

## PLANNING PERMIT (Amended)

**Permit No:** PLN15/0191

**Planning Scheme:** Yarra

**Responsible Authority:** City Of Yarra

**ADDRESS OF THE LAND:**

314-320 Swan St & 236 Coppin St Richmond VIC 3121

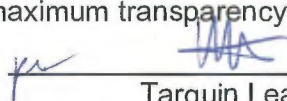
**THE PERMIT ALLOWS:**

**Development of the land for the construction of a building (plus basement levels), use of the land as a residential hotel and a place of assembly (conference centre), with alteration of access to a road in a road zone, category 1**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**


1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the advertised plans (TP-100B to TP-114B, TP-400B-TP-403B and TP450A received by Council 2 March 2017, prepared by Elwert Leaf) but modified to show:
  - (a) ~~\*\*\*DELETED\*\*\*~~;
  - (b) the second floor and above setback a minimum 4.5m from the north title boundary, except for walls on boundaries;
  - (c) the north elevation generally as per the sketch plans received by Council on 20 March and 7 June 2017;
  - (d) from level 1 and above the western façade of the building is to be setback a minimum of 4.5m from the western boundary or 4.5m from the centreline of the laneway to the west;
  - (e) details of screening between terraces. Screens must be a minimum 1.7m high fixed and a minimum 25 % transparent or constructed of opaque glazing;
  - (f) where bedrooms, living areas, kitchens or balconies/terraces could provide views into private open space areas or habitable room windows of the dwellings to the west (within a 9m radius and 45 degree arc), the windows/balconies/terraces must be treated in one of the following ways:
    - (i) minimum 1.7m sill heights;
    - (ii) minimum 1.7m high opaque glazing; or
    - (iii) minimum 1.7m high, fixed screens with a maximum transparency of 25%.

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- (g) a convex mirror at the Coppin Street vehicular exit;
  - (h) column depths and setbacks from aisles as per diagram 1 of clause 52.06-8 of the Yarra Planning Scheme;
  - (i) a notation confirming all access points from the development to the road reserve will be DDA compliant;
  - (j) 1 in 20 scale cross sectional drawings of the developments vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profiles of Swan and Coppin Streets (from the kerb line to the centre line of the road) and the accessways inside the property must be accurately drawn. The cross section must demonstrate that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out, using a B99 design vehicle;
  - (k) the location of pits and metres;
  - (l) a schedule of colours and materials, including samples (where relevant);
  - (m) change room(s) and shower(s) as per clause 52.34-3 of the Yarra Planning Scheme;
  - (n) a swept path diagram, for a B99 vehicle, for the 90 degree turn on the Ground Floor, or if this swept path cannot be met then a redesign (which may include deletion or modification of parking spaces and related access aisles) of the relevant section of the parking area on the Ground floor to ensure that all vehicles can only exit in a forward direction onto Coppin Street;
  - (o) line marking within the car park to ensure that all vehicles can only exit on to Coppin Street;
  - (p) bicycle signage as per clause 52.34 of the Yarra Planning Scheme and a minimum of 75 bicycle parking spaces;
  - (q) details of operable glazing;
  - (r) rainwater tank location shown on plans;
  - (s) all changes as relevant to show as per the Sustainable Management Plan, Acoustic Report and Waste Management Plan.
2. The development and uses as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. The place of assembly (conference centre) may only operate between 7.00 am and 9.00 pm on any day.
  4. No more than 65 place of assembly (conference centre) patrons are permitted on the land at any one time.
  5. The amenity of the area must not be detrimentally affected by the use or development, including 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.
 to the satisfaction of the Responsible Authority.
  6. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

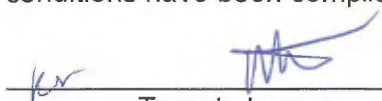
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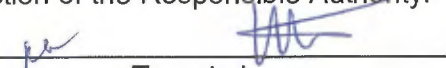
7. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
8. Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
  - (a) a description of previous land uses and activities on the land;
  - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
  - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970 (EP Act)* to undertake an Environmental Audit in accordance with the provisions of the EP Act.
9. If the assessment required by condition 8 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
10. If the assessment required by condition 8 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970 (EP Act)* must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
  - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
 and the Certificate or Statement must be provided to the Responsible Authority.
11. If, pursuant to condition 10, a Statement is issued:
  - (a) the:
    - (i) use; and
    - (ii) development,
 authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**development pre-commencement conditions**);
  - (c) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (**use pre-commencement conditions**);
  - (d) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.

