

CENTRAL GOLDFIELDS PLANNING SCHEME

Incorporated Document

**1-3 Nightingale Street and 75 Clarendon Street,
Maryborough – February 2021**

1.0 INTRODUCTION

This document is an Incorporated Document identified in the schedule to Clause 45.12 and the schedule to Clause 72.04 of the Central Goldfields Planning Scheme ('planning scheme').

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls contained in Clause 6.0 of this document.

The controls in this document prevail over any contrary or inconsistent provision in the planning scheme.

2.0 PURPOSE

The purpose of this Incorporated Document is to permit and facilitate the use and development of the land described in Clause 3.0 for student accommodation, including:

- The demolition of buildings associated with an existing dwelling at 1-3 Nightingale Street,
- car parking, and
- associated building and works.

3.0 ADDRESS OF THE LAND

This document applies to the land at 1-3 Nightingale Street (Lots 1 and 2 TP18729) and 75 Clarendon Street (Lot 3 TP18729), Maryborough that is affected by the SCO1 and is identified in Figure 1 below.

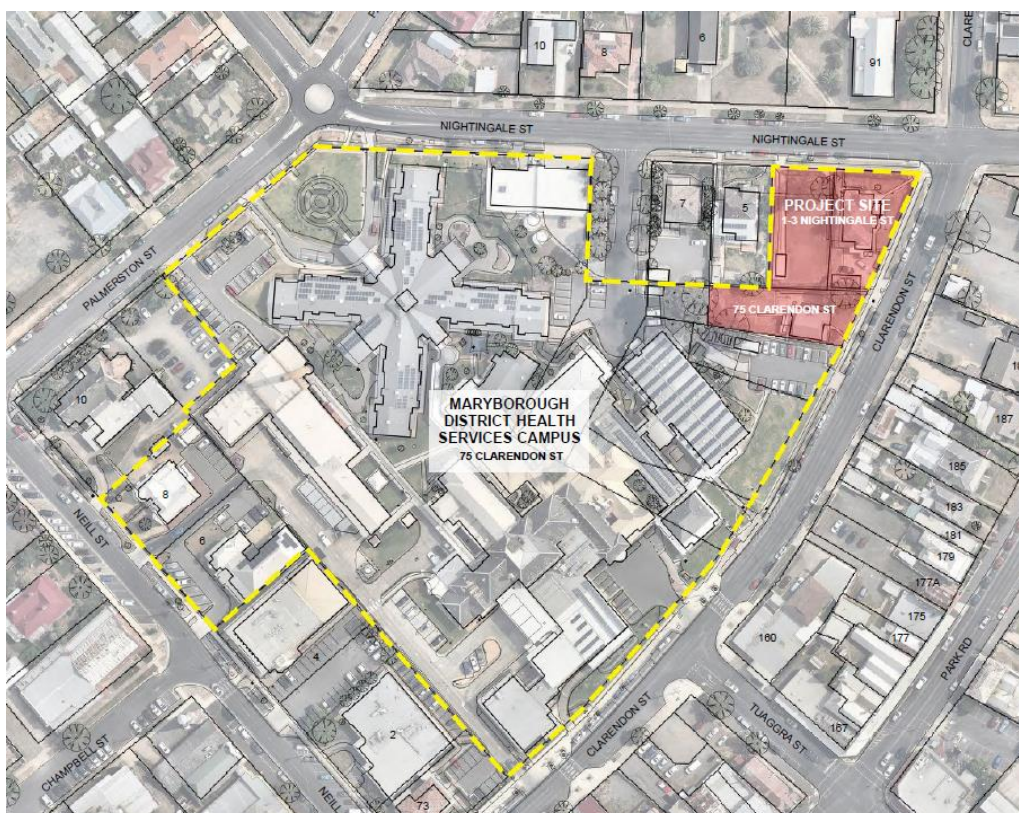


Figure 1: Land subject to this Incorporated Document highlighted in red

4.0 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no planning provision in the planning scheme operates to prohibit, restrict or regulate the use and development of the land for the purposes of the development permitted by this document, with the exception of the provisions of Clause 52.05 Signs which continue to apply.

5.0 THIS DOCUMENT ALLOWS

The Incorporated Document allows the demolition of the existing dwelling at 1-3 Nightingale Street and the use and development of the land for student accommodation and associated building and works, including car parking, generally in accordance with the following plans prepared by Harmer Architecture, dated 9 December 2019:

Drawing Number	Drawing Name
A103	PROPOSED SITE PLAN
A201	EXISTING AND DEMOLITION PLAN
A301	PROPOSED GROUND FLOOR PLAN
A302	PROPOSED FIRST FLOOR PLAN
A303	PROPOSED ROOF PLAN
A401	BUILDING ELEVATIONS
A402	STREET ELEVATIONS AND PROPOSED FINISHES

These plans may be amended to the satisfaction of the responsible authority to include changes required by Clause 6.0 of this document, and to include any amendment of the plans that may be required from time to time under the clauses of this document.

6.0 THE FOLLOWING REQUIREMENTS APPLY TO THIS DOCUMENT:

1. Prior to the commencement of the use and / or development allowed under this incorporated document, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. 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 referenced in Clause 5.0 of this document but modified to show:

- (a) the width of the garden bed along the western boundary (5 Nightingale Street) increased to 2 metres.

CULTURAL HERITAGE MANAGEMENT PLAN

2. Before the commencement of and/or development allowed under this incorporated document, a Cultural Heritage Management Plan must be prepared and approved in accordance with the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2007* (or successor documents).

SCHEDULE OF MATERIALS AND COLOURS

3. Prior to the commencement of the use and / or development allowed under this incorporated document, a schedule of construction materials, external finishes and colours (incorporating paint and material samples) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority.

