STONNINGTON CITY COUNCIL PLANNING SCHEME

Incorporated Document

285A Burke Road, Glen Iris – June 2020

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

The document is an Incorporated Document in the schedule to Clause 45.12 of the Stonnington City Council 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 and conditions contained in Clause 4.0 of this document.

The controls in this document prevails 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 the purposes of constructing a multi-level building with an associated basement car park, construct and carry out landscaping works for the purpose of a public plaza, and a reduction in parking requirements generally in accordance with the plans approved consistent with Clause 4.0 of this incorporated document.

3.0 ADDRESS OF THE LAND

This document applies to the land at 285A Burke Road, Glen Iris (Lot 1 on Title Plan PS817186) that is affected by the SCO8 and as identified in Figure 1 below.

Figure 1 – Land subject to this incorporated document highlighted in red
4.0 WHAT THIS DOCUMENT ALLOWS

The proposal for building and works to construct a multi-level building with an associated basement car park, construct and carry out landscaping works for the purpose of public plaza, and a reduction in parking requirements, generally in accordance with the following “Incorporated Plans” prepared by Plus Architecture, dated 3 October 2017 but modified to include changes required by the conditions of this Incorporated Document:

TP0001 Existing Conditions Plan
TP0002 Site Plan
TP0098 Basement 02 Plan
TP0099 Basement 01 Plan
TP0100 Ground Floor Plan
TP0101 Upper Ground Plan
TP0102 Level 01 Plan
TP0103 Level 02 Plan
TP0104 Level 03 Plan
TP0105 Level 04 Plan
TP0106 Level 05 Plan
TP0107 Level 06 Plan
TP0108 Level 07 Plan
TP0109 Roof Plan
TP0200 North Elevation
TP0201 East Elevation
TP0202 South Elevation
TP0203 West Elevation
TP0210 Section A
TP0211 Section B
TP0212 Section C

and including any amendment of the plans that may be approved from time to time under the conditions of this document. Once approved, these plans will be the endorsed plans.

5.0 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 project.

6.0 THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Amended Plans

1. Before the development starts, including any demolition works and site preparation works, amended plans must be submitted to and be approved in writing 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 two copies (plus an electronic copy including a 3D digital version) must be provided. The plans must generally be in accordance with the Without Prejudice plans submitted by Plus Architects dated 3 October 2017 but modified to show the following:
   a. Full cross sections of the development at a scale of 1:100.
b. Deletion of the four upper ground level south facing apartments. The area occupied by these dwellings may be modified to be used for storage, services, communal facilities or other similar non-habitable purpose as approved by the responsible authority.

c. Modification to the eastern façade to better integrate the design with the architectural language of the north elevation of the eastern section of the building and provide a positive contribution to the Burke Road streetscape.

d. Modification to the ground level (west) Glenarm Road elevation to improve access and enhance activation and the attractiveness of this elevation.

e. Architectural details and materials added to the ground level shopfronts and underside of the building overhang/awning to provide visual segmentation and identity to tenancies and to add texture, interest and character to the ground level interface with the forecourt.

f. Architectural details and materials to visually highlight the east facing return wall to the residential entry to enhance identification of the residential entry for pedestrians.

g. Inclusion of integrated architectural screening, louvres, internal frit or other appropriate detailing to provide some privacy and sun-shading to the two commercial tenancies at the west end of the building.

h. Details of balustrades to residential apartments to ensure any air conditioning equipment on terraces is not visible from the public realm.

i. “Snorkel” windows of bedrooms to be no less than 1.2 metres in width.

j. Living room dimensions of two bedroom apartments to have a width dimension (north/south measurement) of no less than 3 metres.

k. Design features to improve light access to internal communal corridors. Communal corridors to all residential levels to have a minimum dimension of 1.2 metres in width.

l. At least 300 square metres of communal open space is to be provided within the development. Details of the nature of internal facilities are to be provided.

m. Any changes as required by the Landscape Plan required by the relevant condition below.

n. Any changes as required by the Façade Strategy required by the relevant condition below.

o. Any changes as required by the Acoustic Report required by the relevant condition below.

