

## TRACK CHANGES PERMIT CONDITIONS

<b>PERMIT APPLICATION NO:</b>	1227/2015/A
<b>LAND:</b>	8-12 Punt Road and 3-7 Wellington Street ST KILDA VIC 3182

### WHAT THE PERMIT ALLOWS

Buildings and works associated with a mixed use development (including basement car parking); use of land for the purposes of dwellings and restricted recreation facility; reduction in the number of car spaces required by the Planning Scheme; and display of a major promotional sign in accordance with the endorsed plans.

### CONDITIONS:

#### Amended Plans

- 1 Before the development starts, two (2) complete sets of 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. The plans must be generally in accordance with plans prepared by Warren and Mahoney Architects, K.P.D.O Architecture and Interior Design and Plus Architecture dated 9 October 2019 (all Revision 5) TP096 TP107; TP110 TP114; TP125 TP129; TP200 TP203; TP220 TP222 and the Façade Concept Artists Report endorsed on 14 February 2019, but modified to show, to the satisfaction of the Responsible Authority.;
  - (a) ~~[INSERT] Spandrel detail general in accordance with drawing nos SK01 SK09 dated 11 April 2018.~~
  - (b) ~~Details of the balcony walls and soffits to be painted, and the colours that they are to be painted, to give effect to the Façade Concept Artists Report.~~
  - (c) ~~The balcony of Apartment 2602 be increased to 12sqm and the balcony of apartments 113 and 213 be increased to 8 sqm.~~
  - (d) ~~Deletion of apartments 614 and 714 and associated redesign to include the resulting space in nearby apartments or to provide studio style apartments to the satisfaction of the Responsible Authority.~~
  - (e) ~~Altered layout of apartments 312, 412 and 512 to replace the L shaped kitchen with a galley design and revised laundry location to create a larger dining areas generally in accordance with the layout shown on~~

~~page 4 of the document dated 6 December 2019 entitled 'One Wellington Apartment Assessment Queries plus Responses'.~~

- ~~(f) Provision of external storage to each apartment of a minimum of 3 cubic metres per apartment.~~
- ~~(g) The loading area increased to 4.0m clearance.~~
- ~~(h) The loading area graded at a maximum grade of 1:16.~~
- ~~(i) A schedule of external materials, finishes and colours.~~
- ~~(j) Additional traffic and parking information which demonstrates that the layout is generally in accordance with Clause 52.06 of the planning scheme or the relevant Australian standard/s, or otherwise to the satisfaction of the Responsible Authority.~~
- ~~(k) Section diagrams of over bonnet storage demonstrating that adequate space beneath the storage is provided for a vehicle to park safe.~~
- ~~(l) A swept path for parking spaces with over bonnet storage accessible in a forward direction.~~
- ~~(m) All bicycle parking space design to comply with the Australian Standards AS2890.3 2015.~~
- ~~(n) The addition of 10 bicycle spaces for visitor parking, immediately adjacent to the Wellington Road pedestrian entrance.~~
- ~~(o) The relocation of 59 bicycle parking spaces from the lower basement levels to the ground floor (providing a total of 138 bicycle spaces at ground level including the 10 spaces referred to in condition 1(n) of this permit) generally in accordance with plans prepared K.P.D.O Architecture and Interior Design and Plus Architecture TP097, TP098, TP099 and TP100; all Revision 6.~~
- ~~(p)(a) A total of 12 motor scooter/motor bicycle parking spaces~~
- ~~(q) Any consequential changes to give effect to the above conditions.~~

#### **No Alterations**

- 2 The layout of the site and the size, levels, design and location of buildings and works 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.

#### **Façade Strategy**

- ~~3 Unless with the consent of the Responsible Authority, Robert Owen (or another artist, urban design expert or architect to the satisfaction of the Responsible Authority) must be consulted with during the preparation of the amended plans referred to in condition 1(b), to the satisfaction of the Responsible Authority.~~

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### Satisfactory continuation

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

### Architectural Oversight

54 Except with the consent of the Responsible Authority, Warren and Mahoney Architects K.P.D.O Architecture and Interior Design and/or Plus Architects (or another architectural consultancy to the satisfaction of the Responsible Authority) must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

### Walls on or facing the boundary

65 Prior to the occupation of the building(s) allowed by this permit, all walls on or facing the boundary and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

### Wind Assessment

76 Concurrent with the endorsement of plans, a suitably qualified person must undertake a comprehensive wind tunnel test of the entire development and a wind climate assessment report must be submitted to the satisfaction of the Responsible Authority. ~~Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owners wind climate expert, preferencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority.~~ When the ~~Wind Assessment Report is~~ approved, it will become an endorsed plan forming part of this Permit.

