



**IN THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
AT MELBOURNE
PLANNING & ENVIRONMENT LIST**

**Application for Review No. P2560/2012
1091 Plenty Road, Bundoora**

WITHOUT PREJUDICE DRAFT CONDITIONS

1. Before the first stage of the use and development 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. Three copies of the plans drawn to scale with dimensions must be provided generally in accordance with the plans considered by the Tribunal (identified as TP007, TP008, TP010, TP011, TP012, TP013, TP014, TP015, TP016, TP017, TP018, TP019, TP020, TP021, TP022, TP023, TP024, TP025, TP100, TP101, TP102, TP105, TP106, TP107, TP108, TP109, TP110, TP150, TP151, TP870, TP871, TP872 and TP880, all dated December 2012 and prepared by Peddle Thorp), but modified to show:

Staging

- a) Details of the staging of the development.

Plan details

- b) All air conditioners, plant and equipment. These are to be co-located where possible, screened so as to minimise views from the public realm and adjacent properties, and located as far as practicable from site boundaries and integrated into the design of the buildings.
- c) Roof plans with skylights for bathrooms, corridors and the like.
- d) Deletion of the communal area (Level 2) in the south-west corner of Building 2.
- e) Gravel pedestrian paths outside the title boundary (Ground floor plan, TP014) to be relocated between the buildings (No's 2, 3, 4 and 5) and the common boundary shared with Bundoora Park, and be no less than 1.5m wide. Buildings 2, 3, 4 and 5 and their open space areas are to be modified accordingly.

- f) Apartments 108, 208, 308 (Building 5) deleted and the northern terrace of apartment 407 (Building 5) reduced so that it replicates the size of its eastern balcony.

Overlooking

- g) Privacy screening in accordance with measures available under clause 55.04-6 (Overlooking) of the Darebin Planning Scheme to the following areas:
 - Building 2, level 1: South-west facing habitable room windows and western balcony edge of Apartment 101; and south facing habitable room window of Apartment 102.
 - Building 2, level 2: South-west facing habitable room windows of Apartment 202 and any changes necessary to its southern elevation as a result of condition 1(d).

Basement and car parking areas

- h) A sustainable transport display area near the main pedestrian entrances / foyers to each building.
- i) Sections of the maximum ramp gradient (Building 2) exceeding 1520mm in length must be 1 in 14.
- j) Pavement markings identifying a pedestrian crossing must be provided across the exit/entry to all vehicle ramps servicing the car parks.
- k) Pedestrian walkways across ramps 1 and 2 (ground level) must comply with AS1428.1.
- l) Gradients outside the food and drink premises areas. Reduced levels (RL) show a fall of 1.5 metres between adjacent foyers to Building 1A and 1B.
- m) A pedestrian priority zone between the primary access points to Buildings 2 and 5 with no less than 3 pedestrian crossings, or as otherwise agreed with the Responsible Authority.
- n) The pedestrian ramp from the Plenty Road footpath to the 'Colonnade' (adjacent to the larger food and drink premises) to be no steeper than 1 in 14. The maximum gradient of a ramp exceeding 1520mm in length must be 1 in 14.
- o) Pedestrian access from the Plenty Road footpath adjacent the (former) bus stop to the 'Gateway Portal' must comply with AS1428.1.
- p) A splitter island (for pedestrian refuge) where the proposed internal street intersects with Plenty Road and Snake Gully Drive.
- q) Access to the lifts (Basement level 2 for Buildings 1A, 1B, 2, 3, 4 and 5) to comply with AS1428.1.
- r) Access to the lifts (Basement levels 3 and 4, Building 4) to comply with AS1428.1.

