

MANNINGHAM PLANNING SCHEME

Incorporated Document No. 3:

3-9 and 11 Mitchell Street, Doncaster East – August 2014

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1.0 Introduction

This document is an Incorporated Document in the schedule to Clause 52.03 and Clause 81.01 of the Manningham Planning Scheme.

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

If there is any inconsistency between the specific controls in this incorporated document and other provisions of the Scheme, the specific controls in this incorporated document will prevail.

2.0 The Land

The land subject to this incorporated document is 3-9 and 11 Mitchell Street, Doncaster East (also known as Lot 2 LP206485Q and Lot 3 LP52595) (**the land**).

3.0 Purpose

To provide for the use and development of the land for a multi-storey mixed-use building for the purpose of a shop (supermarket), restaurant/reception centre, three levels of residential apartments and basement carpark. The development of the land includes:

- a multi-storey mixed-use building
- a ground level shop (supermarket) with a minimum leasable floor space of 1,300m²
- basement carparking
- reduction of statutory carparking requirements
- the removal of an easement E-2 on lot 2 of PS206485Q from the rear of the property.

4.0 This document allows:

Despite any provisions of the Manningham Planning Scheme, no permit is required for:

- the use and development of the land for the purpose of a mixed use development, including:
 - shop including supermarket
 - restaurant
 - reception centre
 - dwellings
- the construction of a multi-storey building accommodating each of the above uses with associated basement car parking and the carrying out of associated works
- a reduction in the car parking requirements of clause 52.06

- the removal of part of easement E-2 on Lot 2 of PS206485Q.

provided the following is met:

- A. the use and development is generally in accordance with the plans by Ascui Edwards Architects Job 1427 Revision B TP-0 – TP-32 dated 8 April 2014, and any amendment of those plans as required under the Conditions of this incorporated document
- B. the use and development complies with the conditions in this incorporated document.

5.0 Conditions

Unless otherwise agreed by the Responsible Authority, the following should be prepared before the commencement of the approved development on the land, to the satisfaction of the Responsible Authority.

Amended Plans

1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed by the Responsible Authority. When the plans and other plans requiring approval under the conditions to this incorporated document are endorsed, this incorporated document must be read in conjunction with the endorsed plans as if the endorsed plans formed part of this incorporated document.

The plans to be endorsed must be generally in accordance with the plans prepared by Ascui Edwards Architects Pty Ltd, Ref 1427, Issue B, 8 April 2014 but modified (to the extent not already shown) to show:

- a) The ground and first residential level of the building set back from the western boundary as far as practicable up to 3.0 metres to the satisfaction of the responsible authority
- b) The northern residential lift providing access to and from ground floor in a separate lobby
- c) A second common open area at the first residential level to the west of the north-south corridor which breaks down the perceived length of the western elevation and provides additional natural light to the residential corridors at all three levels
- d) Consequential changes to the layout, and if necessary the number of dwellings as well as alterations to other building elements to accommodate the changes in conditions 1(b) and 1(c)
- e) The articulation of the northern walls of the building to the satisfaction of the Responsible Authority

- f) A notation on the Level 2 and 3 windows on TP20 that they are to be fitted with translucent glazing or screens to prevent overlooking to adjacent residential properties to the satisfaction of the Responsible Authority
- g) Relocation of the 8 bike racks positioned near the loading bay onto the street
- h) A notation that public works upgrades to Mitchell Street are to occur in accordance with the approved Public Works Plan under Condition 3 of this incorporated document
- i) Noise attenuation treatment on the western side of the loading area consistent with the recommendations of the Acoustic Report endorsed under Condition 47A of this incorporated document
- j) Noise attenuation treatment for the balconies of the restaurant/reception centre consistent with the recommendations of the Acoustic Report endorsed under Condition 47A of this incorporated document
- k) All opportunities for direct overlooking, including from west-facing windows in Apt 2-03 and the balcony of Apt 2-17, screened in accordance with Clause 55.04-6 of the Manningham Planning Scheme
- l) Design modifications that reduce the extent of overshadowing over the rear secluded private open space of the units at No. 4 and No. 12 Elizabeth Street to the level required under Clause 55.04-5 of the Manningham Planning Scheme
- m) A headroom clearance of 2.5m maintained in the disabled parking areas
- n) A vehicle turning area provided in the retail car park in Basement 2 that allows vehicles to exit in a forward manner should all spaces be occupied
- o) Specifications of the typical storage cupboards in the basement including their internal capacity
- p) Details of basement ventilation, including the location and design treatment of any mechanical intake or outlet required
- q) A notation that clear sight distance of pedestrians to the north for exiting vehicles as per Clause 3.2.4 of AS 2890.1 will be provided and that the landscaping within the restaurant lobby planter box will be limited to below 0.9 metres so as to retain sight lines
- r) Minimum sustainability features applicable to the development from the approved Sustainability Management Plan including the location and capacity of rainwater tanks, the uses for captured rainwater, and the solar hot water systems on the roof plans including notes for the solar fraction of the system and boosting types
- s) A notation to indicate how fire service, gas and electrical cabinets (including substations) will be integrated into the architectural design, so as not to present as visually dominating elements

