



**YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE
MINUTES**

**held on Wednesday 28 March 2018 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Stephen Jolly
Councillor James Searle
Councillor Mike McEvoy

Vicky Grillakis (Co-Ordinator Statutory Planning)
Sarah Thomas (Principal Planner and Advocate)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

III. DECLARATIONS OF CONFLICT OF INTEREST (councillors and staff)

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

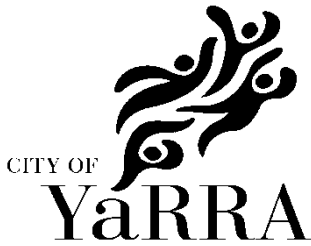
Moved: Councillor McEvoy **Seconded:** Councillor Searle

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 21 March 2018 be confirmed.

CARRIED

Printed on 100% recycled paper

***"Welcome to the City of Yarra.
Yarra City Council acknowledges the
Wurundjeri as the Traditional Owners
of this country, pays tribute to all
Aboriginal and Torres Strait Islander
people in Yarra and gives respect to
the Elders past and present."***



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch
2008**

Councillor McEvoy nominated Councillor Jolly as Chair.

There being no other nominations, Councillor Jolly was appointed Chair.

Councillor Jolly assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item	Page	Res. Page
1.1 PLN17/0448 - 484 - 486 Swan Street Richmond - Use and development of the land for the construction of a mixed-use building (14 storey plus three basement levels), including offices, a restricted retail premises and five food and drink tenancies premises (7am to 11pm, seven days per week - permit required use), reduction of car parking requirements and buildings and works including alteration to access to a Road Zone (Category 1).	6	20
1.2 Interim order response plan assessment - PLN16/0434 - 26-56 Queens Parade, Fitzroy North (Development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the site as a café, food and drinks premises, shop and use of part of the land for the sale and consumption of liquor (in association with the food and drinks premises and café), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone and PLN16/0732 - Rear of 26-56 Queens Parade, Fitzroy North Development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site))	21	42
1.3 CONFIDENTIAL, WITHOUT PREDJUDICE ITEM - PLN17/0389 - 16A-17A/64 Balmain Street, Cremorne - Development of the land for the construction of a multi storey building (plus basement levels), reduction in the car parking requirement associated with an office		

-
- 1.1 PLN17/0448 - 484 - 486 Swan Street Richmond - Use and development of the land for the construction of a mixed-use building (14 storey plus three basement levels), including offices, a restricted retail premises and five food and drink tenancies premises (7am to 11pm, seven days per week - permit required use), reduction of car parking requirements and buildings and works including alteration to access to a Road Zone (Category 1).**
-

Trim Record Number: D18/38100

Responsible Officer: Manager Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0448 for use and development of the land for the construction of a mixed use building (permit required for food and drinks premises (café)), reduction in car parking requirements, and alteration of access and building and works to a Road Zone Category 1 Road at 484 – 486 Swan Street, Richmond, subject to the following conditions:

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 decision plans by Techne Architects received by Council on 23 August 2017 but modified to show:
 - (a) an updated basement 3 floor plan;
 - (b) numbering of plans;
 - (c) a roof plan showing all plant and equipment with screening provided ensuring views from Swan Street and Burnley Station are obscured;
 - (d) the five food and drinks premises to be labelled as Food and Drinks Premises (café) and to be numbered Tenancy 1 to 5 with Tenancy 1 fronting Swan Street, Tenancy 2 and 3 being the central tenancies, Tenancy 4 being the southern-most and Tenancy 5 is the first floor premises;
 - (e) the ground floor crossover dimensions annotated as per the sketch plan provided on 8 March 2018;
 - (f) the deletion of three of the upper-most floors (levels 11-13 - inclusive);
 - (g) a materials sample board of external materials and finishes including thumb nail sketches of key elements of the facade system at the ground, middle and upper levels including details of the proposed metal cladding;
 - (h) details of the canopy to Swan Street (coordinated with the location of street trees);
 - (i) details regarding the treatment of the services to the east of the vehicular entry;
 - (j) details of the vehicular entry door;
 - (k) details of the ground floor setback area facing Swan Street and confirmation that it is compliant with the *Disability Discrimination Act 1992* (DDA).
 - (l) clear delineation of the site's title boundaries along Swan Street through the use of brass discs or a similar type method;
 - (m) dimensions of the headroom clearance at the entrance and accessways (these should be a minimum of 2.1m and above accessible parking spaces, a minimum of 2.5m headroom clearance is to be provided);
 - (n) numbering of car parking spaces for easy identification;
 - (o) dimensions of the accessible parking spaces. The shared areas can be 2.4 metres in width and are to be provided with bollards as per the Australian/New Zealand Standard AS/NZS 2890.6:2009;
 - (p) dimensions of the column depths and setbacks, lengths of each ramp grade section and truck spaces;

- (q) clearances to walls provided for spaces abutting them with a minimum 300mm shown. Alternatively, spaces adjacent to walls could be widened to comply with minimum requirements of AS/NZS 2890.1:2004;
 - (r) improved bicycle access from the lift area to the bicycle stores on basement floor plans 2 and 3;
 - (s) improved access for cyclists to the services lobby on the ground floor (where the end of trip facilities are located) from the lobby;
 - (t) confirmation that the end of trip facilities are located within the 'services lobby' on the ground floor and that at least 24 showers and 240 lockers will be provided;
 - (u) dimensions of bicycle storage spaces, spacing, and access-ways;
 - (v) confirmation whether bicycle spaces are horizontal or hanging spaces (with at least 20 percent of employee and all visitor bicycle spaces being horizontal ground level spaces).
 - (w) the location of the additional signal lantern facing the proposed site egress;
 - (x) any requirement of the endorsed Sustainable Management Plan (condition 6) (where relevant to show on plans);
 - (y) any requirement of the endorsed Waste Management Plan (condition 8) (where relevant to show on plans);
 - (z) any requirement of the endorsed Acoustic Report (condition 10) (where relevant to show on plans);
 - (aa) any requirement of the endorsed Landscape Plan report (condition 13) (where relevant to show on plans);
 - (bb) any requirement of the endorsed Wind Report (condition 19) (where relevant to show on plans); and
 - (cc) any requirement of the endorsed Detailed Design Plan (Through-link between Swan Street and land to the south) (condition 21) (where relevant to show on plans).
2. The use and development 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. As part of the ongoing consultant team, Techne Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Food and Drinks Premises (café)

4. Except with the prior written consent of the Responsible Authority, the café uses authorised by this permit may only operate between the hours of 7am and 11pm, seven days per week.
5. Except with the prior written consent of the Responsible Authority, no more than the following maximum number patrons are permitted on the land at any one time:
- (a) Tenancy 1 – 110
 - (b) Tenancy 2 – 30
 - (c) Tenancy 3 – 50
 - (d) Tenancy 4 – 70
 - (e) Tenancy 5 – 900

Sustainable Management Plan

6. 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. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit.

The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Arcadis (prepared on 2 June 2017), but modified to include or show:

- (a) tinted glass to have a minimum VLT of 40% to balance daylight and thermal loading;
 - (b) re-worded to avoid ambiguous language such as “preference” and “aiming to include”;
 - (c) the type of hot water system which will be used and its standard of energy efficiency;
 - (d) confirm the solar photovoltaic system size and location on all roof plans and include some system overview in the SMP with the solar photovoltaic array to contribute to onsite electricity consumption;
 - (e) the approximate location and size of the rainwater tank;
 - (f) green façade elements confirmed;
 - (g) water efficient landscaping provided by rainwater; and
 - (h) an on-site energy storage system.
7. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic report

10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the Acoustic Logic Consultancy report dated 11 August 2017. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
- (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 10 have been implemented;
 - (b) Assess mechanical plant noise to SEPP N-1; and
 - (c) If non-compliance with Condition 11b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.
12. The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

13. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants. Shade tolerant species are recommended for the ground floor;
- (b) show the extent of planters and where the Ronstan X-tend mesh panels are proposed;
- (c) further details of the proposed planters – height, materials, depth and type of planting media, irrigation and drainage. NB, the plan notes indicate that trees will be planted in 1500mm depth soil however the planters shown are 600mm depth;
- (d) confirm any green façade elements;
- (e) show the materiality of the proposed spaces;
- (f) detail the design (including the provision of sections) and layout of the common area, planters and ground level planting areas;
- (g) provide a specification of works to be undertaken prior to planting;
- (h) further detail on any sustainable treatments and water harvesting methods ;and
- (i) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Street Trees

15. Before the development starts, the permit holder must provide a security bond of \$20,000 for each of the two street trees (total of \$40,000) to the Responsible Authority. The security bond:

- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
- (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
- (c) in accordance with the requirements of this permit; or
- (d) otherwise to the satisfaction of the Responsible Authority.

Significant Tree

16. Before the development commences, the permit holder must make a one off 'loss of amenity' contribution \$26,349.00 (calculated using the City of Melbourne amenity value calculator for trees) to the Responsible Authority to be used for the replacement and maintenance of trees within the immediate locale to Council's discretion. All tree planting and maintenance work will be undertaken by City of Yarra Contractors.

Tree Management Plan

17. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection of the maturing Lemon Scented Gum is located on the adjacent property at No. 490 Swan Street:

- (a) pre-construction;
- (b) during construction; and
- (c) post construction
- (d) the provision of any barriers;
- (e) any pruning necessary; and
- (f) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

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

Wind

19. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Aurecon and received by Council on 18 August 2017, but modified to include (or show):

- (a) Wind tunnel model measurements undertaken to verify the findings of the desktop study, and amended to include (the use of CFD is not supported in this instance):
 - (i) Wind conditions outside building entries to satisfy the criterion for short period standing/sitting.
 - (ii) Wind conditions in outdoor café/retail seating areas to satisfy the criterion for long period standing/sitting. Details of wind mitigation strategies must be provided and be to the satisfaction of the responsible authority.
 - (iii) Wind conditions at the Burnley Station entrances and Bicycle parking and on the station platforms to satisfy the short period standing/sitting criterion.
 - (iv) Wind conditions in all other areas of the surrounding streetscapes to satisfy the walking criterion.
 - (v) Wind conditions on the private terraces to satisfy the walking criterion.
 - (vi) Wind conditions in the surrounding streetscapes and private terraces to satisfy the Safety criterion of a gust wind speed 23 ms^{-1} as defined by Melbourne (1978).
 - (vii) The Existing wind conditions (prior to the demolition of the existing buildings) provided to allow the wind impacts of the proposed development to be assessed.

20. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Detailed Design Plan (Through-link between Swan Street and land to the south)

21. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a detailed design plan for the through-link, between Swan Street and the land to the south (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the detailed design plan will be endorsed and will form part of this permit and must then be maintained to the satisfaction of the Responsible Authority. The detailed design plan must include details of the proposed materials, landscaping, lighting and safety measures to provide unfettered 24 hour public access for the through-link, between Swan Street and the land to the south (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north).

Section 173 Agreement (Through-link between Swan Street and land to the south)

22. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
 - (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the ground floor, north-south through-link from Swan Street to the pedestrian path to the south;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 22(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 22 (a).
23. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

VicTrack Pedestrian Path

24. Before the development commences, the permit holder must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of and approved by the Responsible Authority and VicTrack, showing interface improvements for the footpath to the south (directly abutting the subject site's boundaries).
25. Before the building is occupied, all works associated with the VicTrack pedestrian path detailed design plan as shown on the endorsed plans must be completed by the permit holder at their full cost to the satisfaction of the Responsible Authority and VicTrack.

Section 173 Agreement (Car Share Agreement)

26. Before the building is occupied, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under Section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for six car share vehicles on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years (or for another agreed to period of time, to the satisfaction of the Responsible Authority). The agreement will reflect that any costs associated with ensuring ongoing availability of at least six car share vehicles on site will be borne by the owner.

All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Transport for Victoria Conditions (27 to 40)

Pre Construction

27. Before the development commences, or other time agreed to in writing with Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved 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 three copies must be provided. These plans must be generally in accordance with the plans submitted to the Head, Transport for Victoria with the application but are to be modified to show:

- (a) self enforcing left in left out only from Swan Street with associated line marking and signs;
- (b) no parking shown across the frontage of the site with associated signs; and
- (c) detailed plans / landscaping schedule for the interface with the railway land

to the satisfaction of the Head, Transport for Victoria.

28. Prior to the commencement of the development, detailed construction / engineering plans and computations for the works along the boundary with the railway reserve as shown on the endorsed plans must be submitted and approved by VicTrack and Public Transport Victoria. The Plans must detail all works proposed within the rail environment, including excavation of the site adjacent to the railway 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 Vic Track and Public Transport Victoria.

29. Unless otherwise agreed in writing with Head, Transport for Victoria, before the commencement of works, a Construction Management Plan must be submitted to Public Transport Victoria and Vic Track for approval. The Construction Management Plan must designate operating hours and include details of (but not be limited to) management proposals and actions to protect Vic Track assets, rail infrastructure and the operation of the public transport network during construction and must set out objectives, performance and monitoring requirements to the satisfaction of Vic Track & Public Transport Victoria.

30. Unless otherwise agreed in writing with the Head, Transport for Victoria, before the commencement of works, a Traffic Management Plan must be submitted to Public Transport Victoria which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport, including trains and trams. The Traffic Management Plan must be prepared and implemented to the satisfaction of Public Transport Victoria. All traffic management and mitigation costs will be at the full cost of the permit holder.

31. Unless otherwise agreed in writing with Public Transport Victoria, prior to construction commencing including demolition, a construction control and indemnity agreement as required by Public Transport Victoria must be in place to the satisfaction of Public Transport Victoria at the full cost to the permit holder. Any costs required to review documents for the construction control and indemnity agreement must be met by the permit holder.

General Conditions

32. Prior to the occupation of the development, all works outlined on the endorsed plans for the left in left out access must be completed with associated signs, to the satisfaction of the Head, Transport for Victoria at the full cost to the permit holder.
33. Unless otherwise agreed in writing with VicTrack, permanent or temporary soil anchors must not be installed on railway land.
34. Prior to commencement of works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
35. Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the permit holder.
36. Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of Public Transport Victoria, at the full cost of the permit holder.
37. The permit holder must take all reasonable steps to ensure that disruptions to train and tram operation are kept to a minimum during the construction of the development, and in compliance with the Rail and Tram Safety and Environmental requirements.
38. 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 Operator.
39. No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers, to the satisfaction of the Rail Operator.
40. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

VicRoads Condition (No 41)

41. Before the use approved by this permit commences the following roadworks on Swan Street, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:
 - (a) The installation of signs, line marking, splitter island and associated road works permitting only "left turn in" and "left turn out" vehicular access from Swan Street.
 - (b) Modification or removal of any existing car parking spaces, street tree/s and associated road works on the south side of Swan Street to accommodate the new vehicular access arrangement.

Road Infrastructure

42. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings) of the Swan Street road profile (from the centre line to the property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Swan Street and the accessway inside the property must be accurately drawn. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.

43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing side entry pit must be converted to a grated pit and must be constructed with a pipe extension to one side of the new vehicle crossing:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (c) to VicRoads geometric requirements and in accordance with any requirements or conditions imposed by Council;
 - (d) to accommodate the ground clearance of the B99 design vehicle;
 - (e) at the permit holder's cost; and
 - (f) to the satisfaction of the Responsible Authority.
45. Before the building 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 and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Swan Street frontage must be reconstructed:
 - (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Swan Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement (from the central tram reservation to the south kerb) of Swan Street immediately along the property street frontage must be profiled and re-sheeted:
 - (a) with all road pavement reinstatements consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

50. Before the building 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.

Car parking

51. Before the development commences, 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) the number of car parking spaces allocated to each tenancy and that each space is allocated;
- (b) the location of the additional signal lantern facing the proposed site egress;
- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) policing arrangements and formal agreements;
- (e) details of the management of the six car share scheme spaces;
- (f) details of the electric car charging points;
- (g) 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;
- (h) 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 required by Condition 8; and
- (i) details regarding the management of loading and unloading of goods and materials.

52. 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.

53. Before the building 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;

to the satisfaction of the Responsible Authority.

54. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

55. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Green Travel Plan

56. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

- (a) a description of the location in the context of alternative modes of transport;
- (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
- (c) the provision of real time passenger information displays for nearby stops within each lobby;
- (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
- (f) details of bicycle parking and bicycle routes (which do not refer to the footpath at the south as a 'shared path');
- (g) details of GTP funding and management responsibilities;
- (h) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (j) security arrangements to access the employee bicycle storage spaces; and
- (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (l) provisions for the Green Travel Plan to be updated not less than every 5 years.

57. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

58. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and through-link laneway must be provided on the subject site. Lighting must be. Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity,

to the satisfaction of the Responsible Authority.

General

59. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

60. The amenity of the area must not be detrimentally affected by the use, 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.

61. 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).
62. Before the building 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.
63. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
64. 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.
65. 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.

Construction Management

66. 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, which must be located on the land;
 - (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;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

- (o) 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;
- (p) 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:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) 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;
- (t) vehicle borne material must not accumulate on the roads abutting the land;
- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

67. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit; or
- (c) the use has 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.

Notes:

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 maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

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.

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.

Measures must be taken to ensure that rainfall run-off from Hutchins Street does not enter the development's car park entrance and truck turning area

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense after seeking approval from the relevant authority.

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the basement car park and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

In the event that any contaminated groundwater seeps through the walls of the basement, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated and disposed of in accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath. Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Transport for Victoria notes

Works undertaken within railway land must consider all standards and work practices for work within the railway corridor and conform to all relevant Australian standards including Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services to the satisfaction of the Rail Operator and Public Transport Victoria.

Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operators Site Access Procedures and conditions.

VicRoads Notes

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

Submissions

Mr Jamie McGoven and Joshua addressed the Committee on behalf of the Applicant.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor McEvoy

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

- 1.2 Interim order response plan assessment - PLN16/0434 - 26-56 Queens Parade, Fitzroy North (Development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the site as a café, food and drinks premises, shop and use of part of the land for the sale and consumption of liquor (in association with the food and drinks premises and café), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone and PLN16/0732 - Rear of 26-56 Queens Parade, Fitzroy North Development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site))**

Trim Record Number: D18/46554

Responsible Officer: Manager Statutory Planning

RECOMMENDATION

It is recommended that the following without prejudice draft permit conditions and this IDAC report be filed with the Tribunal and served on the Applicant in response to the interim order response plans. It is not recommended that Council request for an opportunity to be heard by VCAT in relation to its written submission.

Conditions (changes compared to original draft, without prejudice conditions are in bold):

PLN16/0732 – Rear townhouse development

VCAT REFERENCE NO.	P147/2017
APPLICANT	Gurner 26-56 Queens Parade Pty Ltd
RESPONSIBLE AUTHORITY	Yarra City Council

Draft Permit Preamble

- Construct four, 3-storey dwellings (no permit required for dwelling use) under 32.04-6;
- Partially demolish or remove a building under clause 43.01-1;
- Construct a building or construct or carry out works under clause 43.01-1;
- Construct a building or construct or carry out works under clause 43.02-2;
- Reduce the car parking requirements under clause 52.06-2; and
- Provide all the car parking spaces on another site (being 26-56 Queens Parade, North Fitzroy),

in accordance with the endorsed plans and subject to the following conditions.

Draft Conditions

- 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 **interim order response plans (received by Council 28 February 2018)** but modified to show:
 - (a) **title boundary dimensions as per the certificate of title;**
 - (b) a maximum overall building height of 9m;
 - (c) the level 2, northern boundary wall to be setback at least 1.3m where it does not abut a boundary wall to the north;
 - (d) fences/gates adjacent to the dwelling entrances a maximum height of 1.5m and minimum transparency of 50%;

- (e) the location of letter boxes and street numbering;
 - (f) lighting to dwelling entrances;
 - (g) external, operable, vertical screens to the north and west facing windows;
 - (h) details of the screens between courtyards/terraces and to habitable room windows, confirming:
 - (i) a minimum height of 1.7m;
 - (ii) a maximum permeability of 25%; and
 - (iii) that they are fixed.
 - (i) an additional window to the ground floor, eastern elevation of dwelling 1;
 - (j) a minimum 6m³ store for each dwelling;
 - (k) a schedule of colours and materials, including samples (where relevant);
 - (l) bicycle parking as per clause 52.34 of the Yarra Planning Scheme;
 - (m) bicycle parking must meet the design requirements at clause 52.34-4 of the Yarra Planning Scheme;
 - (n) items as per the Sustainable Design Assessment, where relevant to show on the plans;
 - (o) introduce additional Ground Floor windows facing the south-east lane and lower the entry gates to improve passive surveillance to Townhouses 1 and 2;
 - (p) distinguish by either a setback or different material treatment the third level of units 1 - 3 from the lower levels;
 - (q) **a 1m high balustrade to the level 1, southern terrace; and**
 - (r) **windows and doors to be shown on the elevations.**
- 2 The development 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 **Before the construction of the development authorised by this permit commences, 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.
- 4 **If the assessment required by condition 3 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.**
- 5 **If the assessment required by condition 3 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 commences, the Environmental Auditor appointed under section 53S of the 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),
 - (c) and the Certificate or Statement must be provided to the Responsible Authority.
- 6 If, pursuant to condition 5, a Statement is issued:
- (a) the 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 (pre-commencement conditions);
 - (c) 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 pre-commencement conditions have been complied with must be submitted to the responsible authority.
 - (d) 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 of the land) 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
 - (e) 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).
- 7 Before the development authorised under this permit starts, the following must be provided to the satisfaction of the Responsible Authority on the adjoining site at 26-56 Queens Parade, Fitzroy North as shown in Planning Permit No. PLN16/0434 and plans endorsed under Permit No. PLN16/0434:
- (a) 7 car parking spaces constructed and made available for use by the occupiers of the dwellings;
 - (b) 4 bicycle parking spaces is constructed and made available for use by the occupiers of the dwellings;
 - (c) 4 stores constructed and made available for use by the occupiers of the dwellings;
 - (d) the waste storage area is constructed and made available for use by the occupiers of the 4 dwellings; and
 - (e) the pedestrian link from Queens Parade to the development authorised by this permit is constructed.
- 8 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.
- 9 Before the building 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.
- 10 Before the building 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.