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- (e) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
  - (f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
12. Prior to the commencement of the use, a residential hotel management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail the following:
- (a) procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood.
  - (b) measures to be taken by permit holder to ensure that residential hotel guests and visitors do not cause nuisance or annoyance to persons beyond the land;
  - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
  - (d) an outline of all house rules intended to be used to manage residents and guests including:
    - (i) guest behaviour;
    - (ii) noise;
    - (iii) alcohol consumption; and
    - (iv) methods of eviction if house rules are broken;
  - (e) details of eviction process in the event house rules are broken;
  - (f) standards for property maintenance, health and cleanliness; and
  - (g) security against thefts and break-ins, including security of guests' belongings,
13. The residential hotel use must be managed in accordance with the endorsed Resident Management Plan.
14. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
15. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
16. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. Before the development is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

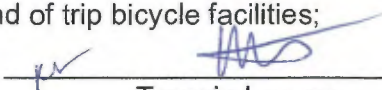
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18. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
19. Before the plans are endorsed, an amended Acoustic Report prepared to the satisfaction of the Responsible Authority by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day Acoustics (dated 1 February 2016), but modified to include (or show, or address):
  - (a) façade noise levels used in the design of façade upgrade treatments to bedrooms and living rooms;
  - (b) an assessment of road traffic noise from Coppin Street to the eastern façade;
  - (c) road traffic noise from Coppin Street must be considered (including any necessary façade upgrade advice);
  - (d) measurements of rail traffic noise at a location that allows appropriate corrections to the subject site to be determined. The assessment must include a minimum of 20 train passbys, including maximum noise levels and an Leq,1 hour level (as a minimum). Peak hour measurements must be undertaken to ensure that worst case train noise levels are captured;
  - (e) acoustic attenuation to deal with any noise from the take away food premises to the north and the offices at 225 Mary Street; and
  - (f) details of plant and equipment and the impact on the proposed residential hotel occupants and nearby dwellings.
20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.
21. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be generally as per the advertised Sustainable Management Plan, but modified to reflect the decision plans. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
22. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.
23. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and all ongoing obligations must be complied with to the satisfaction of the Responsible Authority.
25. Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) how residential hotel visitors/guest drop-offs /pick/-ups will be managed;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;

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- (c) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and
- (d) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan.

26. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

27. Before the development commences, 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 and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
  - (i) contaminated soil;
  - (j) materials and waste;
  - (k) dust;
  - (l) stormwater contamination from run-off and wash-waters;
  - (m) sediment from the land on roads;
  - (n) washing of concrete trucks and other vehicles and machinery; and
  - (o) spillage from refuelling cranes and other vehicles and machinery;
- (p) the construction program;
- (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (r) parking facilities for construction workers;
- (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (u) 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;
- (v) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (w) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (x) using lower noise work practice and equipment;
  - (y) the suitability of the land for the use of an electric crane;

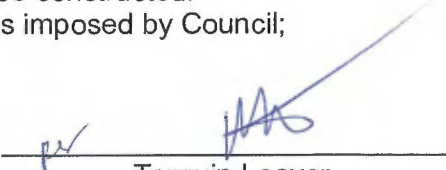
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- (z) silencing all mechanical plant by the best practical means using current technology;
  - (aa) fitting pneumatic tools with an effective silencer;
  - (bb) other relevant considerations; and
  - (cc) if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
  - (dd) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
  - (ee) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
28. During the construction of the approved development:
- (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority 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 land enters the stormwater drainage system;
  - (c) vehicle borne material must not accumulate on the roads abutting the land;
  - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
29. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
30. Council and other Authority assets must not be altered in any way except with the prior written consent of the Responsible Authority.
31. Any services poles, structures, or pits that interfere with the proposal must be adjusted, removed or relocated at the owners expense after seeking approval from the relevant authority.
32. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be carried out, at the permit holder's expense and to the satisfaction of the Responsible Authority:
- (a) the re-sheeting of the Coppin Street footpath.
33. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
34. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.

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35. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath, nature strip, and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
36. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces, all to the satisfaction of the Responsible Authority.
37. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, and dwelling entrances must be provided. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- all to the satisfaction of the Responsible Authority.

PTV Condition (condition 37)

38. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Swan Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to YarraTrams and Public Transport Victoria fourteen days (14) prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

VicRoads Condition (condition 38)

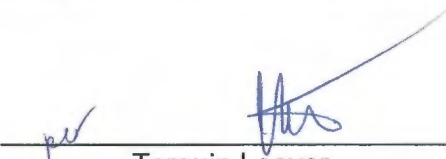
39. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads (the Roads Corporation) prior to the occupation of the building hereby approved.

Expiry

40. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; or
  - (c) the use is not commenced within five years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

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**NOTES:**

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

All future property owners, business owners and employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

**VicRoads Notes:**

Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. Swan Street). Please contact VicRoads prior to commencing any works.

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

**THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:**

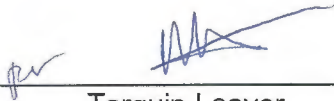
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**Date of Order**

20 December 2017

Planning Permit PLN15/0191 was issued in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P2018/2017.

**Date: 14 August 2017**

  
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# PLANNING PERMIT

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.