LANDSCAPING REQUIREMENTS

4. Prior to the commencement of the development, a landscaping plan must be submitted to and approved by the responsible authority. The landscape plan must:
 - (a) Include an outline of buildings (no floor plans are to be shown on the landscape plan, however the dimensions of the outline are to be informed by the approved site plan).
 - (b) Be clearly drafted at a scale of 1:100 or similar with a north point and legend.
 - (c) Include clear graphics to indicate trees (deciduous or evergreen), shrubs, ground covers, grass etc.
 - (d) Show botanical and common names, pot size, quantity, planting density and size at maturity of all plantings.
 - (e) Include notated planting specification drawings.
 - (f) Indicate the location and depth of all surface treatments, with materials and colours notated.
 - (g) Outline all built features including buildings, fences, letterboxes, clotheslines, storage, water tanks and utility structures etc, to be informed by the site plan.
 - (h) Show all crossovers.
 - (i) Show any vegetation or structures within the nature strip.

Any foundations of built structures, including any concrete areas such as paths/driveways, must be protected with appropriate tree root/moisture barriers to ensure the integrity of the foundations are not compromised.

5. The landscape area(s) shown on the plan(s) must be planted and maintained to the satisfaction of the responsible authority and once landscaped must not be used for any other purpose except with the prior written consent of the responsible authority.

ADDITIONAL CAR PARKING REQUIREMENTS

6. The permit holder must ensure that 10 car spaces on the subject land are provided and always available for student's vehicles whom are staying within accommodation. When the student accommodation is vacant the car spaces may be used for other hospital related parking.

NO ALTERATION TO LAYOUT

7. The development and use allowed under this incorporated document must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.

GENERAL AMENITY

8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any building, works or materials.

- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.
- (d) Presence of vermin.

CONCEALMENT OF PIPES

- 9. All pipes, fixtures, fittings and vents servicing any building on the site, other than storm water down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

PLANT/EQUIPMENT OR FEATURES ON ROOF

- 10. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.

GARBAGE STORAGE

- 11. Provision must be made on the land for the storage of garbage and other solid waste. This area must be properly formed and screened from public view to the satisfaction of the responsible authority.

USE OF PARKING AREAS

- 12. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be maintained in a usable and safe condition to the satisfaction of the responsible authority and made available for such use and must not be used for any other purpose.
- 13. Vehicular access to the subject land from any roadway or service lane (and vice versa) must only be by way of a vehicle crossing(s) to the satisfaction of the responsible authority.

NOISE FROM DOMESTIC FIXTURES

- 14. Mechanical ventilation systems and air conditioning units are to be suitably located so they do not cause a nuisance under the provisions of the *Public Health and Wellbeing Act 2008*.

CONSTRUCTION PHASE

- 15. All activities associated with the construction of the development allowed under this incorporated document must be carried out to the satisfaction of the responsible authority and all care must be taken to minimise the effect of such activities on the amenity of the locality. Measures must be taken to suppress dust, noise or other emissions during construction to prevent nuisance to surrounding neighbours as defined by the *Public Health and Wellbeing Act 2008*.

ENTRY WORKS

- 16. Access to the development must be provided from Clarendon Street via an all-weather driveway with dimensions adequate to accommodate emergency vehicles to the satisfaction of the responsible authority.
- 17. Driveway crossings from the road reserve to the property must be designed and constructed to the satisfaction of the responsible authority.

18. Prior to commence any works on the road reserve areas, the developer must obtain a “Works in Road Reserve” Permit from the relevant authority to the satisfaction of the responsible authority.
19. Works must not commence until the responsible authority has approved the design of the vehicle crossing and given consent to conduct the works within the road reserve.
20. All work upon the entrances and exits must be carried out at the cost of the developer.

PARKING AREAS

21. All parking areas must be designed to allow all vehicles to enter and leave the land in a forward direction to the satisfaction of the responsible authority.
22. All car spaces (including any required disabled spaces), vehicle access lanes and driveways shown on the plans must be:
 - (a) designed, constructed, line marked, painted, signed to the satisfaction of the responsible authority.

GENERAL CONDITIONS

23. Pedestrian safe walk zones must be clearly delineated on the road and parking areas at all times to the satisfaction of the responsible authority.
24. All vehicular access roads, car parking bays and entry and exit areas to and from the site must be illuminated to the satisfaction of the responsible authority.

DRAINAGE

25. The property must be drained to the satisfaction of the responsible authority to a legal point of discharge.
26. All stormwater runoff from buildings and impervious surfaces must be collected on site and discharged to a legal point of discharge to the satisfaction of the responsible authority.

EMISSIONS AND DISCHARGES DURING CONSTRUCTION

27. The developer must restrict emissions and discharges from any construction sites within the land in accordance with the best practice environmental management techniques and guidelines contained in the *Environment Protection Authority publications Construction Techniques for Sediment Pollution Control* (EPA 1991) and *Environmental Guidelines for Major Construction Sites* (EPA 1995) to the satisfaction of the responsible authority.

7.0 EXPIRY OF INCORPORATED DOCUMENT

This Incorporated Document will expire if the following circumstance applies:

- a) The development is not started within four (4) years of gazettal of amendment C36cgol.
- b) The development is not completed within six (6) years of gazettal of amendment C36cgol.

The responsible authority may extend the periods referred to if a request is made in writing whereby either of the following instances apply:

- a) before or within 6 months after the expiry date, where the use or development allowed by the incorporated document has not yet started; or

- b) 12 months after the expiry date, where the proposal allowed by the incorporated document has lawfully started before it expires.

End of Document