- 11 Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by WGE and dated 9 September 2016, but modified to reflect the decision plans.
- 12 The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
- 13 Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the laneways adjoining the site (extending from Brunswick Street and the entrances of the dwellings). When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
 - (a) a lighting scheme designed for the laneways and within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) the control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) the locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) a maintenance regime for the lighting scheme within the curtilage of the property; and
 - (f) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
- 14 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
- 15 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, which must be located on the land;
 - (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;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;

- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (o) 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.
- 16 The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 17 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to 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.
- 18 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 19 Before the building 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.
- 20 Prior to the commencement of the development, the developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development (outlined in **condition 21**) for assessment and endorsement to the satisfaction of the Responsible Authority.
- 21 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 to the satisfaction of the Responsible Authority:
- (a) reconstruction of the segment of the laneway to the east of the site in pitched bluestone. The cost of these works must be borne by the Permit Holder; and
 - (b) reconstruction of the segment of laneway linking the southern end of the site to Brunswick Street, as per existing conditions. Half (50%) of the cost of these works must be borne by the Permit Holder (with the remaining half to be borne by the Responsible Authority).
- 22 This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four 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.

PLN16/0434 – Main site development

VCAT REFERENCE NO. P147/2017
APPLICANT Gurner 26-56 Queens Parade Pty Ltd
RESPONSIBLE AUTHORITY Yarra City Council

Draft Permit Preamble

- Construct a 10 storey building, plus 2 basement levels under 32.04-6;
 - Use of part of the land for the sale and consumption of liquor (on-premises) under clause 52.27;
 - Partially demolish or remove a building under clause 43.01-1;
 - Construct a building or construct or carry out works under clause 43.01-1;
 - Construct a building or construct or carry out works under clause 43.02-2;
 - Reduce the car parking requirements under clause 52.06-2;
 - Reduce the loading bay requirements under clause 52.07; and
 - Altering access to a Road Zone Category 1 under clause 52.29,
- in accordance with the endorsed plans and subject to the following conditions.

Draft Conditions

- 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 **interim order response plans (received by Council 28 February 2018)**, prepared by Cox Architecture but modified to show:
 - (c) demolition plans and elevations;
 - (d) survey information included on all elevations to confirm that the following
 - (i) overall building height does not exceed 31m; and
 - (ii) the new façade height to Queens Parade (podium element) does not exceed 10m.
 - (e) details of the vehicular entrance door, fire booster cupboards and services;
 - (f) setbacks to all boundaries meeting the Discretionary Controls of Table 2 – Precinct 2A to Design and Development Overlay 16;
 - (g) **no change to the bay 3, 7 and 8 ground floor openings within the heritage façade (fenestration may be replaced to match existing however);**
 - (h) **retention of existing framing patterns to the ground and first floor heritage façade. Where required to be open (for windows or terraces/balconies) glazing may be designed to slide behind the framing;**
 - (i) **deletion of the level 3 terrace area of dwelling TH06 projecting further north-west than the VCAT substituted plans (dated July 2017);**
 - (j) **the north-west corner of tower 2 projecting no closer to the north-west boundary than the VCAT substituted plans (dated July 2017);**
 - (k) **the location of air conditioner units on balconies (where applicable), along with balustrade details to confirm they will be reasonably screened (i.e. not clear glass);**
 - (l) **the pedestrian link to the laneway behind Coleman Street moved further east (generally to TH8), with the link being open and clear to the sky;**
 - (m) **architectural and landscape plans to correlate;**
 - (n) **bedrooms must have a minimum dimension of 3m by 3m, to be absorbed within the building envelope;**
 - (o) **details of how the seating area south of the restaurant will be illuminated and secured when the restaurant is not open (no unsafe enclaves);**
 - (p) **deletion of the planter south of the deli/shop entrance;**
 - (q) **details of the bicycle park west of the deli/shop, confirming the path would not be unreasonably impeded when in use;**

- (r) **details of the gated entries (including canopies and planters surrounding), demonstrating they will be secure;**
- (s) **a door to the bicycle storage area at the ground floor of building 1;**
- (t) **where possible, deletion of stairs to the pedestrian link to the rear site (achieved by ramping the link to the south-east of the gate, where possible);**
- (u) **title boundary dimensions as per the certificate of titles;**
- (v) **the café as a ‘food and drinks premises (café)’;**

Screening

- (w) screening to habitable room windows, balcony or terrace to address internal and external overlooking within a 9m radius and 45 degree arc of an adjacent habitable room windows or private open space area to the satisfaction of the Responsible Authority **(including the proposed townhouses at rear of 26-56 Queens Parade)**. Screens must be designed and/or of a material to minimise views and still permit reasonable daylight to enter the treated dwellings **and must also provide a variety of heights and treatments to create visual interest.**
- (x) treatments to the ground level windows and private open space areas to provide privacy from the communal open space areas;

Materials

- (y) a schedule of external colours and materials, including samples (where appropriate). The schedule must show:
 - (i) the upper level planter boxes in a light to mid-grey finish;
 - (ii) a darker finish to the level 1-2 balcony balustrades of the non-heritage façade;
 - (iii) the ‘timber’ as a durable material;
 - (iv) **the level 2 walls behind the windows to the retained heritage façade in a light colour;**
 - (v) reconstruction of the eastern return wall to the heritage façade in face brick to match the façade;
 - (vi) the heritage façade as a face brick finish (paint removal with no re-painting);
 - (vii) details of the plant level screens, to be integrated with the overall design of the building;
 - (viii) Exterior glazing to the building to be clear;
 - (ix) Variation of materials to each tower to ensure a sense of depth and variation is provided;
 - (x) **confirm glazing details (a VLT of at least 70%);**
 - (xi) **the ‘towers’ above the non-heritage street wall must be recessive in finish and colour;**
- (z) coloured elevations and perspectives;

Heritage

- (aa) retention of the existing ground floor south facade windows. Where balconies are proposed behind, glazing may be removed, however framing must be retained or replaced to match existing;
- (bb) detailed drawing showing lowered floor level of level 2 and bulk head as it presents through the deglazed frame of retained window openings in the heritage building;
- (cc) **a design response that further reduces the visibility of the level 2 floor behind the heritage façade;**

Internal Amenity

- (dd) provision of full height glazing to the following dwellings:
 - Ground floor
 - (i) C1GF09
 - (ii) C4GF04 (rear bedroom), C4GF05, C4GF06,
 - (iii) C3GF01, C3GF02, C3GF06 (rear bedroom)
 - (iv) Lower level bedrooms of TH11, TH12, TH13, TH14,
 - First Floor
 - (v) C40105, C40106,

- (vi) C30101, C30102, C30103, C30104, C30105
- Second Floor
- (vii) Rear bedrooms to TH11, TH12, TH13, TH14
 - (viii) C30201, C30202, C30203, C30204, C30205
- (ee) dwelling layout changes as per appendix 5 of the internal daylight evidence prepared by Arc Resources, dated 21 August 2017;
 - (ff) a convex mirror adjacent to the vehicular exit (no alarm systems);
 - (gg) a lighting plan addressing entries and public spaces within the development;
 - (hh) all bedrooms to demonstrate layout is practical and viable;
 - (ii) **sections detailing the edging detail between the footpath and the front setbacks to the site;**
 - (jj) **a notation confirming all residents will have access to the tower 1, level 8 communal area;**

Landscaping

- (kk) a modified landscape plan generally in accordance with the landscape plan prepared by Jack Merlo design and landscape and **dated 31.01.18** but modified to show:
 - (i) the use of a Crepe Myrtle along apartment terraces;
 - (ii) larger soil volumes for planters, demonstrating the capability to achieve intended canopy volumes, as per the following:
 - a rate of 0.8 cubic metres of "soil" per square metre of canopy where single trees are proposed; and
 - 0.6 metres where multiple trees are planted, allowing therefore for the cultivation of ground-covers beneath tree planting;
 - (iii) planters carrying shrubs must be no less than 600mm deep;
 - (iv) Crepe Myrtle on the private terraces on level 3 planted in masonry planters with planter depths increased from 500mm to 800mm;
 - (v) for a tree with a 3m canopy spread where shrubs and ground-covers are also proposed in the planter the provision of a planter with minimum soil volume of 5.5 cubic metres or 4.5 cubic metres for the tree alone. Where larger trees are proposed; a tree with a 4m canopy would require 10 and 7.5 cubic metres of soil in similar situations;
 - (vi) level 9 planters increased in volume (minimum depth of 600mm) and constructed of masonry;
 - (vii) any details required by **condition 39** Irrigation Management Plan;
 - (viii) any specified growing medium in planters must have a high sand component (rather than an organic mix);
 - (ix) any planters external to terrace screens must include safety devices and must be maintained by the Owners Corporation;
 - (x) **deletion of the planter in front of the deli/shop entrance;**
 - (xi) type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);
 - (xii) **cross sections showing the depth of planter boxes and planting, including growing media, irrigation, drainage, water proofing and tree anchors;**
 - (xiii) location of all areas to be covered by lawn, paving or other surface materials;
 - (xiv) specification of works to be undertaken prior to planting;
 - (xv) watering and maintenance;
 - (xvi) garden bed dimensions;
 - (xvii) areas of paving and proposed materials;
 - (xviii) location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
 - (xix) clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
 - (xx) water sensitive urban design [WSUD] features; and

