
1.2 LATE ITEM - 271 Bridge Road, 208, 224, 228, 230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 39 Bank Street, Richmond - PLN11/0834.02 - Consent Order to amendments to conditions of Planning Permit PLN11/0834

Executive Summary

Purpose

1. Planning Permit PLN11/0834 was amended 22 January 2019 by making changes to the permit preamble, permit conditions and endorsed plans.
2. On 14 February 2019, Council received notice that an application for review had been lodged with the Victorian Civil and Administrative Tribunal (**VCAT**) against conditions on Planning Permit PLN11/0834 (**the permit**)
3. The conditions subject to review are:
 - (a) Condition 1(gg) – plans to show dwelling layouts and openable windows;
 - (b) Conditions 7 & 8 - Environmental Audit;
 - (c) Condition 37j & 24 – provision of three additional car share spaces; and
 - (d) Condition 75a – organic waste collection.
4. No other parties have joined the proceedings.
5. A compulsory conference has been scheduled for 24 May 2019. Ongoing discussions between the permit applicant and Council have been occurring with the aim of settling a number of the conditions.
6. The aim of this report is to seek Council approval to the consent to the grant of an amended permit subject to ‘further’ amended conditions.

Key Issues

7. The key issues for Council in considering the proposal relate to:
 - (a) Impact of proposed amendments to planning permit conditions.

Conclusion

8. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

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1.2 LATE ITEM - 271 Bridge Road, 208, 224, 228, 230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 39 Bank Street, Richmond - PLN11/0834.02 - Consent Order to amendments to conditions of Planning Permit PLN11/0834

Trim Record Number: D19/76309

Responsible Officer: Manager Statutory Planning

- Proposal:** Amendment to the endorsed plans and permit conditions of PLN11/0834 including:
- Incorporating the approved development for 42 Cameron Street (PLN14/0314) into the permit for the main site
 - Amendments to the plans to including modifications to the internal uses and layouts and exterior changes in height and design.
 - Increase in car parking, motorcycle parking and bike parking.
- Existing use:** Richmond Plaza Shopping Centre and Residential Apartment building.
- Applicant:** Coles Group Property Development Pty Ltd – C/- SJB Planning Pty Ltd
- Zoning / Overlays:** Commercial 1 Zone, General Residential Zone (Schedule 1 & 2), Design and Development Overlay (Schedule 2 and 21), Heritage Overlay (Schedule 310) and Public Acquisition Overlay.
- Date of Application:** 26 April 2018
- Application Number:** PLN11/0834.02

Planning History

1. A comprehensive planning history is outlined in the officers report presented to the 12 December 2018 Internal Development Approvals Committee Meeting (**IDAC**).

Background

2. Planning Permit PLN11/0834 was amended 22 January 2019 by making changes to the permit preamble, permit conditions and endorsed plans.
3. On 14 February 2019, Council received notice that an application for review had been lodged with the Victorian Civil and Administrative Tribunal (**VCAT**) against conditions on Planning Permit PLN11/0834 (**the permit**)
4. The conditions subject to review are:
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 - (d) Condition 75a – organic waste collection.
5. No other parties have joined the proceedings.
6. A compulsory conference has been scheduled for 24 May 2019. Ongoing discussions between the permit applicant and Council have been occurring with the aim of settling a number of the conditions.
7. The aim of this report is to seek Council approval to the consent to the grant of an amended permit subject to 'further' amended conditions.

'Without prejudice discussions'

8. Since lodgement of the appeal on going without prejudice discussions have occurred between Council and the permit applicant.
9. Agreement has been reached with the following changes proposed:

Condition 1(gg) – current wording

'Plans and elevations to clearly show location of doors and windows for both commercial and residential uses and all habitable rooms having openable windows'.

Proposed wording

'Plans and elevations to clearly show location of doors and windows for both commercial and residential uses and all habitable rooms having openable windows **(with the exception of dwellings within Building E which must continue to have access to natural light by way of an openable window, sliding door or similar)**'.

Conditions 7 & 8 – Current wording

Condition 7

'Before the development commences, 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 EEP Act (Certificate); or
- (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority'.

Condition 8

'If, pursuant to condition 7, 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)'.

Amended wording

7. **Before any development approved under this permit starts:**
 - a. **a Certificate of Environmental Audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or**
 - b. **an environmental auditor appointed under the *Environment Protection Act 1970* must make a Statement of Environmental Audit in accordance with Part IXD of the *Environment Protection Act 1970* that the environmental conditions of the land are suitable for a sensitive use.**

8. **Notwithstanding the requirements of Condition 7, the following works can be carried out before a Statement of Environmental Audit or a Certificate of Environmental Audit is provided to the Responsible Authority:**
 - a. **Demolition, buildings and works necessarily forming part of the environmental audit process; and**
 - b. **Demolition, buildings and works the Environmental Auditor engaged by the owner(s) advises must be carried out before a Statement or Certificate of Environmental Audit can be issued.**
 - c. **Construction of buildings and works up to the ground floor level including the ground floor slab.**

These works must be carried out in accordance with a works plan approved by the Environmental Auditor engaged by the owner(s). A copy of the works plan must be provided to the Responsible Authority before any demolition, buildings or works start for the purpose of this condition.

