppl	1 meeting space, 1 storage space	150m ² /0.015ha
	Medium multipurpose room; 50-99 ppl	1 meeting space, 1 storage space	200m ² /0.02ha
	Community office and consulting room; 1-5 ppl	1 meeting space, 1 storage space	50m ² /0.005ha
	Art Studio	3 arts studios, 1 kitchen, 3 storage spaces	400m ² /0.04ha
2027-2031	Two small multi-purpose rooms	1 meeting space, 1 storage space	150m ² /0.015ha (for each room)

	Medium multipurpose room; 50-99 ppl	1 meeting space, 1 storage space	200m ² /0.02ha
	Large multipurpose room; 100+ ppl	1 meeting space, 1 storage space	250m ² /0.025ha
2032-2036	4 yo kindergarten	2 children's rooms, 1 office, 1 kitchen, 2 storage spaces	800m ² /0.08ha
	Small multipurpose room; 6-49 ppl	1 meeting space, 1 storage space	150m ² /0.015ha
	Medium multipurpose room; 50-99 ppl	1 meeting space, 1 storage space	200m ² /0.02ha
	Community office and consulting room; 1-5 ppl	1 meeting space, 1 storage space	50m ² /0.005ha
	Art Studio	3 arts studios, 1 kitchen, 3 storage spaces	400m ² /0.04ha

- (b) That the tenancy be provided at the developers cost;
- (c) That the tenancy incorporate storage, a kitchenette and toilet facilities;
- (d) That the tenancy be available for public access use subject to booking and security arrangements, but with the room remaining at all times in private ownership as part of the subject land;
- (e) The days and hours of use of the tenancy to be to the satisfaction of the Responsible Authority;
- (f) The owner must, at its cost, maintain the tenancy to the satisfaction of the Responsible Authority.

21. Community Infrastructure Management Plan

Before the occupation of the Community Infrastructure tenancy, a Management Plan for the community tenancy must be prepared in consultation with and submitted for approval to the Responsible Authority which must provide for the following to the satisfaction of the Responsible Authority:

- (a) Details of the date of inauguration of the use of the tenancy for community infrastructure;
- (b) Detail of rights of public access to the tenancy;
- (c) Booking arrangements (as applicable).
- (d) Days and hours of operation arrangements.
- (e) Security arrangements and responsibilities.
- (f) Cleaning arrangements and responsibilities.
- (g) Maintenance arrangements and responsibilities.

Once submitted and approved, the Management Plan must be carried out to the satisfaction of the Responsible Authority.

22. Walls on or facing the boundary

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

23. 3D Model

Before the development starts (other than demolition or works to remediate contaminated land in accordance with an Auditor's direction, or site preparation works), a 3D digital model of the overall development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and the City of Port Phillip and be to the satisfaction of the Responsible Authority and the City of Port Phillip in conformity with the Department of Environment, Land, Water and Planning Advisory note 3D Digital Modelling.

In the event that substantial modifications are made to the overall development a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority and the City of Port Phillip.

The 3D model must be accompanied by a signed statement declaring that by submitting the model, the applicant / owner grants, and warrants they are authorised to grant, the State of Victoria and the City of Port Phillip free of charge a sub-licensable, irrevocable, non-exclusive worldwide licence to use the model for any planning related purpose, and that further the applicant / owner indemnifies the State of

Victoria and the City of Port Phillip against any loss, damage, claim, action or expense which the State of Victoria and the City of Port Phillip (including their officers, employees and agents) suffer as a direct result of a breach of this warranty.

24. Dual Water Reticulation

Before the occupation of the development allowed by this permit, the development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network to the satisfaction of the relevant water authority to the satisfaction of the Responsible Authority.

25. Environmental Wind Report

Before the development starts (other than demolition or works to remediate contaminated land) an amended Pedestrian Level Winds - Wind Tunnel Test report must be submitted to and approved by the Responsible Authority. The amended report must:

- Incorporate a revised wind mitigation strategy for the north-east side which does not rely on any landscaping or structures within or along the edge of Easements E-1 and A-1;
- Assess the wind mitigation implications of raising the glazed canopy over the through block link from ground floor level to approx. Level 02.

26. Incorporation of Environmental Wind Measures

Before the occupation of the development allowed by this permit, the developer must:

- Ensure the building includes the measures recommended by the amended Pedestrian Level Winds - Wind Tunnel Test report,
- Confirm that the building would achieve the relevant standing and walking wind criteria within, abutting and opposite each site.

Any further modifications required to the development in order to ensure acceptable wind conditions to the street, podium roof top, public realm and the public open space, targeting long term stationary criteria for open space areas and to all entrance lobbies, must be durable, high quality solution integrated with the architectural and landscape design and not rely on street trees, and must be submitted to and approved by the Responsible Authority as part of the plans for endorsement.

The recommendations of the report must be implemented at no cost to the Responsible Authority or the City of Port Phillip.