- (xxi) removal of street tree 8 (Ulmus). A notation must confirm that the Permit Holder will pay the Responsible Authority \$8,960 to undertake these works, including the reinstatement of 2 trees after development plus 2 years tree establishment maintenance by City of Yarra contractors;
- (xxii) a detailed section of the green roofs, confirming/detailing:
 - (i) vegetation layer;
 - (ii) growing substrate and depth (plants should not be supplied as 100mm pots, but grown in the media to be used on the green roof);
 - (iii) load bearing weights for saturated bulk density have been supported by suitably qualified engineers);
 - (iv) irrigation;
 - (v) filter sheet;
 - (vi) drainage layer (specify the Elmich product, or similar);
 - (vii) protection mat;
 - (viii) root barrier; and
 - (ix) waterproofing.
- (xxiii) **deletion of the stepped pavers that intersect the communal lawn area;**
- (xxiv) **ground level tree selection should not just be limited to species that grown in a columnar shape;**
- (xxv) **a safe maintenance program for all planters/green roofs;**
- (xxvi) **a tree management plan showing TPZs for trees in the nature strip and outer separator;**
- (xxvii) **a further 3 street trees (Ulmus procera 'English Elm') where the existing crossovers are to be removed. A notation must confirm that the Permit Holder will pay the Responsible Authority \$2,798 to undertake these works, including the reinstatement of 2 trees after development plus 2 years tree establishment maintenance by City of Yarra contractors;**

Use

- (ll) a red line plan showing the sale and consumption of liquor limited to the internal area of the westernmost food and drinks premises (café);
- (mm) the 'café' and 'restaurant' shown as a 'food and drinks premise (café)';
- (nn) the shop (deli) with a maximum leasable floor area of 150m²;
- (oo) the food and drinks premises (cafes) with a maximum leasable floor area of 150m² in total;
- (pp) title boundaries as per the certificate of title;
- (qq) toilets for the commercial tenancies;

Access, car park and bikes

- (rr) **installation of a convex mirror to service vehicles exiting the driveway (no audible devices are to be installed);**
- (ss) 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 the Queens Parade service lane (from the kerb line to the centre line of the road) and the access ways 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;
- (tt) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (uu) details of bicycle storage/parking systems, demonstrating they can provide space for a bicycle of minimum dimensions of 1.7m in length, 1.2m in height and 0.7m in width at the handlebars **or as per AS2890.3-2015;**
- (vv) **access way to bicycle parking spaces a minimum width of 1.5m;**
- (ww) details of the visitor 'bicycle park' at the ground floor;
- (xx) at least 25% of the provided bicycle parking must be accessible at ground level (i.e. not hanging systems);
- (yy) bicycle parking for the rear site townhouses positioned adjacent to the pedestrian gate in the north-west corner of the site;

- (zz) ramp width dimensions (from kerb to kerb);
- (aaa) minimum headroom clearances throughout the basement dimensioned;
- (bbb) a minimum 1m clearance from the vehicle entry/exit to the adjacent power pole. The east edge of the crossover must be perpendicular to the Queens Parade service road;
- (ccc) car park columns setback 750mm from the aisles;
- (ddd) loading bay dimensioned on the drawings, including minimum overhead clearance. The plan must also include a note confirming details of the vehicles permitted to use this space, along with swept path diagrams **provided for ingress and egress**;
- (eee) the headroom clearance of the vehicular doorway **a minimum headroom of 3.6m provided along the access ramp and 3m within the loading and waste collection bays**;
- (fff) visitor intercoms to the pedestrian and vehicular entries to the development;
- (ggg) a note confirming the design and construction of the new vehicle crossing must satisfy Council's Infrastructure Road Materials Policy, Council's Standard Drawings and engineering requirements;
- (hhh) all redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense;
- (iii) **dimensions of the loading bay and waste pick up bay**;
- (jjj) changes (as necessary) as per the endorsed Acoustic Report, Structural report, Wind Report, SMP, Shared zone management plan and Waste management plan;

Reports

- (kkk) any changes as a result of the Structural report pursuant to condition 22;
- (lll) any changes as a result of the Wind Assessment report pursuant to condition 27;
- (mmm) any changes as a result of the Acoustic report pursuant to condition 29;
- (nnn) any changes as a result of the Sustainable Management Plan report pursuant to condition 33;
- (ooo) any changes as a result of the Waste Management Plan report pursuant to condition 35.

Melbourne Water

- (ppp) any Melbourne Water Changes.

General

- 2 The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3 As part of the ongoing consultant team, Cox Architecture or an architectural firm(s) to the satisfaction of the Responsible Authority must be engaged to:
 - (iii) oversee design and construction of the development; and
 - (iv) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
- 4 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 5 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.
- 6 All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
- 7 Before the buildings are 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.

- 8 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 9 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.
- 10 Before the buildings are 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.
- 11 Before the buildings are 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, pedestrian walkway, laneway and dwelling entrances must be provided. Lighting must be:
 - (v) located;
 - (vi) directed;
 - (vii) shielded; and
 - (viii) of limited intensity,all to the satisfaction of the Responsible Authority.
- 12 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).
- 13 The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Heritage facade

- 14 **Before the development commences, a decorative facade scheme to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the decorative facade scheme will be endorsed and will then form part of this permit. The scheme must include a methodology of paint sampling and sections of paint removal.**
- 15 **Before the paint is removed (except for as approved in the decorative facade scheme), the final proposed decorative facade scheme must be submitted to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This will be subject to the findings of the report endorsed under condition 14. When approved, the decorative facade scheme will be endorsed and will then form part of this permit.**

General Use Conditions

- 16 The amenity of the area must not be detrimentally affected by the development and uses 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.

Use of the land for the sale and consumption of liquor

- 17 No more than 50 patrons are permitted in the westernmost food and drinks premises (café) at any one time.

- 18 The sale and consumption of liquor in association with the westernmost food and drinks premises (café) may only occur between the hours of 12 noon to 5pm, any day.
- 19 Before the use of the land for the sale and consumption of liquor commences, a Noise and Amenity Action Plan [**NAAP**] to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the NAAP will be endorsed and will then form part of this permit. The NAAP must include details as per clause 22.09-4.3 of the Yarra Planning Scheme.
- 20 The sale and consumption of liquor uses must be managed in accordance with the endorsed NAAP.
- 21 The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.
- 22 Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
- 23 Emptying of bottles and cans into bins may only occur between 7am and 5pm on any day.

Structural report requirement

- 24 Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.
- 25 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Art Management Plan

- 26 Within 6 months of commencement of the development, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
 - (a) details of the commissioned artist(s);
 - (b) description of art work, including:
 - (i) materials;
 - (ii) colours;
 - (iii) dimensions;
 - (iv) content;
 - (v) special features (e.g. lighting);
 - (vi) details of the installation process; and
 - (vii) details of art work maintenance schedule.
- 27 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Section 173 Agreement

- 28 Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 providing for the following:
- (a) the ongoing provision of 7 car parking spaces, 4 bicycle parking spaces, 4 stores and a bin area for the rear of 26-56 Queens Parade, Fitzroy North (Lot 1 on Title Plan 806921X) on this site;
 - (b) the ongoing pedestrian access and egress through the site for the owners and visitors to rear of 26-56 Queens Parade, Fitzroy North (Lot 1 on Title Plan 806921X).
- The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of preparing, reviewing, registering and recording the agreement, including the Responsible Authority’s costs and expenses (including legal expenses) incidental to preparing, reviewing, registering, recording and enforcing the agreement.

Wind Assessment report

- 29 Before the plans are endorsed, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Windtech and dated 30 June 2016, but modified to:
- (a) reflect the decision plans; and
 - (b) demonstrate acceptable wind levels will result from the development (on and off the site); and
 - (c) identify which balustrades could be reduced to 1m or 1.7m (dependent on overlooking requirements) and continue to achieve the relevant wind criteria.
- 30 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

- 31 Before the plans are endorsed, an amended Acoustic Report to the satisfaction of the Responsible Authority 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 Wood and Grieve Engineers, dated 29 June 2016 and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met. The report must:
- (a) address the decision plans and any relevant condition 1 requirements;
 - (b) amended the location and time of road traffic noise measurements as follows:
 - (i) noise levels during the afternoon peak hour and the loudest hour of the ‘night’ period (typically 6 am to 7 am for sites such as this one); and
 - (ii) a daytime measurement to assist in the assessment of the daytime average noise level to apartments unless an alternative approach to determining the daytime average is adopted;
 - (c) the adoption of target indoor noise levels with regard to road traffic as follows:

	Period	Average Level²	Loudest Hour³	Instantaneous Lmax level
Habitable rooms, including	7 am to 10 pm	40 dBA Leq,15h	45 dBA Leq, 1h	

bedrooms				
Bedrooms	10 pm to 7 am	35 dBA Leq, 9h	40 dBA Leq, 1h	50-55 dBA Lmax

² - The 'average level' is equal to the mid-point between the AS/NZS2107 recommended 'satisfactory' and 'maximum' levels and is equal to the levels allowed in the 2011 NSW Road Noise Policy (Appendix C10) and the WA State Planning Policy (5.4).

³ - The 'loudest' hour targets are equal to the AS/NZS2107 recommended 'maximum' levels.

- (d) 3D modelling must demonstrate how the above targets will be achieved (including any necessary façade upgrades);
- (e) target internal noise levels with regard to the impact of voice noise from the communal outdoor areas:
 - (i) noise from voice to apartments within the development be designed to achieve not greater than 30 dBA Leq in bedrooms and 35 dBA Leq in living rooms;
 - (ii) noise from voice to existing dwellings be assessed to a 'background+10 dB' target during the day/evening period and 'background + 5 dB' at night;
 - (iii) a restriction be provided on use of the Level 3 and 4 outdoor areas after 10 pm unless it can be demonstrated that 'background + 5 dB' targets can be met at the existing dwellings;
- (f) maximum music noise levels in the food and drinks premises (cafés) and shop, ensuring compliance with SEPP N-2, along with a commitment to install a music noise monitor to ensure that these levels are not exceeded;
- (g) an assessment voice noise from patrons within the food and drinks premises (cafés) and shop to the proposed dwellings. Indoor design targets of no greater than 30 dBA Leq must be achieved with windows closed;
 - (ii) the impact of airborne noise from within the food and drinks premises (cafés) and shop, with any necessary building upgrades to minimise impacts; and
 - (iii) an assessment of the following on the existing (off-site) and proposed dwellings (on-site):
 - (i) communal areas (including the theatre, pool are, lounges gym and roof terraces);
 - (ii) the driveway along the eastern boundary;
 - (iii) the vehicular entry door;
 - (iv) lift cores; and
 - (v) mechanical plant and equipment (including air conditioner units);
 - (vi) the car park exhaust fan.**

32 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

33 Before the development is occupied, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must demonstrate the required level of noise attenuation has been achieved. The report must also:

- (a) confirm compliance with relevant conditions of the permit; and
- (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other relevant requirement.