- t) The layout of the proposed supermarket use occupying a minimum of 1,300 sqm of leasable floor area on the ground floor and other shops on the ground floor
 - u) The provision of shower facilities in accordance with Clause 52.34 of the Manningham Planning Scheme
 - v) Bicycle parking storage as recommended in the expert Traffic Evidence report of Mr Stephen Hunt, 22 April 2014
 - w) The proposed variation to E-2 on Lot 2 of PS206485Q to the satisfaction of Yarra Valley Water.
2. Before the development starts, a schedule of construction materials, external finishes and colours to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be part of the endorsed plans to this incorporated document.

Endorsed Plan

3. The layout of the site, the size of buildings and works, and the description of the uses on the approved plans and the colours and finishes of the building on the approved schedule under condition 2 of this incorporated document must not be modified for any reason without the written consent of the Responsible Authority.

Public Works Plan

4. Prior to the commencement of development, a Public Works Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must detail works in front of the approved building along Mitchell Street and include:
- a) Subject to Council's consent, the provision of a pedestrian facility to provide improved access between the site and existing at grade car parking in Jackson Court
 - b) Consequent upgrades to the footpath along Mitchell Street adjacent to the site at the location of the pedestrian crossing over Mitchell Street
 - c) A detailed level and feature survey of the footpaths and roads adjoining the site
 - d) The existing crossovers at the site removed and the kerb and channel, and footpath reinstated to Council's satisfaction
 - e) The location, type and number of bicycle hoops to be accommodated within the road reserve
 - f) Street tree planting
 - g) Any low retaining walls or fencing required along Mitchell Street to provide pedestrian safety
 - h) Other works to the public land adjacent to the development including other associated street furniture/infrastructure.
5. The approved Public Works Plan will form part of the endorsed plans under this incorporated document and must be implemented to the satisfaction of the

Responsible Authority at the expense of the owner of the land, before the building is occupied unless with prior written consent of the Responsible Authority.

Sustainability Management Plan

6. Before the development commences, an amended Sustainability Management Plan (**SMP**) that outlines proposed sustainable design initiatives for the modified proposal must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed and form part of the endorsed plans under this incorporated document. The authorised development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority. The amended SMP must be generally in accordance with SMP prepared by Sustainable Development Consultants.
7. Before the building is occupied, a report from the author of the SMP 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 SMP have been implemented in accordance with the approved SMP.

Construction Management Plan

8. Before the development starts, two copies of a Construction Management Plan (**CMP**) must be submitted to and approved by the Responsible Authority. When approved, the CMP will form part of the endorsed plans. The CMP must address, but not be limited to, the following:
 - a) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced
 - b) Hours of construction
 - c) Delivery and unloading points and expected frequency
 - d) On-site facilities for vehicle washing
 - e) Parking facilities/locations for construction workers
 - f) Other measures to minimise the impact of construction vehicles arriving at and departing from the land
 - g) Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures
 - h) The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means
 - i) An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services
 - j) The measures to minimise the amount of waste construction materials, including details how the commitment to reduce or reuse construction waste going to landfill outlined in the SMP is achieved as far as practicable

- k) The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours
 - l) Adequate environmental awareness training for all on-site contractors and sub-contractors.
9. All works including earthworks, demolition and construction activity associated with the approved development is to be limited to the following hours, unless with the prior written consent of the Responsible Authority:
- a) Monday to Friday: 7:00am to 7:00pm
 - b) Saturday: 9:00am to 5:00pm
 - c) Sunday and Public Holidays: No construction

Waste Management Plan

10. Before the development starts, two copies of an amended Waste Management Plan (**WMP**) must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the endorsed plans. The plan must detail how best practice standards are achieved based on the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers, and be consistent with the submitted waste plan but amended to detail the following to the satisfaction of the Responsible Authority:
- a) Specific waste management practices pertaining to each separate collection area in the development
 - b) Chutes, carousels, drop-off areas and compaction facilities
 - c) Access to bin rooms, chutes and drop-off areas
 - d) Hard waste collection
 - e) Collection locations and routines including times and frequency
 - f) The methods used to educate residents of waste collection system including the recycling component and hard waste
 - g) Sweep path diagrams illustrating the collection vehicles to be used as well as height clearance requirements.