### Landscape Plan

87 Concurrent with the lodgement of plans required under condition 1 ~~Before the development starts (other than demolition or works to remediate eontaminated land), an detailed updated~~ Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

### **Completion of Landscaping**

98 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.

### **Landscaping Maintenance**

109 The landscaping as shown the endorsed Landscape Plan must be in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

110 Concurrent with the endorsement of plans under Condition 1 of this permit, an updated Sustainable Management Plan ~~must that outlines~~ be submitted to and approved by the Responsible Authority. Upon approval the Plan will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed. The plan must show commitment in achieving the following:

- Australian Excellence ESD- Green Star Benchmarking- 5 Star Green Star Design and As Built v 1.2
- Achievement of Best Practice Water Sensitive Urban Design
- High Efficiency Building thermal envelope reflected by average 7-star NatHERS rating.

### **Implementation of Sustainable Design Initiatives**

111 Prior to the occupation of any building approved under 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 specified in the Sustainable Management Plan report have been implemented in accordance with the approved Plan.

### **Street trees**

112 The authorised buildings and works must minimise any damage to the existing street tree(s) to the satisfaction of the Responsible authority. Prior to the commencement of buildings and works, root pruning of street tree(s) must be carried out to the satisfaction of the Responsible Authority.

### **Replacement of street trees**

113 If damaged or destroyed as a result of the development, existing street tree(s) must be replaced by new tree(s) of which the species, maturity and location must be to the satisfaction of Council's Street tree coordinator. The new tree(s) must be planted and maintained for a period of twelve (12)

months to the satisfaction of the Street Tree Coordinator at no expense to the Council.

#### **Waste Management**

~~15~~14 ~~Concurrent with the endorsement of plans under Condition 1 of this permit, an updated~~Before the development starts (other than demolition or works to remediate contaminated land), ~~a~~ Waste Management Plan must be prepared by a ~~Waste Management Engineer or Waste Management Planner~~ to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Waste Management Plan must be generally in accordance with the plan prepared by Leigh Design dated 1 December 2017 but modified to reflect any updates the endorsed plans.

#### **Signs not Altered**

~~16~~15 The location of the sign(s) (including the size, nature, panels, position and construction) shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.

#### **Sign Structure not Altered**

~~17~~16 The location and details of the supporting structure shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.

#### **No Flashing Light**

~~18~~17 The sign(s) must not contain any flashing, intermittent or changing colour light.

#### **No External Illumination**

~~19~~18 The sign must not be illuminated by external lights except with the written consent of the Responsible Authority.

#### **Sign Lighting**

~~20~~19 The lighting permitted by this permit must comply with Australian Standard 4282 "Control of the obtrusive effects of outdoor lighting".

#### **Signs within Land Boundary**

~~21~~20 The sign(s) must be located wholly within the boundary of the land.

#### **Removal of Existing Advertising Signs**

~~22~~21 Existing advertising signs on the land must be removed prior to the display of the advertising sign(s) approved under this Permit:

#### **Expiry Date for Major Promotion Signs**

~~23~~22 This permit as it relates to signage expires 25 years from the date of issue.

### Minimum Clearance for Advertising Sign

2423 The clearance from the footpath to the underside of the sign must be a minimum of 2.7 metres.

### Vicroads Conditions

2524 Before the installation of the signs commences, Figures 1 and 3, in the Traffix Group report, and the lighting report submitted by Electrolight Australia Pty Ltd, received by VicRoads 6 June 2016, Reference 1621, Revision B, dated 1 June 2016 must be submitted to and approved by Council. The plans must be in accordance with Figure 1 and Figure 3, in the Traffix Group report. When approved by Council, the plans and lighting report must be endorsed by the Responsible Authority and will then form part of the permit.