9. **The permit holder must:**
 - a. **demolish or remove some or all of the buildings or works constructed up to the ground floor level (including the ground floor slab) authorised under condition 8(c) to the extent necessary where the Environmental Auditor engaged by the owner(s) advises further works must be carried out before a Statement of Environmental Audit or Certificate of Environmental Audit is issued and those works will be constrained in any way by the existing buildings or works already constructed or carried out under condition 8(c); and**
 - b. **comply fully with the obligation under condition 9 at its own cost and in a timely manner.**

10. **Before the development approved under this permit starts (excluding demolition and buildings and/or works carried out in accordance with a works plan approved by the Environmental Auditor engaged by the owner(s)), a copy of the Statement or Certificate of Environmental Audit, and the complete audit report and audit area plan must be submitted to the Responsible Authority.**

11. **Where a Statement of Environmental Audit is issued in accordance with condition 7(b):**
 - a. **The development and uses allowed by this permit must comply with the directions and conditions of the Statement of Environmental Audit to the satisfaction of the Responsible Authority;**
 - b. **Before any sensitive use starts, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority confirming the directions and conditions contained in the Statement of Environmental Audit are satisfied; and**
 - c. **Where any condition of the Statement of Environmental Audit requires any maintenance or monitoring of an ongoing nature, the owner(s) must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. The Agreement must:**

- i. **Provide the undertaking of the ongoing maintenance and monitoring required by the Statement of Environmental Audit; and**
- ii. **Be executed before the sensitive use for which the land is being developed starts.**

All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

Condition 37(j) – current wording

‘A minimum of six car spaces for car share program in locations to the satisfaction of the Responsible Authority’

Proposed wording

Maintain wording of condition 37(j)

A minimum of six car spaces for car share program in locations to the satisfaction of the Responsible Authority’

Amend condition 37(o)

‘a mechanism to review the car parking **(including car share spaces)** and bicycle spaces to either re-allocate the spaces if demand warrants so, or provide more spaces if the opportunity arises. This may include future Owners Corporation review/input;

10. The applicant in their review omitted to challenge condition 24 which requires the provision of both the car and bike share schemes. In the event Council consents to the changes, Council would also consent to an amended application for review to include condition 24 which would now read.

Condition 24 - current wording

‘Before the development is occupied, a minimum of six car share vehicles and seven bicycle share facilities must be provided on the land. This must be by way of arrangement with a car share/bicycle share operator and/or the future Owners Corporation. The car share vehicles and the bicycle share facilities must be provided on the land for a minimum period of 10 years, to the satisfaction of the Responsible Authority. Any costs associated with ensuring on-going availability of the car share vehicles and the bicycle share facilities on the land must be borne by the Owners Corporation’.

Proposed wording

Before the development is occupied, a minimum of six car share vehicles and seven bicycle share facilities must be provided on the land. This must be by way of arrangement with a car share/bicycle share operator and/or the future Owners Corporation. The car share vehicles and the bicycle share facilities must be provided on the land for a minimum period of 10 years, to the satisfaction of the Responsible Authority. Any costs associated with ensuring on-going availability of the car share vehicles and the bicycle share facilities on the land must be borne by the Owners Corporation. **The provision of car share spaces and bicycle share facilities may be varied with the written consent of the Responsible Authority.**

Condition 75 (a) – current wording

‘An organic waste collection or a composting system’.

Proposed wording

‘An organic waste collection or a composting system **for residents**’.

Referrals

External Referrals

11. Advice from Coffey regarding Contaminated Land conditions was sought and relied upon with regards to conditions relating to the requirement for an environmental audit.

OFFICER ASSESSMENT

12. In determined if the amendments to the condition are acceptable consideration has been given to policy within the Yarra Planning Scheme, intent of the conditions and where relevant expert advice.

