

YARRA PLANNING SCHEME

Incorporated Document

'Atherton Gardens – Fitzroy, September 2010'

This document is an incorporated document in the Yarra Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987.

INTRODUCTION:

This document is an incorporated document in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 of the Planning Scheme (the Scheme).

Despite any provision to the contrary in the Scheme, pursuant to Clause 52.03 of the Scheme the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

ADDRESS OF THE LAND:

The land is known as 140-172 Brunswick Street, Fitzroy (south – eastern corner of Brunswick Street and King William Street).

The land can be formally described as proposed plan of subdivision Lot 1 PS 632976B Volume 9083 Folio 679.

PURPOSE:

- To facilitate the use and development of the land including demolition for the construction of a multi storey building to be used for dwellings (no permit required), shop, office, a food and drinks premise (café) and child care centre, a reduction in the car parking requirements and a waiver of the loading bay requirement of the Yarra Planning Scheme.
- To allow for the subdivision of a portion of the land (identified as Stage 1) to enable effective and efficient management by an appointed Housing Association.
- To facilitate the timely development of land for social housing thereby adding to the existing housing stock within metropolitan Melbourne as part of the Housing Affordability Fund agreement between the Commonwealth and Victorian Governments
- To recognize the strategic importance of the land as a major redevelopment site situated adjacent to the Brunswick Street Major Activity Centre and in an area that benefits from excellent access to existing public transport, health and community services, retail services, employment and educational opportunities.

THIS DOCUMENT ALLOWS:

Subdivision of the land in accordance with Lot 1 Plan of Subdivision 632976B.

Use and development of the land including demolition for the construction of a multi storey building to be used for dwellings (no permit required), shop, office, a food and drinks premise (café) and child care centre, a reduction in the car parking requirements and a waiver of the loading bay requirement of the Yarra Planning Scheme generally in accordance with the plans prepared by McCabe Architects and Bird dela Coeur Architects and Formium Landscape Architects titled 'Atherton Gardens – Fitzroy Hub, July 2010':

- Atherton Gardens – Fitzroy Hub, dated April and July 2010, Drawing Nos TP.10 (Rev 9), TP.11 – TP.18 (Rev 8), TP.19.1 - 19.2 (Rev 4), TP.20 (Rev 8), TP.21 (Rev 9), TP.30 Rev 8, TP.50 (Rev 7), Tp.51 (Rev 8) and L1 (Rev F).

and as shown on the plans approved under condition 1 of this document and including any amendment of the plans as may be approved from time to time under condition 2 of this document.

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Endorsed Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in consultation with the City of Yarra (Council). When approved, the plans will be endorsed and will then form part of this document. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans but further modified to show:

Car and bicycle parking:

- (a) All car parking spaces and vehicle access ways must be generally in accordance with Australian Standard AS2890.1-2004 to the satisfaction of the Responsible Authority.
- (b) Car parking allocation schedule including 48 spaces which must be provided for existing tenants of the public housing estate;
- (c) Differentiation between resident, child care centre and other tenant bicycle parking;

General

- (d) Screening of balconies to dwellings
 - Level 2: 2.16 (west), 2.17 (south), and 2.21 (south).
 - Level 3: 3.16 (west), 3.17 (south), 3.20 (south), 3.21 (south), 3.22 (south), and **either** 3.12 (west) **or** 3.13 (east).
 - Level 4: 4.16 (west), 4.17 (south), 4.22 (south) and 5.22 (south).
 - Level 5: 5.16 (west), 5.17 (south), 5.15 (west), and **either** 5.11 (west) **or** 5.12 (east).
 - Level 6: 6.16 (west), 6.17 (south), **either** 6.12 (west) **or** 6.13 (east), and 6.15 (west).
 - Level 7: 7.16 (west) and 7.17 (south), and **either** 7.11 (west) **or** 7.12 (east).
- (e) The specification and location of all proposed external plant and equipment (including roof top plant and equipment, car park ventilation and individual air conditioning and hot water units). All plant and equipment must be screened to prevent views from the street and habitable room windows of nearby dwellings.
- (f) An area set aside within the property boundaries for pits, meters and essential services.
- (g) Pedestrian access to the Child care centre from King William/Condell Street.
- (h) An additional 21 secure storage units, each being approximately 4 cubic metres.
- (i) All aisle widths within secure storage areas being a minimum of 1.2 metres.

Environmentally Sustainable Principles

- (j) Details of environmentally sustainable principles required by the Environmentally Sustainable Principles report referred to in Condition 6.