p. Changes generally in accordance with the Section 72 – Town Planning drawing package prepared by Plus Architecture and advertised July 2019 including architectural plans known as drawing no’s. TP0001, TP0002, TP0097-TP0099, TP0109, TP0110, TP0300, TP0301 dated 1 April 2019; TP0100-TP0108, TP0200-TP0204, TP0212 dated 18 June 2019; and TP0210, TP211, TP0213 dated 23 January 2019 but modified to show:
   i. A maximum of 179 car spaces including a maximum of 158 car spaces for dwellings, 20 car spaces for office and 1 car space for food and drink premises.
   ii. Basement plans updated to show not more than 179 car spaces.
   iii. Any changes required by the amended Traffic Management Report required by the relevant condition below.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

Layout Not Altered

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
Façade Strategy

3. Before the development starts, including demolition and site preparation works, a Facade Strategy must be submitted to and be to the satisfaction of the Responsible Authority. When approved this will form part of the endorsed plans. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Facade Strategy for the development must be generally in accordance with plans prepared by the Without Prejudice plans prepared by Plus Architects dated 3 October 2017 and detail:
   a. All changes as required by condition 1 of this permit.
   b. A concise description by the architect of the building design concept and how the façade works to achieve this.
   c. A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance accompanied by a physical sample board. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with clear coding.
   d. Elevation details generally at a scale of 1:50 illustrating typical podium details, entries and doors, typical privacy screening and utilities, typical tower detail, and any special features which are important to the building’s presentation.
   e. Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
   f. Information about how the façade will be accessed and maintained and cleaned, including planting where proposed.
   g. Example precedents that demonstrate the intended design outcome indicated on the plans and perspective images to produce a high quality built outcome in accordance with the design concept.
   h. Façade Section 03 of balconies.
   i. Precedent images of external roller blinds.
   j. Detailed ground level elevations.

Landscape plan

4. Concurrent with the submission of plans for endorsement under Condition 1, a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted and approved by the Responsible Authority. This plan must be generally in accordance with the Urbis Consultants “Without Prejudice” plan dated 26.09.2017 but amended to include:
   a. A revised design concept which must demonstrate new features that encourage integration with the existing station forecourt design and supports a stronger urban character identity as a space to be used by local residents, including more opportunities for seating, consideration of outdoor dining opportunities, and public art.
   b. A schedule of all soft and hard landscaping and treatments.
   c. Urban design elements including, but not limited to, paving, lighting and seating including arrangements for pedestrian, bicycle and vehicular circulation.
   d. Location of buildings and trees on neighbouring properties within three metres of the boundary, including street trees.
   e. How the project responds to water sensitive urban design principles and type of irrigation systems to be used.
   f. Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
   g. Details of surface finishes of retaining walls, pathways and driveways.
   h. a detailed landscape management plan detailing the ownership, maintenance regime and management responsibilities of the public spaces and podium planting associated
with the development must be prepared and submitted to and be to the satisfaction of the Responsible Authority.

5. This landscape plan must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans and must not be amended unless with the written consent of the Responsible Authority.

6. Before the development is occupied, landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. All landscaping works shown on the endorsed landscape plan must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

Preliminary Environmental Assessment

7. Before the development starts, excluding demolition and bulk excavation, the applicant must undertake an environmental assessment of the site to determine if it is suitable for its use. This assessment must be carried out by a suitably qualified environmental professional who is acceptable to the Responsible Authority. The recommendations and requirements of this assessment, if any, must be implemented prior to the occupation of the building, to the satisfaction of the Responsible Authority.

Should the environmental assessment reveal that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

a. A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
b. A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. This Statement must state that the site is suitable for the intended uses.

Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. The written confirmation of compliance must be in accordance with any requirements in the Statement conditions regarding verification of required works.

If there are any conditions of a Statement of Environmental Audit that the Responsible Authority, acting reasonably, consider require a significant ongoing maintenance and/or monitoring, the owner of the land must enter into a Section 173 Agreement under the Planning and Environment Act 1987 with the Council. This Agreement must be executed on title prior to the occupation of the building. The owner must meet all costs associated with the drafting and execution of the Agreement including those incurred by the Responsible Authority and/or Council.