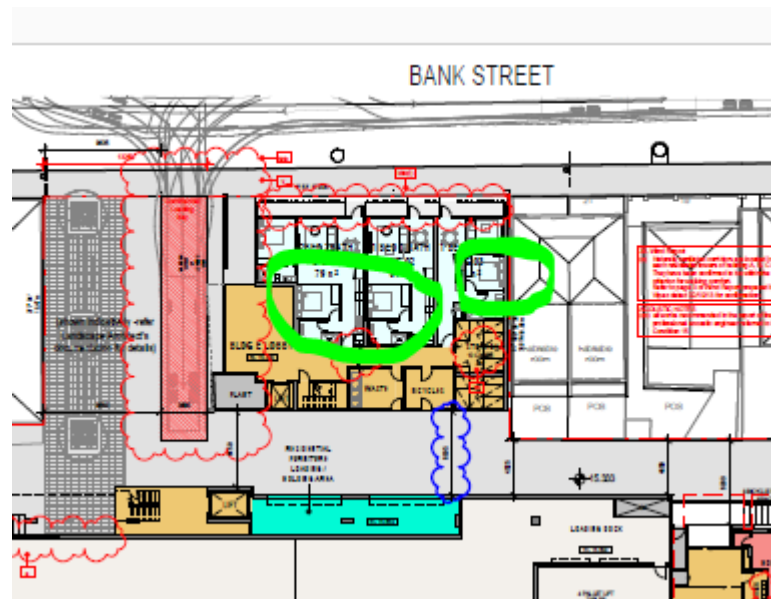
13. Each amendment will be considered in turn.

Condition 1(gg)

14. Condition 1(gg) was imposed by officers as the plans and elevations were not clear.

15. Reasons outlined for challenging this condition were based on commentary that the standard of the plans aligned with those already approved. Officers did not agree with this proposition and the concern with this condition has been narrowed by the permit applicant to relate to issues with the layouts of Building 'E'.

16. The apartment layouts of Building 'E' include dwellings which included borrowed light apartments (see excerpt from Ground Floor Plan).



17. Approval has already been granted for some borrowed light apartments and the intent of the condition was not to delete these but to ensure that the plans had an appropriate level of detail to ensure internal amenity of the dwellings.

18. The suggested rewording maintains the integrity of the condition but enables the limited number of borrowed light units to be retained however with additional information regarding availability to natural light.

Conditions 7 & 8

19. The proposed amended condition has been developed in conjunction with specialist environmental advice and legal input.

20. During the course of the last 2 -3 months, ongoing discussions between Council and the permit applicant have enabled a clearer understanding of the existing contaminants on site and the best and clearest way to manage the decontamination of the site.

21. It is important to note, that the site is not included in an Environmental Audit Overlay however officers were aware that the site might have some contaminants due to historical conditions.

22. The revised set of conditions will ensure the site is safely decontaminated while enabling concurrent early works on the site.

23. It is considered that these new conditions appropriately manage the future clean-up of the site.

Conditions 24 and 37 (j) and (o)

24. The planning permit always included a requirement for the provision of a minimum of three car share space and a requirement for bike share facilities. The condition was amended by IDAC to increase the provision to a minimum of six spaces.
25. The permit applicant challenged this condition stating that the increase of car share spaces was not warranted or required.
26. Subsequent discussions with the permit applicant has resulted in modification to this approach by retaining the provisional number of car share spaces but building into the condition the ability to review this based on need and uptake.
27. Officers agree that building into the condition an ability to review the requirements is sound and supports the additional wording to both conditions.
28. Please note, condition 24 is now proposed to be condition 25 in the proposed amended conditions.

Condition 75 (a)

29. Forming part of the amendment request was an updated Waste Management Plan (**WMP**) which was reviewed by Council's Waste Services Unit who were satisfied with the WMP.
30. A requirement was imposed by IDAC for the incorporation into the plan an organic waste collection or a composting system.
31. Similarly, the permit applicant challenged this requirement for organic waste collection.
32. Subsequent discussions with the permit applicant has resulted in a change to the condition making this requirement only applicable to the residential component of the development.
33. Officer agree that this change is an acceptable outcome which meets the intent of the condition for the largest component of the development being applicable to the 307 apartments proposed for the site.

Conclusion

34. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework and addresses the intent of the conditions.
35. The proposal, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to advise VCAT and the parties to VCAT proceeding P207/2019 that it consents to the grant of an amendment to Planning Permit PLN11/0834 for the demolition, buildings and works, use of the land for dwellings, shop, restructured recreation facility, food and drinks premises, office, childcare centre, use of part of the land for the sale and consumption of liquor, reduction in car parking requirements, and use northern part of land for loading/unloading bay and waste collection at 271 Bridge Road, 208, 224, 228, 230 and 238 Church Street, 42 and 26 Cameron Street and 25 and 37 – 39 Bank Street, Richmond subject to the following conditions:

1. Before the development starts, 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 the 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 prepared by SJB Architects, received by Council on 11 and 19 July 2018 but modified to show:

Building Design

Podium

- (a) details of the material along the west title boundary (adjacent to Ark) at ground and first floor level;
- (b) all canopies and architectural projections along Church Street and Bridge Road to be setback a minimum 750mm from the back of the kerb;
- (c) details of all lobby entrances including lighting and glazing to ensure good visibility in to the residential lobbies;
- (d) setback of the western car park edge at levels 1 & 2 to be increased to align with those currently endorsed being ranging between 3.98 – 4.5m