2625 The signs must at all times operate in accordance with the requirements of the lighting report submitted by Electrolight Australia Pty Ltd, Reference 1621, Revision B, received by VicRoads on 6 June 2016 and dated 1 June 2016.

2726 In accordance with the endorsed plans, the following requirements on the respective signage zones as shown on Figure 3, page 10 received by VicRoads on 6 June 2016 and will form part of the Planning Permit as follows:

- (a) FACE 1: Text and images must be 'fully contained within the sign face area, and must not intrude into the adjoining Zone.
- (b) Zone 1.1: Advertisement (text or images), must be fully contained within the sign face area, and not intrude into the abutting sign faces (sign faces 1 and 3).
- (c) FACE 3: No advertising permitted on this sign face, only a 'linking band' or a 'block' colour. The background block colour must not be command colours similar to traffic signals, red/amber/green.
- (d) Zone 2.22: Only a logo or 'stand alone' image is permitted on this sign face, and must be fully contained within the sign face area, without any 'distortion' (e.g. not wrap around signage).
- (e) FACE 2: Advertising permitted as a standard sign, however must not protrude beyond the area into an adjoining sign face area.

2827 To enable the signs described in condition 263 above to be readily absorbed, given the quantity of sign faces viewed, the following requirements must be satisfied:

- (a) No smaller letter height than 250mm (capital letter).
- (b) No more than 8 words in 'each' advertisement.
- (c) Typeface must only be in bold sans serif font. The use of scripts or cursive fonts is prohibited.

- (d) There must be sufficient line spacing ‘between wording’ to ensure there is no ‘stacking’ effect, which would impact on it being easily comprehended.

~~29~~28 The transition from one advertisement to another must be instantaneous for all electronic sign faces (and included zones).

~~30~~29 No advertisement may be displayed for less than 30 seconds.

~~31~~30 A delay of 15 seconds between the change over on each face (and included zones) being viewed is required (refer condition 24).

~~32~~31 In relation to the images displayed on the respective signs:

- (a) Sequences of images giving the illusion of continuous movement must not be displayed.
- (b) Images capable of being mistaken for traffic signals or traffic control devices because they, for example contain red, amber or green circles, octagons, crosses or triangles must not be displayed.
- (c) Images and text capable of being mistaken as an instruction to road users must not be displayed.
- (d) Flashing background, flashing text or flashing images must not be displayed.

~~33~~32 The signs must not dazzle or distract road users due to colouring.

~~34~~33 In the event of an attack by a computer hacker ‘or similar’ resulting in unauthorised display of visual images or any other display malfunction, the electronic signs are to shut down and cease any form of visual output until malfunction is repaired.

~~35~~34 Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138A (11) of the *Land Act 1958* for the elements of the approved development that project more than 300mm beyond the land’s Punt Road boundary (i.e. the canopies, fixed shading devices, balcony framing etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Punt Road Reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

~~36~~35 Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken the title boundary within a Road Zone Category 1 (i.e. Punt Road). Please contact VicRoads prior to commencing any works.

#### **Urban Art Plan**

~~37~~36 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.

This must illustrate Urban Art to both the Nelson Street and Wellington Street facades. 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.

### **Water Sensitive Urban Design**

~~3837~~ 3837 Concurrent with the endorsement of plans under Condition 1 of this permit, an updated ~~Before the development starts (other than demolition or works to remediate contaminated land) a~~ Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

### **Incorporation of Water Sensitive Urban Design Initiatives**

~~3938~~ 3938 Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

### **Maintenance Manual for Water Sensitive Urban Design Initiatives**

~~4039~~ 4039 Concurrent with the endorsement of plans under Condition 1 of this permit, an updated ~~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:

- (a) inspection frequency;
- (b) cleanout procedures;
- (c) 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.

### **Site Management Water Sensitive Urban Design**

~~4140~~ 4140 During construction, to the satisfaction of the Responsible Authority:



- (a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- (b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- (c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site;
- (d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- (e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

#### **Car and Bicycle Parking Layout**

**4241** Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:

- (a) Constructed;
- (b) Properly formed to such levels that they may be used in accordance with the plans;
- (c) Surfaced with an all-weather surface or seal coat (as appropriate);
- (d) Drained and maintained;
- (e) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane; and
- (f) Clearly marked to show the direction of traffic along access lanes and driveways;

All to the satisfaction of the Responsible Authority.