Wind Assessment

8. Before the development starts, including demolition, bulk excavation and site preparation, an amended comprehensive Wind Tunnel Assessment and Environmental Wind Climate Assessment report of the development by a suitably qualified engineering consultant must be undertaken utilising wind tunnel testing based on the Without Prejudice plans prepared by Plus Architects and any changes under Condition 1 of this permit. The Wind Assessment must be submitted to and be to the satisfaction of the Responsible Authority. This report must be generally in accordance with that prepared by Vipac Engineers and Scientists and referenced as report 3ON-
16-0174-TNT-620641-1. Any further modifications required to the development to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high quality solution with the architectural and landscape design and not rely on street trees to the satisfaction of the Responsible Authority.

9. The recommendations and requirements of the endorsed Wind Tunnel Assessment and Environmental Wind Climate Assessment report must be implemented at no cost to and be to the satisfaction of the Responsible Authority and must not be amended unless with the written consent of the Responsible Authority.

Noise Attenuation

10. Before the development starts, excluding demolition, bulk excavation and site preparation works, an amended report from a qualified acoustic consultant, must be submitted to the satisfaction of the Responsible Authority detailing acoustic measures and certifying that the development has been designed to achieve the following internal noise levels as measured inside unfurnished and with windows closed:
   - Maximum noise levels of trains in bedrooms should not exceed 50 dB L amax
   - Any structure borne noise component should not exceed 40—45 dB L amax
   - Maximum noise levels of trains in living areas should not exceed 60 dB L amax
   - Any structure borne noise component should not exceed 50-55 dB L amax
   - Maximum noise levels of trains in shops/offices should not exceed 65 dB L amax
   - Any structure borne noise component should not exceed 60-65 dB L amax

The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority and must not be amended unless with the written consent of the Responsible Authority.

Car Parking, Loading/ Unloading & Bicycle Facilities

11. Before the development starts, including demolition and bulk excavation, the applicant must submit a revised traffic management report to Stonnington City Council. The report must be generally in accordance with the report by GTA Consultants, dated October 2017, and be to the satisfaction of Stonnington City Council and must not be amended unless with the written consent of the Responsible Authority. The revised traffic engineering assessment and plans should address:
   a. Any revisions as shown on Without prejudice plans
   c. Any car parking design matters to comply with either the relevant Australian Standards or Clause 52.06 of the Stonnington Planning Scheme, or otherwise to the satisfaction of the Responsible Authority.
   d. Any changes as required by Condition 1 including to car parking provision, basement design and traffic generation and management.

12. The areas set aside for the parking of vehicles within the site must not be operated as a public car parking facility.

13. All mechanical exhaust systems to the car park hereby approved must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.
14. Bicycle parking and associated facilities must be provided, located and appropriately signed generally in accordance with Clause 52.34 of the Stonnington Planning Scheme to the satisfaction of the responsible authority.

**Crossovers, Footpaths and Access**

15. Before the occupation of the development starts all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by Stonnington Council (Engineering Services).

16. Before the occupation of the development starts, the footpath(s) adjoining the site along Burke Road, must be reconstructed at the cost of the developer in accordance with plans and specifications first approved by Stonnington Council (Engineering Services).

17. Existing street levels in Glenarm Road and Burke Road must not be altered for constructing new vehicle crossings or pedestrian entrances without first obtaining approval from Stonnington Council.

18. Any poles, lights service pits or other structures/features on the footpath required to be relocated to facilitate the development must be done so at the cost of the applicant and subject to the relevant authority's consent.

**Projections**

19. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by Stonnington Council.

**Drainage**

20. Before the development starts, excluding demolition, bulk excavation and site preparation, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to, and approved, by Stonnington Council. This system must be constructed prior to the occupation of the development and provision made to connect this system to Stonnington Council underground stormwater drainage system.