Acoustic

- (k) All works recommended in the report prepared by Vipac Engineers & Scientist dated 17 November 2009 to be shown on plans;
- 2. The use and development of any land or building or part thereof as shown on the approved plans must not be altered or modified in any way without the prior written consent of the responsible authority.
- 3. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 4. All new boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

Acoustic Treatments

- 5. The acoustic engineer's recommendations should, where possible be incorporated into the plans submitted to the Responsible Authority for endorsement (via annotation if necessary) and, where they are recommendations of an ongoing nature, must be implemented to the satisfaction of the Responsible Authority.

Environmentally Sustainable Principles

- 6. The recommendations of the Sustainability Statement (11 November 2009) prepared by Wood & Grieve Engineers or equivalent measures must be implemented into the development with details submitted to the Responsible Authority demonstrating compliance with this condition.

Green Travel Plan

- 7. Before the commercial component of the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority, for the occupants of the commercial components of the development hereby approved. The 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 Plan must include, but not be limited to the following:
 - (a) a description of the location in the context of alternative modes of transport and objectives for the Green Travel Plan;
 - (b) outline Green Travel Plan measures for the development including, but not limited to:
 - (i) tenant welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers and/or occupiers upon occupation of an apartment;
 - (ii) bicycle parking and facilities available on the land; and
 - (iii) monitoring and review;
 - (c) provide a designated 'manager' or 'champion' responsible for its coordination and implementation; and
 - (d) once approved, be provided to all new commercial tenants of the development (and subsequent owners/tenants as properties change hands).

Car Park Management

8. Prior to the occupation of the development, a car parking management plan prepared by an appropriately qualified traffic consultant must be submitted to and approved by the Responsible Authority. When approved, the car parking management plan will be endorsed and form part of this permit. The car parking management plan must address, but is not necessarily limited to, all of the following:
- (a) The number and location of the car parking spaces required to service the child care centre specifically relevant to 'drop off' and pick up of children;
 - (b) Safety measures required to ensure safe passage of children to and from the car park; and
 - (c) Car spaces allocated to Office of Housing residents within the existing high-rise towers located to the south.

Street levels, crossovers and drainage

9. The developer of the land must construct a stormwater drainage system for the development at no cost to the Council and make provision to connect this system to Council's underground stormwater drainage system and where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications to the satisfaction of the Responsible Authority in consultation with the City of Yarra.
10. All piping and ducting, other than for drainage above the ground floor of the building must be concealed.

Landscaping

11. Within six (6) months of the date of the commencement of development hereby permitted, or as otherwise agreed by the responsible authority, an updated landscape plan generally in accordance with the Formium Landscape Architects plans must be prepared to the satisfaction of the Responsible Authority prepared by a suitably qualified person. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- (a) detailed planting plan with plant schedule (common and botanical plant names, density, quantities and size at planting);
 - (b) the location of all areas to be covered by lawn or other surface materials;
 - (c) the location of any permanent structures, furniture or other facilities;
 - (d) all public area footpaths, steps, ramps and crossings to comply with DDA – Tactile indicators, nosings and handrails where necessary;
 - (e) grades of all footpaths and bicycle paths shown on plan;
 - (f) details of raised planters to communal courtyards to be confirmed (height, construction and tree planting details);
 - (g) location and type of water tank for irrigation of all landscape works;
 - (h) Fencing details to the childcare centre to comply with relevant standards;
 - (i) lighting details for the new footpath along the eastern boundary of the site;
 - (j) landscaping details for the childcare centre.
12. Except with the written consent of the Responsible Authority, the landscaping must be completed, except for those areas within the childcare centre fencing

before the building is occupied and then maintained to the satisfaction of the Responsible Authority.

Vehicle Access

13. The vehicular access points must be designed to accommodate service vehicles to the satisfaction of the Responsible Authority.
14. The occupier must ensure that landscaping, both existing and proposed, does not obstruct the sightlines for vehicular traffic and pedestrians to the satisfaction of the responsible authority.
15. Any damaged road(s), footpath(s), bicycle path(s) and other infrastructure adjacent to the development site as a result of the construction works must be reinstated to the satisfaction of the Responsible Authority.
16. The development's finished floor levels for pedestrian access and car parking areas must be such that pedestrian and vehicular access accords with Australian Standards.
17. Existing footpath, bicycle path, kerb and channel, and road pavement surface levels must not be altered unless with the approval of the Responsible Authority.
18. The [developer] must not commence any civil infrastructure works on any Public Highway without obtaining official consent from the Responsible Highway Authority.

Road Infrastructure Works

19. Prior to the completion of the development, all the footpaths and kerb and channel surrounding and adjacent to the subject development must be reconstructed in accordance with the Responsible Authority's engineering standards and requirements and to the satisfaction of the Responsible Authority. All costs associated with these works are to be borne by the permit holder.