- s) Pedestrian access to the lift and any lift lobby (Basement level 3, Buildings 3 and 5) to comply with AS1428.1.
- t) All resident car parking areas, including Buildings 1A and 1B to be secure and separate from publically available parking.
- u) Vehicle control points with a maximum grade of 1 in 20 for at least 6 metres prior to any vehicle control point.
- v) Sufficient space for at least 3 queued vehicles from the vehicle control points must be provided clear of any footpath.
- w) The kerb radii of the vehicle access on to Snake Gully Drive and Plenty Road to be tightened so as to reduce the speed of turning vehicles.
- x) Pram ramps must be provided at all pedestrian crossings, including across the vehicle accessways to the basement car parking areas.
- y) The inner and outer turn radius for ramp 2 must comply with AS2890.1:2004. Any section with an outer radius of more than 15 metres should have a median to separate inbound and outbound vehicles.
- z) The minimum headroom above all car parking spaces in the basement levels to be 2.2 metres high.
- aa) Visitor car parking to be located closer to the lift lobby in each building (rather than spread along a single side of the aisle).
- bb) Measures undertaken (e.g. wheel stops, kerbs, barriers etc) to ensure vehicles do not 'roll off' any ledges within the basement car parking areas.
- cc) All car parking spaces adjacent to a high kerb, wall or storage unit to be widened by a minimum of 300mm to enable convenient access.

Bicycle parking

- dd) No less than 56 visitor bicycle parking spaces on site with all dimensions to comply with Clause 52.34 of the Darebin Planning Scheme.
- ee) No less than 50% of resident bicycle spaces servicing each of the buildings individually to comply with Clause 52.34 of the Darebin Planning Scheme. The same bicycle spaces must not require the user to lift the bicycle.
- ff) No less than 101 spaces for resident/employee bicycle spaces.
- gg) All bicycle parking for residents and staff within Buildings 1A and 1B must be located in a secure location.

Loading bay

- hh) A loading bay in lieu of vehicle parking spaces adjacent the entry foyer of Building 1A.

Traffic

- ii) Before any one of the dwellings in a specified stage of the development is occupied, the applicant must submit a functional layout plan (minimum 1:250 scale) to the Responsible Authority for approval by the relevant authority. The functional layout plan must illustrate a left-turn deceleration lane at the Plenty Road entry to the site, designed in accordance with Austroads Guide to Road Design Part 4A; Unsignalised Intersections, 5.3.2 determination of deceleration lane turning lengths.
- jj) The design and construction of the left-turn deceleration lane must be to the satisfaction of the relevant authority and at the applicant's and/or owner's full cost.
- kk) Within six months of the grant of a permit for use and development of the site, a SIDRA analysis, which examines the 10 year post development operating conditions of Plenty Road/Snake Gully Drive intersection, must be submitted to the Responsible Authority for approval by the relevant authority. The analysis must identify the need for any mitigating works.
- ll) Any mitigating works identified by the approved SIDRA analysis must be undertaken to the satisfaction of the relevant authority and at the applicant's and/or owner's full cost.

Other

- mm) Any modifications in accordance with the Ecologically Sustainable Design Report (conditions 13-14).
- nn) Any changes necessary in the Wind Report to be consistent with the approved Landscape Plan and vice versa.

When approved, the plans will be endorsed and form part of this Permit.

Realisation of design

2. As part of the consultant team, Peddle Thorp or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality is to the satisfaction of the Responsible Authority.

Endorsed plans

3. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Trading hours

4. The trading hours of the food and drink premises (cafe) are restricted to 7am to 9pm daily, except with the written consent of the Responsible Authority.

Development levy

5. Prior to the issue of a building permit for any building or any works authorised by this permit, a development levy must be paid to Darebin City

Council. The amount of the development levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.