#### **Parking and Loading Areas Must Be Available**

**4342** 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.

#### **Lighting**

**4443** External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

### **Direction Sign**

~~45~~ Before the occupation of the development allowed by this permit a sign containing details and of a size to the satisfaction of the Responsible Authority must be displayed directing drivers to the area(s) set aside for car parking. The sign must be located and maintained to the satisfaction of the Responsible Authority.

### **Vehicle Crossings**

~~46~~44 Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority.

### **Vehicle Crossings- Removal**

~~47~~45 Before the occupation of the development allowed by this permit, all disused or redundant vehicle crossings must be removed and the area reinstated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

### **Applicant to Pay for Reinstatement**

~~48~~46 Before the occupation of the development allowed by this permit, the applicant/owner must 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 the 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 alterations/reinstatement.

### **Public Services**

~~49~~47 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.

### **Car Parking Allocation**

~~50~~48 Prior to the occupation of the development, a car parking management plan must be submitted to and approved by the Responsible Authority. That plan

should show the allocation of spaces within the basement car park between the various uses that comprise the development, and must (unless otherwise approved by the Responsible Authority) provide:

- not less than ~~199~~84 spaces for residents ~~(with tandem spaces allocated to the same dwelling)~~;
- not less than ~~25~~ spaces for retail/~~shop/food and drink~~;
- 24 spaces for the restricted recreation facility (staff and visitors); and
- not less than 5 car share spaces.

#### **Share Car Allocation/Operation by Owners' Corporation**

~~5149~~ Before the occupation of the development approved under this permit, five cars must be maintained and operated as a car share arrangement ~~by or on behalf of the Owners' Corporation~~ and must be made available including by residents at all times. At least two cars in the car share scheme must be made available to members of the car share scheme (ie not restricted to residents of the subject site). A Share Car Management Plan to the satisfaction of the Responsible Authority is to be submitted to the Responsible Authority setting out how the share cars are to be made available including by residents at all times and the methods of reservation, management, maintenance and replacement of vehicles as necessary. When satisfactory to the Responsible Authority, the Share Car Management Plan will be endorsed and form part of this permit. The operation of the car share scheme must be in accordance with the Share Car Management Plan.

#### **Green Travel Plan**

~~5250~~ Prior to the occupation of the development, a Green Travel Plan (GTP) prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the GTP will be endorsed and will then form part of the permit. The GTP must encourage the use of non-private vehicle transport models by the occupiers of the land by addressing at a minimum:

- (a) Providing occupants and future occupants of the development with materials/literature relating to the car share arrangements required by condition ~~4951~~;
- (b) describe the location in the context of alternative modes of transport;
- (c) the provision of real time passenger information displays for nearby stops within the residential lobby;
- (d) employee and resident green transport welcome packs (e.g. provision of Met Cards/Myki);
- (e) a designated 'manager' or 'champion' responsible for co-ordination and implementation of the GTP;

- (f) details of bicycle parking, end of trip facilities available and bicycle routes;
- (g) details of GTP funding and management responsibilities; and
- (h) include provisions to be updated not less than every five years.

#### **Loading/Unloading**

~~5351~~ The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority.

#### **Piping and ducting**

~~5452~~ All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

#### **No equipment or services**

~~5553~~ Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and/or visually screened to the satisfaction of the Responsible Authority.

#### **Construction Management Plan**

~~5654~~ Concurrent with the endorsement of plans under Condition 1 of this permit, an updated Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan must be submitted to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:

- (a) Delivery and unloading points and expected frequency;
- (b) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (c) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (d) Hours for construction activity;
- (e) Measures to control noise, dust, water and sediment laden runoff;
- (f) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;

- (g) Any construction lighting to be baffled to minimise intrusion on adjoining lots.

**Time for starting and completion**

~~5755~~ This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two (2) years from 12 February 2019.
- (b) The development is not completed within five (5) years from 12 February 2019.

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.

~~—End of conditions—~~