34 The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Sustainable Management Plan

- 35 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. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Wood and Grieve Engineers dated 17/08/2017, but modified to show/reflect/demonstrate:
- (a) the incorporation of any combination of the following:
 - (i) extraction fans to all kitchen range hoods and bathrooms;
 - (ii) ceiling fans;
 - (iii) trickle vents;
 - (iv) energy efficient mechanically assisted natural ventilation with flow rates 50% in excess of AS 1668 levels.
 - (b) **confirm glazing details (a VLT of at least 70%);**
 - (c) **a different stormwater management treatment (not the SPEL treatment proposed), demonstrating compliance with clause 22.17 of the Yarra Planning Scheme;**
 - (d) **the 40,000L (minimum) rainwater tank used for toilet flushing;**
 - (e) **clear, unambiguous wording, with clear commitments and no disclaimers;**
 - (f) **a commitment to achieve a minimum NatHERS 6.5 star average rating (not 'targeted to achieve'); and**
 - (g) **demonstration that no dwellings exceed the 30MJ/m² cooling loads threshold, using the NatHERS thermal energy rating software.**
- 36 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

- 37 Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by RB Waste Consulting Service and dated 20 November 2015, but modified to include/reflect:
- (a) the decision plans;
 - (b) details on how bin store will operate/be managed by operator;
 - (c) details on education, tenants information, bin room set up, etc to ensure appropriate management of the waste and recycling;
 - (d) detail plan of bin store showing path of access, hard waste area, etc.;
 - (e) details/justification on ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables;
 - (f) details on path of access from the street to the bin collection point;
 - (g) details on how the chutes operate to ensure appropriate use by tenants;
 - (h) details on how the development will be managed by the operator; and
 - (i) show how the WMP will work in practice for residents, operator and waste contractors.
- 38 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

- 39 Before the plans are endorsed an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
- (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and

- (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
- 40 Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 41 The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, all to the satisfaction of the Responsible Authority.
- 42 Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of the nature strip trees adjacent to the site along the Queens Parade frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes, to the satisfaction of the Responsible Authority.
- 43 The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
- 44 Before the development starts, the permit holder must provide a security bond to the Responsible Authority to secure the 8 street trees adjacent to the site along Queens Parade ("bonded works"). The security bond would cover the amenity value of each tree as follows and:
- (a) is to be \$166,231.00;
 - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority; and
 - (c) may be held by the Responsible Authority until the construction works are completed to the satisfaction of the Responsible Authority.
- Once the construction works are completed to the satisfaction of the Responsible Authority, the Responsible Authority will inspect the trees and provided they are found to be in good condition, the security bond will be refunded to the permit holder.
45. Prior to the occupation of the building, or by such later date as approved in writing by the Responsible Authority, any damaged street trees must be replaced:
- (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.

Car parking

- 45 Before the development commences, a Car Park Management Plan prepared 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 then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the allocation of 7 car parking spaces to the rear of 26-56 Queens Parade, Fitzroy North (planning permit PLN16/0732);
 - (b) the allocation of 7 car parking spaces for the commercial tenancies, including the number and location of car parking spaces allocated to each commercial tenancy;
 - (c) management details for residential loading/unloading when moving;
 - (d) the management of the 9 visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
 - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (f) any policing arrangements and formal agreements;
 - (g) 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;
 - (h) 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 required by Condition 35;
 - (i) details regarding the management of loading and unloading of goods and materials; and
 - (j) confirmation delivery vehicles onto the site will be restricted to no higher than 3.5m; and
 - (k) **details of the loading bay use, including hours and potentially using a lighting system to improve the safety of this area.**
- 46 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.
- 47 Before the building is occupied, 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.

Traffic, roads and footpaths

- 48 All redundant vehicle crossings along the property's road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the developer's cost.
- 49 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
- 50 Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

Design Detail

- 51 Within three months of commencement of the development, Detailed Engineering Documentation to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Detailed Engineering Documentation will be endorsed and will then form part of this permit. The Detailed Engineering Documentation must be drawn to scale with dimensions, and three copies must be provided. The Detailed Engineering Documentation must show the following:
- (a) the reconstruction of the laneway, adjacent to the northern boundary of the site, in pitched bluestone;
 - (b) subject to the approval of VicRoads the reconstruction of the footpath outside the Queens Parade frontage of the site, once all building works and underground utility services have been completed/installed. All pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line;
 - (c) subject to approval from Melbourne Water, VicRoads and the Responsible Authority, improvements to the Queens Parade and Napier Street intersection also to the satisfaction of Melbourne Water, as follows:
 - (i) close the service lane on the north west corner;
 - (ii) increased walkability through the installation of splitter islands and kerb extensions;
 - (iii) increased cycle safety through decreed crossing distances; and
 - (iv) Opportunities for better/greener public spaces;
 - (d) re-sheeting of the Queens Parade service road as per existing details and materials. The road pavement of Queens Parade service road must be profiled and re-sheeted to the satisfaction of Council after the building works and the provision of underground utility services have been completed;
 - (e) the nature strips directly outside the property's Queens Parade service road frontage must be cultivated, top dressed and be provided with instant turf;
 - (f) the kerb and channel outside the development's Queens Parade service road frontage must be constructed in bluestone; and
 - (g) all redundant property drains must be removed.
- 52 Unless with the prior written consent of the Responsible Authority, all development referenced in condition 48 must be completed to the satisfaction of the Responsible Authority prior to occupation of any buildings.
- 53 The details and requirements of the endorsed Detailed Engineering Documentation must be implemented and complied with to the satisfaction of the Responsible Authority, at the expense of the Permit Holder.
- 54 Before the development commences, the permit holder must make a one off contribution of \$8,960 to the Responsible Authority to be used for new street tree plantings that are required as a result of the development (reinstatement of 2 trees after development plus 2 years tree establishment maintenance). All work will be undertaken by City of Yarra contractors.

Green Travel Plan

- 55 Before the occupation of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) describe the location in the context of alternative modes of transport;
 - (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
 - (c) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
 - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities; and
 - (g) include provisions to be updated not less than every 5 years.

- 56 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction

- 57 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 street tree management plan (including TPZs);
 - (b) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (c) works necessary to protect road and other infrastructure;
 - (d) remediation of any damage to road and other infrastructure;
 - (e) 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;
 - (f) facilities for vehicle washing, which must be located on the land;
 - (g) 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;
 - (h) site security;
 - (i) a lighting plan which must include:
 - (i) details 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;
 - (ii) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
 - (iii) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
 - (j) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (k) the construction program;
 - (l) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (m) parking facilities for construction workers;
 - (n) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (o) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (p) 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;
 - (q) 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;
 - (r) 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:

- (i) using lower noise work practice and equipment;
- (ii) the suitability of the land for the use of an electric crane;
- (iii) silencing all mechanical plant by the best practical means using current technology;
- (iv) fitting pneumatic tools with an effective silencer; and
- (v) other relevant considerations.

58 During the construction:

- (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.

59 Before the buildings are 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.

60 Any service poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense, with approval from the relevant authorities and to the satisfaction of the Responsible Authority.

61 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the Permit holder's expense.

62 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths along the frontages of the site **(subject to approval of the Relevant Authorities)** must be reconstructed:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.

63 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavements outside the site **(subject to approval of the Relevant Authorities)** must be profiled and re-sheeted:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.

64 Before the building 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 and kerb and channel:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

65 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings 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.
- 66 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 67 Pit lids and levels are to be readjusted to match the surface of the footpath, to the satisfaction of the Responsible Authority.
- 68 No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from the Responsible Authority.
- 69 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

Public lighting plan

- 70 Prior to the commencement of the development, a public lighting plan must be submitted to and approved by the Responsible Authority. When approved, the public lighting plan will be endorsed and will form part of this permit. The public lighting plan must:
- (a) **incorporate lighting within the northern laneway linking to Coleman Street;**
 - (b) confirm that all primary pedestrian access to a residential/multipurpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
 - (c) confirm any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
 - (d) confirm light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
 - (e) confirm the locations of any new light poles will not obstruct vehicular access into private property;
 - (f) include a commitment that the Permit Holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
 - (g) confirm the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the Permit Holder.
- 71 The provisions, recommendations and requirements of the endorsed public lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads conditions

71

Melbourne Water conditions

72

PTV Conditions

73

Expiry

74 This permit will expire if one of the following circumstances applies:

- (a) the development is not started within 2 years of the issued date of this permit;
- (b) the development is not completed within 4 years of the issued date of this permit;
- (c) the uses are not commenced within 5 years from the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Submissions

The Applicant, Mr Rob Kelpman addressed the Committee.

The following people also addressed the Committee:

Mr John Hayhoe;
Ms Maree Hayhoe;
Mr Glenn McCallum; and
Ms Anne Coveney.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Searle

It is recommended that the following without prejudice draft permit conditions and this IDAC report be filed with the Tribunal and served on the Applicant in response to the interim order response plans. It is not recommended that Council request for an opportunity to be heard by VCAT in relation to its written submission and also request VCAT consider any current VicRoads projects (including the Preston to CBD safety improvement project).

Conditions (changes compared to original draft, without prejudice conditions are in bold):

PLN16/0732 – Rear townhouse development

- | | |
|---------------------------------|------------------------------------|
| 6. VCAT REFERENCE NO. | P147/2017 |
| 7. APPLICANT | Gurner 26-56 Queens Parade Pty Ltd |
| 8. RESPONSIBLE AUTHORITY | Yarra City Council |

Draft Permit Preamble

- Construct four, 3-storey dwellings (no permit required for dwelling use) under 32.04-6;
- Partially demolish or remove a building under clause 43.01-1;
- Construct a building or construct or carry out works under clause 43.01-1;
- Construct a building or construct or carry out works under clause 43.02-2;
- Reduce the car parking requirements under clause 52.06-2; and
- Provide all the car parking spaces on another site (being 26-56 Queens Parade, North Fitzroy),

1 in accordance with the endorsed plans and subject to the following conditions.