Bridge Road Tower [Building A]

- (e) details of the operable screens proposed for the upper levels
- (f) basement car park to be contained within the subject sites title boundaries

Building C

- (g) a reduction in the parapet height (to apartment C6.01) as it presents to Church Street and for the first section of the return from 1.6m to approximately 300mm as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.
- (h) At level 3 details of location of porous screen of 2m high tree as required by the wind assessment;
- (i) Details of doors to loading and parking area (Cameron Street)

Building D

- (j) setback apartments D6.03 and D6.04 an additional 2 metres from the western boundary or rake or an alternative measure to reduce visual bulk.

Building E

- (k) Plans and elevations to clearly show location of doors and windows

Building Materials

- (l) an updated schedule of all materials and finishes (including materials samples, colours coloured elevations and perspectives). The schedule must show the materials, colour, finish and application methods (where relevant) of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences and must include:
 - (i) thumb nail sketches of key elements of the façade of each building
 - (ii) material treatment of Building A lift core to be patterned concrete to both the south and west elevations.
 - (iii) Building A upper levels to be treated with a patterned mesh in a light colour as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.
 - (iv) Building B design resolution to be as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.
 - (v) Building C Church Street podium façade levels 1 & 2 to replicate façade detailing (brick) of the remainder of the façade in a white or light grey colour
 - (vi) Ground floor building C wall adjacent to lobby and substation to be a patterned brick wall in a black or dark colour.

- (vii) Details of the grey mesh proposed on the Church Street podium
- (viii) Details of materials proposed for the ground floor of building D;
- (ix) Details of car park / loading bay doors
- (x) include details of graffiti proof coating to be applied to the ground floor interfaces of the buildings;

Landscape

- (m) updated landscape plans generally in accordance with the Landscape Concepts February 2018) prepared by MemLa to the satisfaction of the Responsible Authority must be prepared by a suitably qualified permit. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (i) the location of all areas to be covered by lawn or other surface materials;
 - (ii) the location of any permanent structures, furniture, public seating or other facilities;
 - (iii) all public area footpaths, steps, ramps and crossings to comply with DDA – Tactile indicators, nosing's and handrails where necessary;
 - (iv) grades of all ramps shown on plan;
 - (v) grades of all footpaths shown on plan;
 - (vi) details of raised planters to courtyards to be confirmed (height, construction and tree planting details);
 - (vii) location and type of water tank for irrigation;
 - (viii) detailed planting plan with plant schedule (common and botanical plant names, density, quantities, size at planting and maturity height);
 - (ix) details of street furniture, including bench seats and street tree planters;
 - (x) existing and proposed levels including top wall and fence heights (where relevant);
 - (xi) details of the installation methodology for the green wall to the car parking area, including planting and initial establishment requirements and details of the proposed maintenance regime to ensure the integrity of the green wall over its operation life, including plant replacement, irrigation and fertilisation and guidelines for monitoring;
 - (xii) ongoing maintenance and management details of all publically accessible spaces;
 - (xiii) a detailed lighting plan for all publically accessible areas including private, communal and the public laneways ensuring lighting is baffled to minimise light spill;
 - (xiv) a schedule of 'way finding' signage;
 - (xv) additional soft landscaping including planting details to assist in the delineation between the pedestrian and loading/waste management sections of the Bank Street square;
 - (xvi) dimensioned cross sections and internal elevations detailing the interior of the laneways, access ways and Bank Street square;
 - (xvii) deletion of *Quercus Rubra Red Oak* from Podium Level 3 plan and replace with a smaller tree
 - (xviii) fencing details for Podium Level 3
 - (xix) use of stormwater or grey water for irrigation of planters
 - (xx) the ground floor plan to show locations of all existing street trees to be removed and retained and any protection works required
 - (xxi) show a physical separation between moving traffic and the food and drinks premises seating in the form of temporary barriers such as (but not limited to) planter boxes on wheels in the western most laneway between the laneway and the 'trade out area';
 - (xxii) the relaying or new blue stone within Council's land with need to meet Council' design standards.

- (xxiii) The provision of 2 Street tree plantings along, Cameron Street and Bank Street in consultation with Council.
- (xxiv) Landscape images and plans to match the schematic plans prepared by SJB Architecture dated 26 October.
- (xxv) Additional landscape facilities including toilets, sinks, BBQ to be added to the communal terrace at level 3.