Landscaping

6. Before the first stage of the use and development starts, a landscape plan prepared by a landscape architect or a suitably qualified landscape designer must be submitted to and approved by the Responsible Authority. The landscape plan must be drawn to scale with dimensions and three copies must be submitted. The landscape plan must be generally in accordance with the landscape drawing prepared by John Patrick Pty Ltd and dated December 2012, but modified to show to the satisfaction of the Responsible Authority:
 - a. Landscaping works to be completed for each stage of the development as shown on the plans endorsed under condition 1.
 - b. Existing River Red Gum tree on adjoining land (Tree 1) subject to a Tree Protection Zone (refer condition 8).
 - c. Details of soil type and depths, irrigation system and any other measures necessary to ensure successful establishment of any trees planted over structures.
 - d. A planting schedule of all proposed vegetation detailing the botanical name, common name, size at maturity and quantities of all plants.
 - e. Details of all surfaces including lawns, mulched garden beds and hard paving (such as asphalt, concrete, brick or gravel).
 - f. Street trees within the nature strip/s adjacent to the property.
 - g. All constructed items including retaining walls, letter boxes, garbage bin receptacles, outdoor furniture, lighting, clotheslines etc.
 - h. An outline of the approved buildings including the basements, location of entry foyers, windows, gates and/or fences. An outline of buildings on adjoining land to be shown.
 - i. The location of both existing and proposed overhead and underground services. Conflicts of such services with the existing and proposed planting must be avoided.
 - j. Clear graphics identifying trees (deciduous and evergreen), shrubs, groundcovers and climbers.
 - k. A scale, North Point and appropriate legend.
 - l. Details of communal open space areas.
 - m. Changes to ensure consistency with the ground floor plan (TP014) endorsed under condition 1.
 - n. Recommendations contained within the Windtech report dated 11 December 2012 at pages 12-13, paragraph 6.2 (refer condition 26).

When approved, the landscape plan will be endorsed and will then form part of the permit.

7. Before occupation of any dwelling in a specified stage of the development, the landscaping works required for that stage must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping for that stage must then be maintained to the satisfaction of the Responsible Authority, including replacement of any dead, diseased or damaged plants in accordance with the endorsed landscape plan.

Tree protection

8. Before the first stage of the use and development starts, a tree protection fence must be erected to form an appropriate tree protection zone (TPZ) around the River Red Gum (adjacent Building 2) proposed for retention to the satisfaction of the Responsible Authority. The TPZ must comply with the following:

- Any pruning that is required to be done to the canopy or root system of the River Red Gum is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996.
- The TPZ must not be removed until such works have been fully completed to the satisfaction of the Responsible Authority.

9. The following activities must be excluded from inside the TPZ:

- Machine excavation including trenching;
- Directional drilling that is less (or more) than 600mm deep;
- Excavation for silt fencing;
- Storage;
- Preparation of chemicals, including preparation of cement products;
- Parking of vehicles and plant;
- Refuelling;
- Dumping of waste;
- Wash down and cleaning of equipment;
- Placement of fill;
- Temporary permanent installation of utilities and signs; and
- Physical damage to the tree.

Acoustic

10. By no later than the date plans are submitted for endorsement under condition 1, an acoustic report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. The report must detail treatments for the use and development and/or the adoption of

appropriate measures to ensure that noise emissions from the development do not unreasonably impact on the amenity of all dwelling occupants' and those on the neighbouring residential property (1089 Plenty Road).

The development must be constructed and maintained in accordance with the recommendations of the approved acoustic report to the satisfaction of the Responsible Authority.

Construction management

11. Before any development in a specified stage starts, a construction management plan (CMP) for that stage must be submitted to and approved by the Responsible Authority. The CMP must include:

- a. the stage of the development to which the CMP relates.
- b. hours of demolition and hours of construction;
- c. traffic movement of all workers' vehicles and construction vehicles;
- d. works timetable;
- e. any impacts upon adjacent roads, footpaths or carriageway easement/s. Provision must be made for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase;
- f. access routes for construction vehicles;
- g. proposed parking and standing locations for construction vehicles and construction workers vehicles;
- h. temporary fencing works, hoardings, hoists and workers amenities;
- i. number of workers expected to work on the site at any time;
- j. methods for limiting escape of dust and litter from the land;
- k. a communication strategy for advising the Responsible Authority and residents of key stages/events (including their timing and duration) in the construction program of the development; and
- l. a liaison officer for contact by residents and the Responsible Authority in the event of queries or problems experienced.

The development must be undertaken in accordance with the approved CMP relating to the stage of development all to the satisfaction of the Responsible Authority.