Management Plans

11. The various management plans approved under Conditions 6, 8 and 10 of this incorporated document must be implemented and then complied with at all times to the satisfaction of the Responsible Authority unless with the further written consent of the Responsible Authority.

Landscaping

12. Before the development starts, a landscaping plan must be prepared by a landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. When

approved the plan will form part of the endorsed plans. The plan must be generally in accordance with the landscape plan by MEMLA (Revision C, 8 April 2014).

13. Before the building is occupied, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Drainage

14. An on-site stormwater detention storage system or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks) must be provided to limit the Permissible Site Discharge (**PSD**) to that applicable to the site coverage of 35% of hard surface or the pre existing hard surface if it is greater than 35%. The PSD must meet the following requirements:
 - a) Be designed for a 1 in 5 year storm
 - b) the on-site storage must be designed for 1 in 10 year storm.
15. Before the development starts, a Drainage Construction Plan for the drainage system required by Condition 15 of this incorporated document must be submitted to and approved by the Responsible Authority. The approved plan will then form part of the endorsed plans. The system must be maintained by the Owner thereafter in accordance with the approved Drainage Construction Plan to the satisfaction of the Responsible Authority.
16. Stormwater must not be discharged from the land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.

Vehicle Crossovers

17. Any new crossover or modifications to an existing vehicle crossover must be constructed to the satisfaction of the responsible authority. No such works are permitted to commence unless a 'Vehicle Crossing Permit' is first obtained from the Responsible Authority.
18. Before the completion of the development, the developer must remove all disused or redundant vehicle crossovers in Mitchell Street and re-instate kerb and channel in the affected areas to the satisfaction of the Responsible Authority.

Car Parking and Traffic

19. Before the building is occupied, all basement parking spaces must be properly formed, line-marked, numbered and signposted to provide allocation to the commercial uses and/or each dwelling and visitors to the satisfaction of the Responsible Authority.
20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
21. Before the development is occupied, a Parking and Traffic Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the

Responsible Authority. Three copies of the plan must be submitted. When approved, the plan will form part of the endorsed plans. Traffic and parking operations on and adjacent to the land must conform to this endorsed plan. The plan must include:

- a) Measures to encourage visitors, customers and patrons of the permitted uses to park in the basement of the permitted building and to discourage parking in surrounding residential streets
- b) Measures to discourage delivery vehicles in connection with the permitted restaurant, reception centre, supermarket and shop uses using residential streets to the south of the land for access to and from the land
- c) Measures for the management and operation of the loading area to minimise the potential for amenity impacts on the surrounding area, including (but not limited to) any relevant recommendations of the acoustic report endorsed under Condition 46 of this Incorporated Document
- d) Appropriate management of the parking for the various uses in the building.

Completion

22. All privacy screens and obscure glazing as required in accordance with the endorsed plans must be installed before occupation of the development to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.
23. All plant and equipment that is not installed within the building must otherwise be installed in the area of plant and equipment on the roof of the building, unless otherwise agreed in writing with the Responsible Authority.
24. No air-conditioning units are to be installed on any balcony or façade so that they are visible from outside the land.
25. An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.
26. A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority. No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.
27. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
28. The development must be provided with external lighting capable of illuminating access to car parking spaces, storage, rubbish bins, recycling bins, pedestrian walkways, stairwells, lifts, 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 land, to the satisfaction of the Responsible Authority.

Loading and Unloading Operations

29. All loading and unloading for the supermarket (including all commercial garbage and recycling collection) must at all times be carried out within the onsite loading dock and in accordance with any relevant recommendations of the acoustic report endorsed under Condition 46 of this Incorporated Document and the Parking and Traffic Management Plan endorsed under Condition 22 of this Incorporated Document to the satisfaction of the Responsible Authority.
30. All trucks and other vehicles using the loading dock must enter and exit the land in a forward motion.
31. Unless otherwise approved by the Responsible Authority, delivery vehicles shall have a maximum length of 12.5 metres and must unload from the on-site loading bay.
32. Deliveries for the supermarket may only be undertaken at the following times unless otherwise approved by the Responsible Authority:
 - a) Monday to Friday - 7.00am to 8.00pm
 - b) Saturday - 7.00am to 1.00pm.
33. Other commercial loading / unloading may only occur between 6.00am and 10.00pm on any day, unless with the prior written consent of the Responsible Authority.
34. Waste collection may only occur between 7.00am and 6.00pm Monday to Saturday, unless with the prior written consent of the Responsible Authority.