Acoustic

- (n) all works recommended in the report of the professional acoustic engineer referred to in condition **15**;

Environmentally Sustainable Design Principles

- (o) all works recommended in the ESD report referred to in condition **18**;

Wind Assessment

- (p) all works recommended in the wind assessment report referred to in condition **21**;

Bicycle Parking

- (q) a minimum 7 public bicycle share spaces;
- (r) width of the bike ramps increased to 1.5m with ramp grades to be as close to 1:12 as possible in general compliance with AS2890.3
- (s) increased bike provision to 410 spaces with 103 spaces allocated for visitor parking to be located with the basement and in the laneway access spaces (Bridge Road) without hindering vehicular access.
- (t) 20% of residential /staff spaces to be provided as horizontal at ground level spaces.

Car Parking

- (u) Dimensions shown for parallel parking spaces at the south west corner of the Basement car spaces (9, 10 and 11) and the parallel parking spaces in Podium level 01 car spaces (5, 120 and 133);
- (v) Column locations to be in accordance with AS2890.1:2004;
- (w) Installation of appropriate signage and / or line marking /ground stencilling be installed at the location where one way aisles meet two way aisles.
- (x) Wayfinding signage for both drivers and cyclist to and from parking areas and entry/exit points;
- (y) Priority line marking within the basement and podium car parking levels at all conflict points
- (z) Appropriate pedestrian crossing signage be provided at each formal pedestrian crossing;
- (aa) Location of speed humps at the approaches to pedestrian crossings if required;

Loading and Waste

- (bb) all works recommended in the waste management plan referred to in condition 75;

General

- (cc) internal layout of apartments to comply with the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.
- (dd) location of the proposed water tank with a minimum capacity of 100,000 litres;
- (ee) all plans to be drawn within title boundaries (excluding architectural features, canopies and awnings) and to be fully dimensioned;

- (ff) a full set of all elevations and cross-sections including full internal elevations of all buildings and public spaces (including laneways) fully dimensioned with setbacks and heights of all buildings;
- (gg) Plans and elevations to clearly show location of doors and windows for both commercial and residential uses and all habitable rooms having openable windows; **(with the exception of dwellings within Building E which must continue to have access to natural light by way of an openable window, sliding door or similar);**
- (hh) Where overlooking opportunities can be provided within a 9m radius and 45 degree arc from a habitable room window or private open space into another habitable room or private open space on or off site, the following must be applied:
 - (i) Minimum 1.7m fixed obscure glazing;
 - (ii) Minimum 1.7 high, maximum 25% transparent screens; or
 - (iii) Other method(s) to the satisfaction of the Responsible Authority.
- (ii) all publically accessible areas to be shown as referred to in condition 22;
- (jj) deletion of all reference to business identification signage;
- (kk) location of all mailboxes;
- (ll) a demolition plan clearly detailing all structures and surfaces to be demolished within the portion of the site affected by the Heritage Overlay;
- (mm) all internal corridors in the apartment buildings to have a minimum width of 1.5m with an indentation at each entrance of up to 100mm to articulate dwelling entries;
- (nn) details and provision of an average of 4 cubic metres of storage for each dwelling;
- (oo) provision of an internal signage plan detailing indicative signage to guide residents, employees, visitors and the public to communal open spaces, commercial facilities, car parking areas, bicycle parking areas with priority given to pedestrian and cyclist wayfinding;
- (pp) all feature paving and in ground lighting proposed is to be contained within the site title boundaries;
- (qq) a minimum of 33% of the dwellings to be shown as including internal layout supporting adaptation for persons with limited mobility based on the schematic apartment layout plans prepared by SJB Architects dated 26 October 2018.

Endorsed Plans

2. All development and use must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.
3. Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.

Ongoing Involvement of the Architect

4. As part of the ongoing consultant team SJB Architects must be retained to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans during the construction unless with the prior written approval of the Responsible Authority.

Cameron/Church Street Intersection

5. Within six months of the development commencing, the design of the proposed works to the Cameron Street road reserve at the intersection with Church Street must be prepared by an independent and suitably qualified professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must be submitted to and approved by the Responsible Authority. The design of the works must provide details of how the road reserve will be treated to enable:

- (a) the creation of separate right turn and left turn exit lanes, while retaining a single entry lane;
- (b) the removal of the two kerb extensions;
- (c) reinstatement of road pavement;
- (d) the re-setting of stones within the existing bluestone threshold treatment, demonstrating the threshold treatment is robust to accommodate vehicle loadings and repetitive movements, ensuring that stones are not dislodged;
- (e) removal of street trees (as necessary);
- (f) installation of no stopping (all times) restrictions on the south side of Cameron Street (including the loss of three on street car parking spaces) all between the subject sites access points and Church Street;
- (g) removal of parking restrictions (as necessary); and
- (h) any other works required.

Details must include, but are not to be limited to, all dimensions, existing reduced levels, proposed kerb levels, surface treatments, line marking, kerb, channel and footpath works, positions and details of all signs (existing and proposed), accurate locations of any stormwater pits and underground services.