**Waste Management**

21. Before the development starts, including demolition, bulk excavation and site preparation works, an updated Waste Management Plan (WMP) shall be prepared and submitted to Stonnington Council (Engineering Services). The updated WMP should include the bin room layout, detail waste storage and collection arrangements (including swept paths for the waste collection vehicles) and comply with the Stonnington Council’s Guidelines. Waste storage and collection arrangements must not be altered without the prior approval of Stonnington Council (Engineering Services).

**Transport for Victoria**

22. Prior to the commencement of the development, detailed construction/engineering plans and computations for the works along the rail corridor shown on the endorsed plans must be
submitted to and approved by VicTrack and the rail transport operator. The plans must detail all works proposed within the rail environment, including excavation of the site adjacent to the rail corridor and any impact on the rail reserve. The plans must ensure compliance regarding building clearances to aerial power lines as per the applicable Victorian Electrical Safety Regulations, to the satisfaction of VicTrack and the rail transport operator.

23. Unless agreed to in writing by the Head, Transport for Victoria, a Construction Management Plan must be submitted to VicTrack and the rail transport operators (train and tram) for approval. The Construction Management Plan must include;
   a. access to the rail environment, including designation of any areas to be used under licence during the construction process;
   b. rail safety requirements that must be adhered to by the permit holder;
   c. protection of all public transport infrastructure to ensure that public transport infrastructure is not damaged during demolition or construction;
   d. minimising any potential disruption to train services and the entrances and exits used by commuters and minimise disruption to tram services;
   e. management of drainage, effluent, material stockpiles, fencing and hoardings to ensure VicTrack land is not used for or impacted by the development outside of any licensed area;
   f. public safety, amenity and site security;
   g. operating hours, noise and vibration controls; and
   h. air and dust management.

24. Unless agreed to in writing by the Head, Transport for Victoria, a Traffic Management Plan must be submitted to VicTrack and Public Transport Victoria for approval. The Traffic Management Plan must include details such as construction vehicle access and parking, pedestrian and bicycle access and associated communications to key stakeholders.

25. Prior to the commencement of the development, the rail transport operators (train and tram) must be contacted to obtain the rail transport operator's conditions and safety requirements for works on, over, under and adjacent to public transport land and/or easements and electrical infrastructure. Access to public transport areas during construction must conform to all the necessary rail transport operator's guidelines and instructions.

26. Prior to the commencement of the development, the permit holder must enter into a Development Agreement with VicTrack which includes the arrangements between the permit holder and VicTrack for the construction period.

27. The permit holder must ensure the site is kept clean, and regularly remove all debris, rubbish and surplus material from the development site created or caused by the undertaking of the development.

28. The permit holder must ensure that the construction site is securely fenced during the construction phase of the development.

29. Unless otherwise agreed in writing by VicTrack, permanent or temporary soil anchors must not be installed on railway land.

30. The permit holder must ensure that the operating of lights is directed away from the rail corridor to ensure no disruption to the operation of trains and visibility of train drivers to the satisfaction of the rail transport operator.

31. Any building materials (including glass/window/balcony treatments) likely to have an effect on train driver operations along the rail corridor must be non-reflective and avoid using red or green colour schemes, to the satisfaction of the rail transport operator.

32. No drainage effluent, waste, soil or other materials must enter or be directed to railway land or stored on deposited on railway land.

33. The permit holder must take all reasonable steps to ensure that disruption to tram operations along Burke Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and any mitigation measures must be communicated to Yarra Trams and Public Transport Victoria eight (8) weeks prior.
34. The permit holder must ensure that all track, train, tram and overhead infrastructure are not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

35. The permit holder must ensure that public transport infrastructure is not altered without the consent of Public Transport Victoria. Any alterations to public transport infrastructure must be approved in writing prior to any works commencing and must be delivered at the full cost of the permit holder.