General Parking Areas

20. No fewer than 125 car parking spaces and 67 bicycle parking spaces must be provided on the land at all times.
21. The area set aside for the parking of vehicles, together with the associated access lanes for both bicycles and cars as delineated on the endorsed plan must:
 - (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all weather seal coat.

Lighting

22. The development must be provided with external lighting capable of illuminating access to each car parking space, motorcycle parking space, bicycle parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any

person within and beyond the site, to the satisfaction of the Responsible Authority.

Child Care Centre

23. Except with the written consent of the Responsible Authority, no more than 120 children and 20 staff may be present within the centre at any one time.
24. The childcare centre must only operate between the hours of 7 am and 6 pm on any day.

Café and Retail Use

25. Prior to the issue of a Certificate of Compliance for the occupation of the ground floor of the proposed development, an operational management plan for any food and drink premises, commercial or retail uses of the ground floor shall be submitted to and approved by the Responsible Authority in consultation with the City of Yarra providing details of the operating hours and maximum patron numbers where applicable.
26. Noise emissions from the café must comply with any relevant State environmental protection policy or any other standard recommended by the Environment Protection Authority.
27. Except with the written consent of the Responsible Authority music must not be played outside of the premises.
28. Bottles must not be emptied into garbage bins after 10:00pm on any night, or before 7:00am on any day unless the activity is inaudible from within any nearby residential premises.

General amenity conditions

29. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1.
30. Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.
31. The amenity of the area must not be detrimentally affected by the use or development, through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin.

Waste collection

32. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection to be undertaken by private contractors or by Council between the hours specified in Council's Local Law No. 3.

Construction Management Plan

33. Before any development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:

- (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
- (b) protection works necessary to road, and other infrastructure (limited to an area reasonably proximate to the site);
- (c) remediation of any damage to road, and other infrastructure (limited to an area reasonably proximate to the site);
- (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
- (e) on site facilities for vehicle washing;
- (f) methods for management of noise and general nuisance;
- (g) site security;
- (h) waste and stormwater treatment;
- (i) construction program;
- (j) preferred routes for trucks delivering to the site;
- (k) parking facilities for construction workers;
- (l) delivery and unloading points and expected frequency;
- (m) an outline of requests to occupy public footpaths, bicycle paths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (o) traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

Construction

34. During the construction, the following must occur:

- (a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
- (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
- (c) vehicle borne material must not accumulate on the roads abutting the site;
- (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths, bicycle paths or roads;
- (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- (f) All site operations must comply with the EPA Publication TG302/92.

35. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.

Construction Hours and Noise

36. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and

public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Minimise disruption to public transport routes

37. The developer of the land must take all reasonable steps to ensure that disruptions to tram operations along Brunswick Street (Route 112) are kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation mechanisms must be communicated to the Director of Public Transport 14 days prior to such known disruptions.
38. The developer of the land must ensure that all track, tram overhead and supporting infrastructure is not damaged or that works do not cause unplanned disruption to tram operations. Any damage to public transport infrastructure must be rectified to the satisfaction of the Director of Public Transport at the cost of the developer.

Advertising Signs

39. Prior to the commencement of the use or as otherwise agreed by the responsible authority, an Outdoor Advertising Sign schedule must be prepared showing details of the location, sizes and types of all signs to be displayed on the building and must be submitted to and be approved by the responsible authority. All exterior signs displayed on site shall be generally in accordance with the approved Outdoor Advertising Sign schedule to the satisfaction of the responsible authority. The approved Outdoor Advertising Sign schedule may be amended to the satisfaction of the responsible authority.

Subdivision

40. The layout of the proposed subdivision as shown on the endorsed plan, must not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule or Local Law or for any other reason) without the prior written consent of the Responsible Authority.
41. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement on site is to be created under the Subdivision Act 1988.

Time Limits

Use and Development

42. Notwithstanding other provisions of these conditions, the use and development (save for subdivision) permitted by this Incorporated Document will expire if one of the following circumstances applies:
 - (i) The development is not started within 2 years of the date of the approval of the amendment.
 - (ii) The development is not completed within 4 years of the date of the approval of the amendment.

The responsible authority may extend the periods referred to if a request is made in writing before these controls expire or within three months afterwards.

Subdivision

43. The approval hereby granted for subdivision will expire if:

- a) the plan of subdivision is not certified within two years of the issue date of this permit; or
- b) the subdivision is not completed within five years of the date of certification of the plan of subdivision.

The Responsible Authority may extend the permit if a request is made in writing prior to expiry of the permit or within three months afterwards.

Notes

All future residents, employees and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

END OF DOCUMENT