Waste management

12. By no later than the date plans are submitted for endorsement under condition 1, a waste management plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the updated WMP prepared by Leigh Design Pty Ltd dated 11 December 2012 and must include or specify:

- a. That collection be undertaken by a private contractor;

- b. The means by which garbage and recyclables will be stored on the site;
- c. The number of bins provided;
- d. The method of waste and recyclables collection, including details of the routes that bins will be hauled in order to facilitate the eventual method of waste collection;
- e. No bins to be placed along Plenty Road or Snake Gully Drive; and
- f. The strategies for minimising the generation of waste and recyclables from the use and development.

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

Sustainable design

- 13. Before any development starts, an Ecologically Sustainable Design Report (ESD report) that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. Upon approval, the ESD report will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed ESD report to the satisfaction of the Responsible Authority. The ESD report must be generally in accordance with, and build upon, the updated statement prepared by Sustainable Built Environments dated 7 December 2012.
- 14. Before the occupation of any building in a stage of the development, a report from the author of the ESD 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 specified in the ESD report have been implemented in accordance with the approved report.

Floor levels

- 15. Floor levels shown on the endorsed plans must be confirmed. The confirmation of the ground floor level must take place no later than at the time of the inspection of the subfloor relating to that particular stage of the development required under the *Building Act 1993* and the *Building Regulations 2006*.

Lighting

- 16. Before any one of the dwellings is occupied, an automatic external lighting system capable of illuminating the entry to ground level dwellings, entry foyers to all buildings, access paths and basements must be provided on the land to the satisfaction of the Responsible Authority.
- 17. All external lighting must be designed, baffled and/or located to ensure that no unreasonable loss of amenity is caused to adjoining and nearby land to the satisfaction of the Responsible Authority.

Drainage

18. The land must be drained to the satisfaction of the Responsible Authority.
19. The stormwater from the site to be connected to the existing pit in Snake Gully Drive to Council requirements, subject to the discharge from the site being limited to that of the pre-development.
20. Before the first stage of the use and development starts, detailed computations and drainage design to be submitted to Council to confirm that the proposed discharge will not exceed the pre-development runoff.

Internal roads

21. The construction of the internal road on the land, including adjacent footpaths must be started and completed in accordance with the staging plan approved under condition 1.
22. Before construction of the internal road starts, the owner must prepare a detailed engineering plan for the internal road and submit that plan for the approval of the Responsible Authority. This plan must clearly show that the abutting buildings on the site, including basements, are fully protected from any overland flow that can be expected from the road. The internal road must be constructed in accordance with an approved detailed engineering plan and to the satisfaction of the Responsible Authority. All necessary works, including drainage, must be constructed at the owner's cost.

Fixtures and plant

23. With the exception of guttering, rainheads and downpipes; all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise ensure views are limited to the satisfaction of the Responsible Authority.
24. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.
25. Not more than one (1) communal television antennae may be erected on each building. Individual antennae for individual dwellings/uses must not be erected.

Wind report

26. Before the first stage of the use and development starts, a wind management plan must be submitted to and approved by the Responsible Authority. The wind management plan must identify how the development will ensure satisfactory wind conditions and identify measures that are required to ensure satisfactory wind conditions. The wind management plan must be generally in accordance with, and build upon, the updated statement prepared by Windtech dated 11 December 2012.

When approved, the wind management plan will be endorsed and then form part of the permit. The development of each stage must incorporate any recommended measures for that stage to the satisfaction of the Responsible Authority.

Travel plan

27. Before the occupation of any building in a stage of the development, a Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Travel Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Travel Plan must include the following:
- a. A description of the location in the context of alternate modes of transport and objectives for the Travel Plan.
 - b. Outline Travel Plan measures for the development that include:
 - i. Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
 - ii. Include within the household welcome pack or a Myki pass and registration information;
 - iii. Bicycle parking and facilities available on the land; and
 - iv. Pedestrian routes to key destinations.

The Travel Plan must not be amended without written consent of the Responsible Authority.

Expiry

28. This permit will expire if either one of the following circumstances apply:
- a. The first stage of the development shown on the endorsed plans under condition 1 is not started within three (3) years of the date of this permit.
 - b. The final stage of the development shown on the endorsed plans under condition 1 is not completed within seven (7) years of the date of this permit.

The Responsible Authority may extend the times referred to if a request is made in writing before this permit expires or within three (3) months after the expiry date.