Draft Conditions

- 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 **interim order response plans (received by Council 28 February 2018)** but modified to show:
- (a) **title boundary dimensions as per the certificate of title;**
 - (b) a maximum overall building height of 9m;
 - (c) the level 2, northern boundary wall to be setback at least 1.3m where it does not abut a boundary wall to the north;
 - (d) fences/gates adjacent to the dwelling entrances a maximum height of 1.5m and minimum transparency of 50%;
 - (e) the location of letter boxes and street numbering;
 - (f) lighting to dwelling entrances;
 - (g) external, operable, vertical screens to the north and west facing windows;
 - (h) details of the screens between courtyards/terraces and to habitable room windows, confirming:
 - (i) a minimum height of 1.7m;
 - (ii) a maximum permeability of 25%; and
 - (iii) that they are fixed.
 - (i) an additional window to the ground floor, eastern elevation of dwelling 1;
 - (j) a minimum 6m³ store for each dwelling;
 - (k) a schedule of colours and materials, including samples (where relevant);
 - (l) bicycle parking as per clause 52.34 of the Yarra Planning Scheme;
 - (m) bicycle parking must meet the design requirements at clause 52.34-4 of the Yarra Planning Scheme;
 - (n) items as per the Sustainable Design Assessment, where relevant to show on the plans;
 - (o) introduce additional Ground Floor windows facing the south-east lane and lower the entry gates to improve passive surveillance to Townhouses 1 and 2;
 - (p) distinguish by either a setback or different material treatment the third level of units 1 - 3 from the lower levels;
 - (q) **a 1m high balustrade to the level 1, southern terrace; and**
 - (r) **windows and doors to be shown on the elevations.**
- 2 The development 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 **Before the construction of the development authorised by this permit commences, 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.**

- 4 **If the assessment required by condition 3 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.**
- 5 **If the assessment required by condition 3 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 commences, the Environmental Auditor appointed under section 53S of the 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),**
 - (c) **and the Certificate or Statement must be provided to the Responsible Authority.**
- 6 **If, pursuant to condition 5, a Statement is issued:**
- (a) **the 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 (pre-commencement conditions);**
 - (c) **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 pre-commencement conditions have been complied with must be submitted to the responsible authority.**
 - (d) **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 of the land) 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**
 - (e) **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).**
- 7 Before the development authorised under this permit starts, the following must be provided to the satisfaction of the Responsible Authority on the adjoining site at 26-56 Queens Parade, Fitzroy North as shown in Planning Permit No. PLN16/0434 and plans endorsed under Permit No. PLN16/0434:
- (a) 7 car parking spaces constructed and made available for use by the occupiers of the dwellings;
 - (b) 4 bicycle parking spaces is constructed and made available for use by the occupiers of the dwellings;
 - (c) 4 stores constructed and made available for use by the occupiers of the dwellings;
 - (d) the waste storage area is constructed and made available for use by the occupiers of the 4 dwellings; and
 - (e) the pedestrian link from Queens Parade to the development authorised by this permit is constructed.

- 8 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.
- 9 Before the building 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.
- 10 Before the building 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.
- 11 Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by WGE and dated 9 September 2016, but modified to reflect the decision plans.
- 12 The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
- 13 Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the laneways adjoining the site (extending from Brunswick Street and the entrances of the dwellings). When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) a lighting scheme designed for the laneways and within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) the control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) the locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) a maintenance regime for the lighting scheme within the curtilage of the property; and
 - (f) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
- 14 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
- 15 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, which must be located on the land;

- (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;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (o) 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.
- 16 The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 17 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to 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.
- 18 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 19 Before the building 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.
- 20 Prior to the commencement of the development, the developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development (outlined in **condition 21**) for assessment and endorsement to the satisfaction of the Responsible Authority.
- 21 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 to the satisfaction of the Responsible Authority:
- (a) reconstruction of the segment of the laneway to the east of the site in pitched bluestone. The cost of these works must be borne by the Permit Holder; and

- (b) reconstruction of the segment of laneway linking the southern end of the site to Brunswick Street, as per existing conditions. Half (50%) of the cost of these works must be borne by the Permit Holder (with the remaining half to be borne by the Responsible Authority).

22 This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
 (b) the development is not completed within four 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.

PLN16/0434 – Main site development

9. **VCAT REFERENCE NO.** P147/2017
 10. **APPLICANT** Gurner 26-56 Queens Parade Pty Ltd
 11. **RESPONSIBLE AUTHORITY** Yarra City Council

Draft Permit Preamble

- Construct a 10 storey building, plus 2 basement levels under 32.04-6;
 - Use of part of the land for the sale and consumption of liquor (on-premises) under clause 52.27;
 - Partially demolish or remove a building under clause 43.01-1;
 - Construct a building or construct or carry out works under clause 43.01-1;
 - Construct a building or construct or carry out works under clause 43.02-2;
 - Reduce the car parking requirements under clause 52.06-2;
 - Reduce the loading bay requirements under clause 52.07; and
 - Altering access to a Road Zone Category 1 under clause 52.29,
- 2 in accordance with the endorsed plans and subject to the following conditions.

Draft Conditions

- 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 **interim order response plans (received by Council 28 February 2018)**, prepared by Cox Architecture but modified to show:
- (c) demolition plans and elevations;
- (d) survey information included on all elevations to confirm that the following
- (i) overall building height does not exceed 31m; and
 - (ii) the new façade height to Queens Parade (podium element) does not exceed 10m.
- (e) details of the vehicular entrance door, fire booster cupboards and services;
- (f) setbacks to all boundaries meeting the Discretionary Controls of Table 2 – Precinct 2A to Design and Development Overlay 16;
- (g) **no change to the bay 3, 7 and 8 ground floor openings within the heritage façade (fenestration may be replaced to match existing however);**
- (h) **retention of existing framing patterns to the ground and first floor heritage façade. Where required to be open (for windows or terraces/balconies) glazing may be designed to slide behind the framing;**
- (i) **deletion of the level 3 terrace area of dwelling TH06 projecting further north-west than the VCAT substituted plans (dated July 2017);**
- (j) **the north-west corner of tower 2 projecting no closer to the north-west boundary than the VCAT substituted plans (dated July 2017);**

- (k) **the location of air conditioner units on balconies (where applicable), along with balustrade details to confirm they will be reasonably screened (i.e. not clear glass);**
- (l) **the pedestrian link to the laneway behind Coleman Street moved further east (generally to TH8), with the link being open and clear to the sky, with a minimum width of 4m;**
- (m) **architectural and landscape plans to correlate;**
- (n) **bedrooms must have a minimum dimension of 3m by 3m, to be absorbed within the building envelope;**
- (o) **details of how the seating area south of the restaurant will be illuminated and secured when the restaurant is not open (no unsafe enclaves);**
- (p) **deletion of the planter south of the deli/shop entrance;**
- (q) **details of the bicycle park west of the deli/shop, confirming the path would not be unreasonably impeded when in use;**
- (r) **details of the gated entries (including canopies and planters surrounding), demonstrating they will be secure;**
- (s) **a door to the bicycle storage area at the ground floor of building 1;**
- (t) **where possible, deletion of stairs to the pedestrian link to the rear site (achieved by ramping the link to the south-east of the gate, where possible);**
- (u) **title boundary dimensions as per the certificate of titles;**
- (v) **the café as a ‘food and drinks premises (café)’;**
- (w) deletion of the westernmost bedroom and ensuite of dwelling C10201.

Screening

- (x) screening to habitable room windows, balcony or terrace to address internal and external overlooking within a 9m radius and 45 degree arc of an adjacent habitable room windows or private open space area to the satisfaction of the Responsible Authority **(including the proposed townhouses at rear of 26-56 Queens Parade)**. Screens must be designed and/or of a material to minimise views and still permit reasonable daylight to enter the treated dwellings **and must also provide a variety of heights and treatments to create visual interest.**
- (y) treatments to the ground level windows and private open space areas to provide privacy from the communal open space areas;

Materials

- (z) a schedule of external colours and materials, including samples (where appropriate). The schedule must show:
 - (i) the upper level planter boxes in a light to mid-grey finish;
 - (ii) a darker finish to the level 1-2 balcony balustrades of the non-heritage façade;
 - (iii) the ‘timber’ as a durable material;
 - (iv) **the level 2 walls behind the windows to the retained heritage façade in a light colour;**
 - (v) reconstruction of the eastern return wall to the heritage façade in face brick to match the façade;
 - (vi) details of the plant level screens, to be integrated with the overall design of the building;
 - (vii) Exterior glazing to the building to be clear;
 - (viii) Variation of materials to each tower to ensure a sense of depth and variation is provided;
 - (ix) **confirm glazing details (a VLT of at least 70%);**
 - (x) **the ‘towers’ above the non-heritage street wall must be recessive in finish and colour;**
 - (xi) the non-heritage street wall in a lighter colour.

- (aa) coloured elevations and perspectives;

Heritage

- (bb) retention of the existing ground floor south facade windows. Where balconies are proposed behind, glazing may be removed, however framing must be retained or replaced to match existing;
- (cc) detailed drawing showing lowered floor level of level 2 and bulk head as it presents through the deglazed frame of retained window openings in the heritage building;
- (dd) **a design response that further reduces the visibility of the level 2 floor behind the heritage façade;**

Internal Amenity

- (ee) provision of full height glazing to the following dwellings:

Ground floor

- (i) C1GF09
- (ii) C4GF04 (rear bedroom), C4GF05, C4GF06,
- (iii) C3GF01, C3GF02, C3GF06 (rear bedroom)
- (iv) Lower level bedrooms of TH11, TH12, TH13, TH14,

First Floor

- (v) C40105, C40106,
- (vi) C30101, C30102, C30103, C30104, C30105

Second Floor

- (vii) Rear bedrooms to TH11, TH12, TH13, TH14
- (viii) C30201, C30202, C30203, C30204, C30205

- (ff) dwelling layout changes as per appendix 5 of the internal daylight evidence prepared by Arc Resources, dated 21 August 2017;
- (gg) a convex mirror adjacent to the vehicular exit (no alarm systems);
- (hh) a lighting plan addressing entries and public spaces within the development;
- (ii) all bedrooms to demonstrate layout is practical and viable;
- (jj) **sections detailing the edging detail between the footpath and the front setbacks to the site;**
- (kk) **a notation confirming all residents will have access to the tower 1, level 8 communal area;**