- 6. Before any use commences on site and prior to the issue of a certificate of occupancy, all works associated with provision of the Cameron/Church Street intersection works as set out in condition 6 must be undertaken and completed at the cost of the permit holder to the satisfaction of the Responsible Authority.

Environmental Audit

- 7. Before any development approved under this permit starts:
 - a. a Certificate of Environmental Audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - b. an environmental auditor appointed under the *Environment Protection Act 1970* must make a Statement of Environmental Audit in accordance with Part IXD of the *Environment Protection Act 1970* that the environmental conditions of the land are suitable for a sensitive use.
- 8. Notwithstanding the requirements of Condition 7, the following works can be carried out before a Statement of Environmental Audit or a Certificate of Environmental Audit is provided to the Responsible Authority:
 - a. Demolition, buildings and works necessarily forming part of the environmental audit process; and
 - b. Demolition, buildings and works the Environmental Auditor engaged by the owner(s) advises must be carried out before a Statement or Certificate of Environmental Audit can be issued.
 - c. **Construction of buildings and works up to the ground floor level including the ground floor slab.**

These works must be carried out in accordance with a works plan approved by the Environmental Auditor engaged by the owner(s). A copy of the works plan must be provided to the Responsible Authority before any demolition, buildings or works start for the purpose of this condition.

- 9. **The permit holder must:**

- a. demolish or remove some or all of the buildings or works constructed up to the ground floor level (including the ground floor slab) authorised under condition 8(c) to the extent necessary where the Environmental Auditor engaged by the owner(s) advises further works must be carried out before a Statement of Environmental Audit or Certificate of Environmental Audit is issued and those works will be constrained in any way by the existing buildings or works already constructed or carried out under condition 8(c); and
 - b. comply fully with the obligation under condition 9 at its own cost and in a timely manner.
10. Before the development approved under this permit starts (excluding demolition and buildings and/or works carried out in accordance with a works plan approved by the Environmental Auditor engaged by the owner(s)), a copy of the Statement or Certificate of Environmental Audit, and the complete audit report and audit area plan must be submitted to the Responsible Authority.
11. Where a Statement of Environmental Audit is issued in accordance with condition 7(b):
 - a. The development and uses allowed by this permit must comply with the directions and conditions of the Statement of Environmental Audit to the satisfaction of the Responsible Authority;
 - b. Before any sensitive use starts, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority confirming the directions and conditions contained in the Statement of Environmental Audit are satisfied; and
 - c. Where any condition of the Statement of Environmental Audit requires any maintenance or monitoring of an ongoing nature, the owner(s) must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. The Agreement must:
 - i. Provide the undertaking of the ongoing maintenance and monitoring required by the Statement of Environmental Audit; and
 - ii. Be executed before the sensitive use for which the land is being developed starts.

All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s).

12. Any ongoing groundwater management and abatement of groundwater contamination must be in accordance with all requirements of any Clean Up Notice issued by the Environment Protection Authority (EPA) under section 62A of the *Environment Protection Act 1970*, or any other relevant written notice or direction issued by the Environment Protection Authority, to the satisfaction of the Environment Protection Authority.
13. The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any site assessment or statement of environmental audit issued for the land.
14. Prior to the occupation of dwellings and commencement of the childcare centre use a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that all construction and remediation works necessary and required by a site assessment or an environmental audit or statement have been carried out.

15. Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the *Environment Protection Act 1970*.

Acoustic Treatments

15. Before the development commences (excluding demolition and excavation), an updated acoustic report generally in accordance with the Watson Moss Growcott report dated December 2017 and the Acoustic Logic report dated 9 July 2018 must be submitted to and approved by the Responsible Authority. Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must be prepared by a suitably qualified acoustic engineer and include:
 - (a) an assessment of how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
 - (i) protect all dwelling occupants from external noise sources from Bridge Road and Church Street including details of glazing types;
 - (ii) protect dwelling occupants with a specific interface to commercial tenancies above, next to or below from associated commercial noise sources including but not limited to loading (including reversing beepers), waste collection, plant and equipment and gym;
 - (iii) protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development;
 - (iv) protect all dwelling occupants and nearby occupants with a direct interface with the loading areas and car park; and
 - (v) protect all dwellings within Building A from noise generated from use of the bin chutes.
 - (b) details of acoustic treatment of the rooftop terrace fronting Bridge Road (westernmost above the second floor café) to limit noise emanating from the site to not exceed 48dB(A) when measure at the nearest residential dwelling at night time under the SEPP- N1 methodology;
 - (c) an assessment of how the requirements of State Environment Protection Policy N-2 and relevant Australian Standards will be met including music noise from gym, cafes/restaurant etc.;
 - (d) specific details of acoustic attenuation (not just preliminary recommendations), including but not limited to mechanical services equipment, the gym/yoga centre and the child care centre; and
 - (e) the façade of the Gym and yoga studio designed such that noise breakout from the facility will comply with the relevant noise limits at the nearest noise sensitive receivers (existing and future). (Noting that the Revision 10 design features the Gym and Yoga Studio entrance across the hall from the entry doors of apartments B-0-14 and B-0-13, therefore this may require an airlock to the Gym and Yoga Studio entry door.)
 - (f) Include 42 Cameron Street into the assessment and review any interface issues between the fresh food truck store and dwellings DG.02, D.104 and D.203;
 - (g) Address the modified loading area.
16. On the completion of any works required by the endorsed Acoustic report (condition 15) above and before the residential use commences, 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 demonstrating that the required level of noise attenuation has been achieved. The report must:
 - (a) confirm compliance with condition 14 of the permit; and