36. Before the development starts, or unless otherwise agreed to in writing by Public Transport Victoria and VicTrack, the permit holder must:
   a. Enter into an agreement with the Stonnington City Council, VicTrack and/or Public Transport Victoria pursuant to Section 173 of the Planning and Environment Act 1987. The permit holder must pay all of Vic Track’s and Public Transport Victoria’s legal costs and expenses of this agreement, including preparation, execution and registration on title. The agreement must provide that the permit applicant is responsible for ensuring that:
      (i) any wall or fencing that is located within or adjacent to the rail reserve land is cleaned and finished by the permit applicant using a graffiti proof finish or alternative measures are taken to prevent or reduce the potential for graffiti;
      (ii) any graffiti that appears on such wall or fencing is cleaned or removed as soon as practicable by the permit applicant on an ongoing. The cost of any clean up or removal of graffiti from the wall or fencing must be paid for by the permit applicant;
      (iii) it manages and maintains the common pedestrian links and common areas between the building line of the approved development and the boundary of the station forecourt (as identified on the attached plan) to the reasonable satisfaction of VicTrack including ensuring that paving is maintained in a fit and safe manner and that regular cleaning of all common areas to remove rubbish is undertaken;
      (iv) Unobstructed public access through the forecourt, (excluding unfixed tables and seating for outdoor dining associated with ground floor retail tenancies between the northern building line of the approved development and the boundary of the station forecourt, must be maintained at all times;
      (v) It remains responsible for such obligations until arrangements are made to transfer such responsibilities to an Owners Corporation applicable to the approved development.

37. Prior to issue of a certificate of occupancy, the permit applicant must register a right of carriageway in favour of Vic Track over the pedestrian links and common areas for those areas which are shown on the plan and which are located on the permit applicant's land for the ongoing benefit and use of commuters.

   Environmentally Sustainable Design

38. Concurrent with the submission of plans for endorsement under Condition 1, an amended Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement should be generally in accordance with the Environmentally Sustainable Design Statement prepared by Lucid and dated 14 March 2017 but amended to include the relevant required Performance Measures for office set out at Clause 22.05 of the Stonnington Planning Scheme. The approved Environmentally Sustainable Design Statement must not be amended unless with the written consent of the Responsible Authority.

39. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to Stonnington Council and be to the satisfaction of the Responsible Authority.
40. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

Construction Management Plan

41. Prior to the commencement of the development, including demolition or bulk excavation, a detailed Construction and Demolition Management Plan must be submitted to and be approved by the Responsible Authority in consultation with Stonnington City Council. The approved Construction Management Plan must not be amended unless with the written consent of the Responsible Authority. This construction management plan is to be prepared in accordance with the council’s Construction Management Plan Guidelines and is to consider the following:
   a. public safety, amenity and site security
   b. operating hours, noise and vibration control
   c. air and dust management
   d. stormwater and sediment control
   e. waste and materials reuse
   f. traffic management

Building appurtenances

42. All building plant and equipment on the roofs, balcony areas, communal areas, public through fares must be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.

43. 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.

Car Parking

44. The area set aside for car parking and access ways, as shown on the endorsed plans, must be constructed, surfaced, sealed, drained, delineated and maintained at all times to the satisfaction of Engineering Services – Stonnington City Council and such works must be completed prior to the commencement of the use or development allowed by this permit.

45. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.

46. All utility services to the subject land and buildings approved as part of this permit must be provided underground to the satisfaction of the Responsible Authority by completion of the development.

Waste

47. The waste storage and collection arrangements must be in accordance with the endorsed Waste Management Plan (WMP) to the satisfaction of Stonnington City Council. All waste must be stored and handled within the site. Bins must not be placed outside the property boundary for collection.
48. No garbage bin or surplus materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.

49. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.

3D Model

50. Before the development starts, including demolition, bulk excavation and site preparation works, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Environment, Land, Water and Planning’s Advisory Note 3D Digital Modelling.

51. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

Retention of Architectural Firm

52. Except with the written consent of the Responsible Authority, an architectural firm must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans, façade strategy and the endorsed schedule of materials and finishes to the satisfaction of Responsible Authority.

6.0 DEVELOPMENT TIME LIMIT

Notwithstanding other provisions of these conditions, the development permitted by this Incorporated Document will expire if one of the following circumstances applies:

- The development is not started within one year of the date of the gazettal of amendment C305ston.
- If a new development proposal is applied for.

The Minister for Planning may extend the periods referred to if a request is made in writing before these controls expire or within 6 months afterwards.

End of Document