Landscaping

- (ll) a modified landscape plan generally in accordance with the landscape plan prepared by Jack Merlo design and landscape and **dated 31.01.18** but modified to show:
 - (i) the use of a Crepe Myrtle along apartment terraces;
 - (ii) larger soil volumes for planters, demonstrating the capability to achieve intended canopy volumes, as per the following:
 - a rate of 0.8 cubic metres of "soil" per square metre of canopy where single trees are proposed; and
 - 0.6 metres where multiple trees are planted, allowing therefore for the cultivation of ground-covers beneath tree planting;
 - (iii) planters carrying shrubs must be no less than 600mm deep;
 - (iv) Crepe Myrtle on the private terraces on level 3 planted in masonry planters with planter depths increased from 500mm to 800mm;
 - (v) for a tree with a 3m canopy spread where shrubs and ground-covers are also proposed in the planter the provision of a planter with minimum soil volume of 5.5 cubic metres or 4.5 cubic metres for the tree alone. Where larger trees are proposed; a tree with a 4m canopy would require 10 and 7.5 cubic metres of soil in similar situations;
 - (vi) level 9 planters increased in volume (minimum depth of 600mm) and constructed of masonry;
 - (vii) any details required by **condition 39** Irrigation Management Plan;
 - (viii) any specified growing medium in planters must have a high sand component (rather than an organic mix);
 - (ix) any planters external to terrace screens must include safety devices and must be maintained by the Owners Corporation;
 - (x) **deletion of the planter in front of the deli/shop entrance;**

- (xi) type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);
- (xii) **cross sections showing the depth of planter boxes and planting, including growing media, irrigation, drainage, water proofing and tree anchors;**
- (xiii) location of all areas to be covered by lawn, paving or other surface materials;
- (xiv) specification of works to be undertaken prior to planting;
- (xv) watering and maintenance;
- (xvi) garden bed dimensions;
- (xvii) areas of paving and proposed materials;
- (xviii) location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
- (xix) clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
- (xx) water sensitive urban design [WSUD] features;
- (xxi) removal of street tree 8 (Ulmus). A notation must confirm that the Permit Holder will pay the Responsible Authority \$8,960 to undertake these works, including the reinstatement of 2 trees after development plus 2 years tree establishment maintenance by City of Yarra contractors;
- (xxii) a detailed section of the green roofs, confirming/detailing:
 - (i) vegetation layer;
 - (ii) growing substrate and depth (plants should not be supplied as 100mm pots, but grown in the media to be used on the green roof);
 - (iii) load bearing weights for saturated bulk density have been supported by suitably qualified engineers);
 - (iv) irrigation;
 - (v) filter sheet;
 - (vi) drainage layer (specify the Elmich product, or similar);
 - (vii) protection mat;
 - (viii) root barrier; and
 - (ix) waterproofing.
- (xxiii) **deletion of the stepped pavers that intersect the communal lawn area;**
- (xxiv) **ground level tree selection should not just be limited to species that grown in a columnar shape;**
- (xxv) **a safe maintenance program for all planters/green roofs;**
- (xxvi) **a tree management plan showing TPZs for trees in the nature strip and outer separator;**
- (xxvii) **a further 3 street trees (Ulmus procera 'English Elm') where the existing crossovers are to be removed. A notation must confirm that the Permit Holder will pay the Responsible Authority \$2,798 to undertake these works, including the reinstatement of 2 trees after development plus 2 years tree establishment maintenance by City of Yarra contractors;**

Use

- (mm) a red line plan showing the sale and consumption of liquor limited to the internal area of the westernmost food and drinks premises (café);
- (nn) the 'café' and 'restaurant' shown as a 'food and drinks premise (café)';
- (oo) the shop (deli) with a maximum leasable floor area of 150m²;
- (pp) the food and drinks premises (cafes) with a maximum leasable floor area of 150m² in total;
- (qq) title boundaries as per the certificate of title;
- (rr) toilets for the commercial tenancies;

Access, car park and bikes

- (ss) **installation of a convex mirror to service vehicles exiting the driveway (no audible devices are to be installed);**

- (tt) 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 the Queens Parade service lane (from the kerb line to the centre line of the road) and the access ways 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;
- (uu) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (vv) details of bicycle storage/parking systems, demonstrating they can provide space for a bicycle of minimum dimensions of 1.7m in length, 1.2m in height and 0.7m in width at the handlebars **or as per AS2890.3-2015**;
- (ww) **access way to bicycle parking spaces a minimum width of 1.5m**;
- (xx) details of the visitor 'bicycle park' at the ground floor;
- (yy) at least 25% of the provided bicycle parking must be accessible at ground level (i.e. not hanging systems);
- (zz) bicycle parking for the rear site townhouses positioned adjacent to the pedestrian gate in the north-west corner of the site;
- (aaa) ramp width dimensions (from kerb to kerb);
- (bbb) minimum headroom clearances throughout the basement dimensioned;
- (ccc) a minimum 1m clearance from the vehicle entry/exit to the adjacent power pole. The east edge of the crossover must be perpendicular to the Queens Parade service road;
- (ddd) car park columns setback 750mm from the aisles;
- (eee) loading bay dimensioned on the drawings, including minimum overhead clearance. The plan must also include a note confirming details of the vehicles permitted to use this space, along with swept path diagrams **provided for ingress and egress**;
- (fff) the headroom clearance of the vehicular doorway **a minimum headroom of 3.6m provided along the access ramp and 3m within the loading and waste collection bays**;
- (ggg) visitor intercoms to the pedestrian and vehicular entries to the development;
- (hhh) a note confirming the design and construction of the new vehicle crossing must satisfy Council's Infrastructure Road Materials Policy, Council's Standard Drawings and engineering requirements;
- (iii) all redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense;
- (jii) **dimensions of the loading bay and waste pick up bay**;
- (kkk) changes (as necessary) as per the endorsed Acoustic Report, Structural report, Wind Report, SMP, Shared zone management plan and Waste management plan;

Reports

- (lll) any changes as a result of the Structural report pursuant to condition 22;
- (mmm) any changes as a result of the Wind Assessment report pursuant to condition 27;
- (nnn) any changes as a result of the Acoustic report pursuant to condition 29;
- (ooo) any changes as a result of the Sustainable Management Plan report pursuant to condition 33;
- (ppp) any changes as a result of the Waste Management Plan report pursuant to condition 35.

Melbourne Water

- (qqq) any Melbourne Water Changes.

General

- 2 The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3 As part of the ongoing consultant team, Cox Architecture or an architectural firm(s) to the satisfaction of the Responsible Authority must be engaged to:

- (iii) oversee design and construction of the development; and
- (iv) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

- 4 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 5 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.
- 6 All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
- 7 Before the buildings are 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.
- 8 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 9 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.
- 10 Before the buildings are 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.
- 11 Before the buildings are 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, pedestrian walkway, laneway and dwelling entrances must be provided. Lighting must be:
 - (v) located;
 - (vi) directed;
 - (vii) shielded; and
 - (viii) of limited intensity,all to the satisfaction of the Responsible Authority.
- 12 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).
- 13 The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Heritage facade

- 14 **Before the development commences, a decorative facade scheme to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the decorative facade scheme will be endorsed and will then form part of this permit. The scheme must include a methodology of paint sampling and sections of paint removal, investigating the possibility of restoring the facade to original conditions.**
- 15 **Before the paint is removed (except for as approved in the decorative facade scheme), the final proposed decorative facade scheme must be submitted to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This will be subject to the findings of the report endorsed under condition 14 and where possible, must propose the restoration of the original facade.**

When approved, the decorative façade scheme will be endorsed and will then form part of this permit.

General Use Conditions

- 16 The amenity of the area must not be detrimentally affected by the development and uses 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.

Use of the land for the sale and consumption of liquor

- 17 No more than 50 patrons are permitted in the westernmost food and drinks premises (café) at any one time.
- 18 The sale and consumption of liquor in association with the westernmost food and drinks premises (café) may only occur between the hours of 12 noon to 5pm, any day.
- 19 Before the use of the land for the sale and consumption of liquor commences, a Noise and Amenity Action Plan [**NAAP**] to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the NAAP will be endorsed and will then form part of this permit. The NAAP must include details as per clause 22.09-4.3 of the Yarra Planning Scheme.
- 20 The sale and consumption of liquor uses must be managed in accordance with the endorsed NAAP.
- 21 The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.
- 22 Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
- 23 Emptying of bottles and cans into bins may only occur between 7am and 5pm on any day.

Structural report requirement

- 24 Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.
- 25 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Art Management Plan

- 26 Within 6 months of commencement of the development, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) details of the commissioned artist(s);
 - (b) description of art work, including:
 - (i) materials;
 - (ii) colours;
 - (iii) dimensions;
 - (iv) content;
 - (v) special features (e.g. lighting);
 - (vi) details of the installation process; and
 - (vii) details of art work maintenance schedule.
- 27 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Section 173 Agreement

- 28 Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 providing for the following:
- (a) the ongoing provision of 7 car parking spaces, 4 bicycle parking spaces, 4 stores and a bin area for the rear of 26-56 Queens Parade, Fitzroy North (Lot 1 on Title Plan 806921X) on this site;
 - (b) the ongoing pedestrian access and egress through the site for the owners and visitors to rear of 26-56 Queens Parade, Fitzroy North (Lot 1 on Title Plan 806921X).
- The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of preparing, reviewing, registering and recording the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to preparing, reviewing, registering, recording and enforcing the agreement.

Wind Assessment report

- 29 Before the plans are endorsed, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Windtech and dated 30 June 2016, but modified to:
- (a) reflect the decision plans; and
 - (b) demonstrate acceptable wind levels will result from the development (on and off the site); and
 - (c) identify which balustrades could be reduced to 1m or 1.7m (dependent on overlooking requirements) and continue to achieve the relevant wind criteria.
- 30 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

- 31 Before the plans are endorsed, an amended Acoustic Report to the satisfaction of the Responsible Authority 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 Wood and Grieve Engineers, dated 29 June 2016 and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met. The report must:

- (a) address the decision plans and any relevant condition 1 requirements;
- (b) amended the location and time of road traffic noise measurements as follows:
 - (i) noise levels during the afternoon peak hour and the loudest hour of the 'night' period (typically 6 am to 7 am for sites such as this one); and
 - (ii) a daytime measurement to assist in the assessment of the daytime average noise level to apartments unless an alternative approach to determining the daytime average is adopted;
- (c) the adoption of target indoor noise levels with regard to road traffic as follows:

	Period	Average Level ²	Loudest Hour ³	Instantaneous Lmax level
Habitable rooms, including bedrooms	7 am to 10 pm	40 dBA Leq, 15h	45 dBA Leq, 1h	
Bedrooms	10 pm to 7 am	35 dBA Leq, 9h	40 dBA Leq, 1h	50-55 dBA Lmax

² - The 'average level' is equal to the mid-point between the AS/NZS2107 recommended 'satisfactory' and 'maximum' levels and is equal to the levels allowed in the 2011 NSW Road Noise Policy (Appendix C10) and the WA State Planning Policy (5.4).