- (b) provide measurement data taken from inside the dwellings of the development, demonstrating compliance with State Environment Protection Policy N-1 (indoor noise limits), however allowing internal noise measurements to be taken with openable external façade sections close.
17. The recommendations and any works contained in the approved acoustic reports pursuant to conditions 14 and 15 must be implemented and completed and where they are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design Principles

18. Before the plans are endorsed, an amended Environmentally Sustainable Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit.

The Report must be generally in accordance with the report Sustainability Management Plan for Coles Richmond Plaza (April 2018) prepared by Cundall but modified to address the following:

- (a) the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.
 - (b) An updated daylight modelling report reflective of the layout changes;
 - (c) confirmation that door / window locks are to be provided to all balcony doors and windows so that they can be fixed/locked into position such that they can provide a secure opening for night purging;
 - (d) inclusion of a daylight modelling report that confirms that albeit the use of tinted glazing a daylight factor of at least 1.5 per cent is met for 75% of the living areas across at least 80 per cent of dwellings;
 - (e) confirmation that the development will achieve at least 10 per cent or half a star (whichever is greater) above BCA minimum standards;
 - (f) details of insulation and sealing of penetrations between air-conditioned and unair-conditioned areas through the provision of seals to the loading dock area;
 - (g) incorporation where viable, solar boosted gas hot-water; and confirm the use of dimmable lighting systems;
 - (h) confirmation that a 100,000 litre water tank is sufficient to service watering of landscaping and flushing of retail tenancy toilets;
 - (i) confirmation the number and location of toilets that will be serviced by rainwater rather than mains water;
 - (j) natural ventilation to residential corridors, in consultation with the wind assessment required by condition 20;
 - (k) provision for future electric vehicle and bicycle charging points; and
 - (l) provision for all electric vehicle charging stations to be powered by Green power.
19. The dwellings must achieve a minimum average of 6.5 star rating under first rate (BCA standards).
20. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment

21. The provisions, recommendations and requirements of the endorsed Wind Impact Assessment prepared by Vipac dated 10 April 2018 must be complied with and implemented to the satisfaction of the Responsible Authority.

Accessibility Plan

22. Before the plans are endorsed, an accessibility plan must be submitted to and approved by the Responsible Authority and must be generally in accordance with the access plan shown on page 88 of the original urban context report submitted with the application. Once approved, the accessibility plan will be endorsed and will then form part of the permit. The plan must show:
- (a) areas within the development that are proposed to have 24 hour access including but not limited to:
 - (i) western laneway accessed from Bridge Road;
 - (ii) part eastern laneway accessed from Bridge Road;
 - (iii) public square accessed from Bank Street;
 - (iv) existing lane extending south from Cameron Street;
 - (v) civic space adjacent to Church Street;
 - (vi) residential lobby adjacent to Church Street; and
 - (b) areas within the development that are proposed to have access during the centre operating hours.
23. Unfettered public access at all times must be maintained through areas nominated under condition **22(a)**.

Affordable Housing

24. Unless with the prior written consent of the Responsible Authority, provision of at least 13 apartments which meet the definition of 'affordable housing' to be managed by an accredited Housing Association. In the event that no agreement can be reached with a Housing Association, evidence of this must be submitted to the Responsible Authority for consideration.

Car and Bicycle Share

25. Before the development is occupied, a minimum of six car share vehicles and seven bicycle share facilities must be provided on the land. This must be by way of arrangement with a car share/bicycle share operator and/or the future Owners Corporation. The car share vehicles and the bicycle share facilities must be provided on the land for a minimum period of 10 years, to the satisfaction of the Responsible Authority. Any costs associated with ensuring on-going availability of the car share vehicles and the bicycle share facilities on the land must be borne by the Owners Corporation. **The provision of car share spaces and bicycle share facilities may be varied with the written consent of the Responsible Authority.**

Green Travel Plan [GTP]