27. Mechanical Car Parking Management Plan

Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a mechanical car parking system management plan including but not limited to the following:

- (a) Allocation of car parking spaces according to vehicle size and type;
- (b) Ongoing maintenance of the mechanical car parking system;
- (c) Instructions to owners/occupiers about the operation of the mechanical car parking system; and
- (d) Communicating to prospective residents about the availability of car parking spaces and sizes.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

28. No Alterations

The layout of the site and the size, levels, design and location of buildings and works, and external materials, finishes and colours shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

29. Satisfactory continuation

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

30. Services to be underground

All new services to the property including water, electricity, gas, sewerage, telephone and telecommunications (whether by means of a line or cable) must be installed underground and located in a position approved by the Responsible Authority. All costs associated with any such works must be borne by the applicant / owner.

31. Lighting baffled

All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

32. No equipment and services

No equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

33. Building equipment and services

No external plant, equipment, services and exhausts other than those shown on the endorsed plans may be constructed unless otherwise agreed to in writing by the Responsible Authority.

Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

34. Parking and Loading Areas Must Be Available

Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

35. Mechanical Car Parking Maintenance and Provision

The mechanical car parking must be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

36. Number of Dwellings

Without the further written consent of the Responsible Authority, no more than 287 dwellings may be constructed on the land.

37. Water Supply / Recycled Water / Sewerage Provision

The construction of the development must comply with the provisions of any agreements between the owner and the relevant water authority relating to the supply of water, recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant water authority.

38. Energy Supply Provision

The construction of the development must comply with the provisions of any agreements between the owner and the relevant energy authority relating to the supply of energy as appropriate. All works in relation to the supply of energy must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant energy authority.

39. Glazing Reflectivity

Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.

40. Waste Management

An adequate waste management arrangement must be provided for the premises, in accordance with Council's Community Amenity Local Law No: 3.

Without the further written consent of the Responsible Authority, waste management for the proposal must be in accordance with the endorsed Waste Management Plan to the satisfaction of the Responsible Authority.

41. Completion of Landscaping

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and /or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

42. No Damage to Existing Street Tree(s)

The proposed development and works must not cause any damage to any existing street tree. Root pruning of any adjacent street tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of any crossover/works.

All adjacent street trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction. The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

43. SEPP N-1 and N-2

Noise levels emanating from the building must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises) to the satisfaction of the Responsible Authority.

44. Time for Starting and Completion

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

- (a) The development is not started within four years of the date of this permit.
- (b) The development is not completed within three years of the date of commencement of works.
- (c) The use is not commenced within two years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- (a) Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- (b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Permit Notes:

Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Building Works to Accord With Planning Permit

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

Due Care

The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

Days and Hours of Construction Works

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

Permit required for signs

This permit relates only to the use and development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land and not exempt pursuant to the Port Phillip Planning Scheme, must be the subject of a separate planning permit application.

Waste Collection

The applicant must consult with Council's Waste Management Department regarding the location of waste bins and collection options. Waste management must be in accordance with Council's Community Amenity Local Law No. 3.

Roads and laneways to be kept clear

During the construction of the buildings and works allowed by this permit, the roads and laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so

as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.

Parking Infringements

Any parking infringement relating to the proposed development may be reported to Council's Parking Enforcement Section on 9209.6751 (B.H.) or 9209.666 (A.H.)

No resident or visitor parking permits

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

Cross-over Permit Required

A cross-over permit must be obtained from Council (contact 9209.6216) prior to the carrying out of any vehicle crossing works (including removal of a redundant crossing).

Air Conditioning Plant

Any air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary;
- Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

Construction Management

All construction activities associated with the development must comply with the requirements of Council's Community Amenity Local Law No.3.

Building Projections Beyond Site Boundaries

Any building projection beyond the site boundary may require the developer / property owner to enter into a S173 Agreement and/or licence with the Council to authorise occupation of Council land, and may be subject to an annual license fee.

Broadband, Communications and Digital Economy

The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update updated dated 22 June 2011 (as amended).

Council contacts

Approval may be required from other Council Departments (where relevant) before the proposal may commence, and discussion with Council's Development Engineer is recommended prior to the submission of plans for standards of construction of crossovers and stormwater drains. The following contact details are provided for your assistance:

- Building Department 9209.6253
- Health Department (Community Amenity) 9209.6262
- Local Laws 9209.6852
- Development Engineer 9209.6774

High Pressure Pipelines

The subject site is:

- Within the buffer area of the Port Melbourne 150mm dia high pressure gas transmission pipeline along Ingles Street and the South Melbourne to Brooklyn 750mm dia high pressure gas transmission pipeline along Gladstone Street managed by APN Gas Net.
- Proximate to a 600mm high pressure 600mm liquid hydrocarbon pipeline that runs in the same easement as the Brooklyn 750mm gas pipeline owned and operated by Viva Energy Australia.

These pipelines are considered by APN GasNet and Viva Energy Australia to be major assets and pipeline protection works may be required for asset integrity and public safety reasons.

Prior to any construction or works, the applicant should seek and obtain the consent of APN Gas Net and/or Viva Energy Australia (as applicable).