Mitchell Street Presentation

35. The shop front and glass facades of the supermarket facing Mitchell Street are not to be covered by posters, film or signage that reduces the transparency of the interface to below 65% to the satisfaction of the Responsible Authority.

Amenity of Area

36. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, by the:
 - a) Transport of materials, goods or commodities to or from the land
 - b) Storage of goods and wastes
 - c) Appearance of any building, works or materials
 - d) Emission of noise, light, vibration, odour and dust.
37. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose unless with the written consent of the Responsible Authority.
38. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy (Control of Noise from

Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

39. Noise emanating from the restaurant and reception centre uses within the development must comply with the noise limits as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.
40. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
41. All security alarms or similar devices installed on the land must be of a silent type and be connected to a registered security service.
42. Service, waste and storage areas shall be kept in a tidy, rubbish-free condition to the satisfaction of the Responsible Authority.
43. Any exhaust system, including from the cooking area of the restaurant / reception centre, shall be provided with filter devices capable of minimizing the external emission of odours and airborne fat particles to the satisfaction of the Responsible Authority and such system shall at all times be maintained to ensure its efficiency.
44. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the Waste Management Plan approved under this incorporated document.
45. Before the endorsement of plans, a report to the satisfaction of the Responsible Authority, prepared by a suitably qualified and experienced acoustic consultant, must be submitted to and approved by the Responsible Authority. The report must include (but is not limited to) works and management measures for the restaurant and reception centre premises, including the use and treatment of the balconies and loading bay, to ensure that all commercial operations can comply with the State Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music from Public Premises). The report must address the potential for impacts on both surrounding noise sensitive residential uses within 50 metres of the venue and the new apartments in the permitted building.
46. Within six months of the commencement of the permitted restaurant and reception centre use, the applicant must provide the Responsible Authority with a noise report from an independent, suitably qualified and experienced acoustic consultant, to demonstrate that SEPP N-1 and N-2 standards are being met to the satisfaction of the Responsible Authority. Noise measurements must be carried out during a function of at least 80 patrons.

Conditions relating specifically to the Restaurant / Reception Centre

47. Before the permitted restaurant and reception centre uses start, a Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will form

part of the endorsed plans. All activities forming part of the use must comply with the Noise and Amenity Action Plan. The Noise and Amenity Action Plan must include:

- a) Any recommendations of the Acoustic Report endorsed under Condition 46 of this incorporated document for the management of the premises, including the outdoor terraces
- b) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
- c) Signage to be used to encourage responsible off-site patron behaviour
- d) The training of staff in the management of patron behaviour
- e) Staff communication arrangements
- f) Measures to minimise and control noise emissions from the premises. The premises must be managed in accordance with the Noise and Amenity Action Plan to the satisfaction of the Responsible Authority.

48. The reception centre must only accommodate the following maximum number of patrons and operate between the hours of:

- a) Monday - Saturday 6.00pm – 1.00am (maximum 260 patrons)
- b) Sunday 12.00pm – 6.00pm (maximum 200 patrons)
- c) Sunday 6.00pm – 12.00am (maximum 260 patrons)

unless with the prior consent of the Responsible Authority.

49. The restaurant must only accommodate the following maximum number of patrons and operate between the hours of:

- a) Monday – Saturday 9.00am – 6.00pm (maximum 83 patrons)
- b) Monday – Saturday 6.00pm – 1.00am (maximum 100 patrons)
- c) Sunday 12.00pm – 6.00pm (maximum 160 patrons)
- d) Sunday 6.00pm – 12.00am (maximum 100 patrons)

unless with the prior written consent of the Responsible Authority.

50. Notwithstanding the provisions of Condition 49 of this incorporated document, the restaurant is permitted to accommodate a maximum of 160 patrons during the hours outlined in Condition 49(b) and 49(d) of this incorporated document, provided the maximum number of patrons in the reception centre does not exceed 200 patrons.

51. All on-site activities must be conducted in an orderly manner and must endeavour to ensure that patrons who depart the premises, do so in a manner not likely to cause noise disturbance to nearby residents.

Variation of Easement

52. A Plan of Removal of Easement must be submitted for certification by the Responsible Authority and referred to the relevant authority in accordance with Section 8 of the Subdivision Act 1988.

53. The certified plan must be lodged with the Land Titles Office for registration.

Expiry

54. Notwithstanding other provisions of the Scheme or these conditions, the specific controls contained in the document will expire if the development authorised by this Incorporated Document is not completed within five (5) years of the approval of Amendment C95 to the Manningham Planning Scheme. The Minister for Planning may approve extensions to these time limits if requests are made in writing before these controls expire or within six months afterwards.