³ - The 'loudest' hour targets are equal to the AS/NZS2107 recommended 'maximum' levels.

- (d) 3D modelling must demonstrate how the above targets will be achieved (including any necessary façade upgrades);
- (e) target internal noise levels with regard to the impact of voice noise from the communal outdoor areas:
 - (i) noise from voice to apartments within the development be designed to achieve not greater than 30 dBA Leq in bedrooms and 35 dBA Leq in living rooms;
 - (ii) noise from voice to existing dwellings be assessed to a 'background+10 dB' target during the day/evening period and 'background + 5 dB' at night;
 - (iii) a restriction be provided on use of the Level 3 and 4 outdoor areas after 10 pm unless it can be demonstrated that 'background + 5 dB' targets can be met at the existing dwellings;
- (f) maximum music noise levels in the food and drinks premises (cafés) and shop, ensuring compliance with SEPP N-2, along with a commitment to install a music noise monitor to ensure that these levels are not exceeded;
- (g) an assessment voice noise from patrons within the food and drinks premises (cafés) and shop to the proposed dwellings. Indoor design targets of no greater than 30 dBA Leq must be achieved with windows closed;
 - (ii) the impact of airborne noise from within the food and drinks premises (cafés) and shop, with any necessary building upgrades to minimise impacts; and
 - (iii) an assessment of the following on the existing (off-site) and proposed dwellings (on-site):
 - (i) communal areas (including the theatre, pool are, lounges gym and roof terraces);
 - (ii) the driveway along the eastern boundary;
 - (iii) the vehicular entry door;
 - (iv) lift cores; and
 - (v) mechanical plant and equipment (including air conditioner units);
 - (vi) the car park exhaust fan.**

- 32 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 33 Before the development is occupied, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must demonstrate the required level of noise attenuation has been achieved. The report must also:
- (a) confirm compliance with relevant conditions of the permit; and
 - (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other relevant requirement.
- 34 The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Sustainable Management Plan

- 35 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. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Wood and Grieve Engineers dated 17/08/2017, but modified to show/reflect/demonstrate:
- (a) the incorporation of any combination of the following:
 - (i) extraction fans to all kitchen range hoods and bathrooms;
 - (ii) ceiling fans;
 - (iii) trickle vents;
 - (iv) energy efficient mechanically assisted natural ventilation with flow rates 50% in excess of AS 1668 levels.
 - (b) **confirm glazing details (a VLT of at least 70%);**
 - (c) **a different stormwater management treatment (not the SPEL treatment proposed), demonstrating compliance with clause 22.17 of the Yarra Planning Scheme;**
 - (d) **the 40,000L (minimum) rainwater tank used for toilet flushing;**
 - (e) **clear, unambiguous wording, with clear commitments and no disclaimers;**
 - (f) **a commitment to achieve a minimum NatHERS 6.5 star average rating (not 'targeted to achieve'); and**
 - (g) **demonstration that no dwellings exceed the 30MJ/m2 cooling loads threshold, using the NatHERS thermal energy rating software.**
- 36 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

- 37 Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by RB Waste Consulting Service and dated 20 November 2015, but modified to include/reflect:
- (a) the decision plans;
 - (b) details on how bin store will operate/be managed by operator;
 - (c) details on education, tenants information, bin room set up, etc to ensure appropriate management of the waste and recycling;

- (d) detail plan of bin store showing path of access, hard waste area, etc.;
- (e) details/justification on ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables;
- (f) details on path of access from the street to the bin collection point;
- (g) details on how the chutes operate to ensure appropriate use by tenants;
- (h) details on how the development will be managed by the operator; and
- (i) show how the WMP will work in practice for residents, operator and waste contractors.

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

Landscaping

39 Before the plans are endorsed an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:

- (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
- (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.

40 Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

41 The landscaping shown on the endorsed plans must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants, all to the satisfaction of the Responsible Authority.

42 Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:

- (a) the protection of the nature strip trees adjacent to the site along the Queens Parade frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
- (b) the provision of any barriers;
- (c) any pruning necessary; and
- (d) watering and maintenance regimes, to the satisfaction of the Responsible Authority.

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

44 Before the development starts, the permit holder must provide a security bond to the Responsible Authority to secure the 8 street trees adjacent to the site along Queens Parade ("bonded works"). The security bond would cover the amenity value of each tree as follows and:

- (a) is to be \$166,231.00;

- (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority; and
- (c) may be held by the Responsible Authority until the construction works are completed to the satisfaction of the Responsible Authority.

Once the construction works are completed to the satisfaction of the Responsible Authority, the Responsible Authority will inspect the trees and provided they are found to be in good condition, the security bond will be refunded to the permit holder.

45. Prior to the occupation of the building, or by such later date as approved in writing by the Responsible Authority, any damaged street trees must be replaced:
- (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.

Car parking

- 45 Before the development commences, a Car Park Management Plan prepared 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 then form part of this permit.

The Car Park Management Plan must address, but not be limited to, the following:

- (a) the allocation of 7 car parking spaces to the rear of 26-56 Queens Parade, Fitzroy North (planning permit PLN16/0732);
- (b) the allocation of 7 car parking spaces for the commercial tenancies, including the number and location of car parking spaces allocated to each commercial tenancy;
- (c) management details for residential loading/unloading when moving;
- (d) the management of the 9 visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (f) any policing arrangements and formal agreements;
- (g) 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;
- (h) 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 required by Condition 35;
- (i) details regarding the management of loading and unloading of goods and materials; and
- (j) confirmation delivery vehicles onto the site will be restricted to no higher than 3.5m; and
- (k) **details of the loading bay use, including hours and potentially using a lighting system to improve the safety of this area.**

- 46 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.

- 47 Before the building is occupied, 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.

Traffic, roads and footpaths

- 48 All redundant vehicle crossings along the property's road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the developer's cost.
- 49 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
- 50 Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

Design Detail

- 51 Within three months of commencement of the development, Detailed Engineering Documentation to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Detailed Engineering Documentation will be endorsed and will then form part of this permit. The Detailed Engineering Documentation must be drawn to scale with dimensions, and three copies must be provided. The Detailed Engineering Documentation must show the following:
- (a) the reconstruction of the laneway, adjacent to the northern boundary of the site, in pitched bluestone;
 - (b) subject to the approval of VicRoads the reconstruction of the footpath outside the Queens Parade frontage of the site, once all building works and underground utility services have been completed/installed. All pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line;
 - (c) subject to approval from Melbourne Water, VicRoads and the Responsible Authority, improvements to the Queens Parade and Napier Street intersection also to the satisfaction of Melbourne Water, as follows:
 - (i) close the service lane on the north west corner;
 - (ii) increased walkability through the installation of splitter islands and kerb extensions;
 - (iii) increased cycle safety through decreed crossing distances; and
 - (iv) Opportunities for better/greener public spaces;
 - (d) re-sheeting of the Queens Parade service road as per existing details and materials. The road pavement of Queens Parade service road must be profiled and re-sheeted to the satisfaction of Council after the building works and the provision of underground utility services have been completed;
 - (e) the nature strips directly outside the property's Queens Parade service road frontage must be cultivated, top dressed and be provided with instant turf;
 - (f) the kerb and channel outside the development's Queens Parade service road frontage must be constructed in bluestone; and
 - (g) all redundant property drains must be removed.
- 52 Unless with the prior written consent of the Responsible Authority, all development referenced in condition 48 must be completed to the satisfaction of the Responsible Authority prior to occupation of any buildings.
- 53 The details and requirements of the endorsed Detailed Engineering Documentation must be implemented and complied with to the satisfaction of the Responsible Authority, at the expense of the Permit Holder.
- 54 Before the development commences, the permit holder must make a one off contribution of \$8,960 to the Responsible Authority to be used for new street tree plantings that are required as a result of the development (reinstatement of 2 trees after development plus 2 years tree establishment maintenance). All work will be undertaken by City of Yarra contractors.

Green Travel Plan

- 55 Before the occupation of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) describe the location in the context of alternative modes of transport;
 - (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
 - (c) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
 - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities; and
 - (g) include provisions to be updated not less than every 5 years.
- 56 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction

- 57 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 street tree management plan (including TPZs);
 - (b) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (c) works necessary to protect road and other infrastructure;
 - (d) remediation of any damage to road and other infrastructure;
 - (e) 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;
 - (f) facilities for vehicle washing, which must be located on the land;
 - (g) 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;
 - (h) site security;
 - (i) a lighting plan which must include:
 - (i) details 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;
 - (ii) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
 - (iii) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
 - (j) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (k) the construction program;
 - (l) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

- (m) parking facilities for construction workers;
- (n) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (o) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (p) 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;
- (q) 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;
- (r) 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:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer; and
 - (v) other relevant considerations.

58 During the construction:

- (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.

59 Before the buildings are 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.

60 Any service poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense, with approval from the relevant authorities and to the satisfaction of the Responsible Authority.

61 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the Permit holder's expense.

62 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths along the frontages of the site **(subject to approval of the Relevant Authorities)** must be reconstructed:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.

- 63 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavements outside the site (**subject to approval of the Relevant Authorities**) must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.
- 64 Before the building 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 and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 65 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings 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.
- 66 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 67 Pit lids and levels are to be readjusted to match the surface of the footpath, to the satisfaction of the Responsible Authority.
- 68 No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from the Responsible Authority.
- 69 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

Public lighting plan

- 70 Prior to the commencement of the development, a public lighting plan must be submitted to and approved by the Responsible Authority. When approved, the public lighting plan will be endorsed and will form part of this permit. The public lighting plan must:
- (a) **incorporate lighting within the northern laneway linking to Coleman Street;**
 - (b) confirm that all primary pedestrian access to a residential/multipurpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
 - (c) confirm any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
 - (d) confirm light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
 - (e) confirm the locations of any new light poles will not obstruct vehicular access into private property;
 - (f) include a commitment that the Permit Holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;

- (g) confirm the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the Permit Holder.

71 The provisions, recommendations and requirements of the endorsed public lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads conditions

71

Melbourne Water conditions

72

PTV Conditions

73

Expiry

- 74 This permit will expire if one of the following circumstances applies:
- (a) the development is not started within 2 years of the issued date of this permit;
 - (b) the development is not completed within 4 years of the issued date of this permit;
 - (c) the uses are not commenced within 5 years from the date of this permit.
- In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

CARRIED UNANIMOUSLY

The meeting closed at 7.26pm.

Confirmed at the meeting held on Wednesday 18 April 2018

Chair