26. Prior to the occupation of the development, a Green Travel Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Plan will be endorsed and will then form part of the permit. The Plan must encourage the use of non-private vehicle transport modes by the occupiers of the land by addressing at a minimum:
- (a) Updated to reflect the new bicycle space allocation
 - (b) the provision of a minimum three car share vehicles on site within close proximity to the vehicle entrance and located to the satisfaction of the Responsible Authority;
 - (c) the provision of 10 electric charging stations in locations to the satisfaction of the Responsible Authority;
 - (d) describe the location in the context of alternative modes of transport;

- (e) the provision of real time passenger information displays for nearby stops within each residential lobby and outside the Church street kiosk;
- (f) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
- (g) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (h) details of bicycle parking and bicycle routes;
- (i) details of car share and bicycle share schemes (including any discounts for residents/tenants and electric car charging points);
- (j) details of GTP funding and management responsibilities; and
- (k) include provisions to be updated not less than every five years.

Developer Contribution

27. Prior to the commencement of the development, the permit holder must pay a bank guarantee to the value of \$40,000 to the City of Yarra for future public transport improvements to Bridge Road and/or Church Street in the immediate vicinity of the site. The bank guarantee may be drawn down by Council and used for proposed works by either Yarra Trams, Department of Transport or VicRoads to carry out public transport improvements (e.g. increased tram capacity) in the immediate vicinity of the site along Bridge Road and/or Church Street, Richmond, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the transport improvement works are not commenced by the relevant authorities, prior to the occupation of the final stage of the development.

Loading General

28. Unless with the prior written consent of the Responsible Authority, no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time.

Loading and Waste Management – Cameron Street Loading Dock

28. All loading and unloading for the supermarket (including all commercial garbage and recycling collection) must be carried out within the confines of the designated Cameron Street loading dock (Cameron Street).
29. All loading dock deliveries and commercial garbage and recycling collection must be to the satisfaction of the Responsible Authority. During all loading and unloading activities, truck/vehicle motors must be turned off.
30. All truck/vehicles using the Cameron Street loading dock must enter and exit the site in a forward motion.
31. All delivery and collection of goods at the Cameron Street loading dock associated with the supermarket are restricted to the following hours and number of deliveries:

Day	Time Period	Maximum Number Vehicles per 30 m
All Days (Monday to Sunday)	7.00 am – 6.00 pm	2
All Days (Monday to Sunday)	6.00 pm – 10.00 pm	1
Weekday (Monday to Friday)	5.00 am – 7.00 am	2
Saturday	5.00 am – 7.00 am	1
Sunday	5.00 am – 7.00 am	No vehicles

32. No more than a maximum of 30 deliveries/collection of goods to occur from the Cameron Street loading dock per day.

Loading and Waste Management – Bank Street Loading Dock

33. Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
- (a) 7.00 am and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday
34. Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Loading and Waste Management – Church Street Loading Dock

35. Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
- (a) 7.00 and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday.
36. Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Transport Management Plan

37. Prior to the commencement of the development, a Transport Management Plan prepared by a suitably qualified professional to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Transport Management Plan will be endorsed and will then form part of the permit. The Transport Management Plan must address the following:

General

- (a) A review of directional line marking and control methods with the car park areas addressing safety for vehicle, bikes and pedestrians.
- (b) an internal signage plan distinguishing permanent parking areas (resident and commercial) from visitor parking areas, and car share programme parking areas, directional arrows and signage, information signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc.;
- (c) management system of trolley bay area's to ensure appropriate measures are in place for collection and storage;
- (d) security arrangements;
- (e) location of all real time travel information signs to be installed within the development;
- (f) right turn only between 10.00 pm – 7.00 am into Cameron Street from the site;

Car Parking

- (g) residential car parking must be allocated such that 80% of all dwellings are allocated one car parking space. All two-bedroom dwellings must be provided with one on-site car parking space and all three – bedroom dwellings must be provided with an average of 1.5 on site car parking spaces. This allocation of car spaces may be varied with the written consent of the Responsible Authority;
- (h) other car parking must be allocated as follows:
 - (i) 23 staff car parking spaces (shop, childcare, gym, yoga etc)
 - (ii) 40 office car parking spaces;

- (iii) 237 retail/public car parking spaces (inclusive of staff):
 - including eight 'parking for parents with prams' spaces located in basement 1; and
 - three car share parking spaces located in basement 1;
 - four spaces allocated to drop off - pick up for the childcare centre
- (i) a minimum of 52 motorcycle parking bays;
- (j) a minimum of six car spaces for car share programme in locations to the satisfaction of the Responsible Authority;
- (k) management details of the car share programme provided;
- (l) the proposed parking fee structure, including shopper incentives for short term parking and details of ticketing systems, including any requirements for boom gates etc;
- (m) management of queuing at the entry and exit points of the car park during peak times to comply with Table 3.3 of the Australian Standards for Off - Street Car Parking AS/NZS2890.1 (2004);

Bicycle Spaces

- (n) a minimum of 410 on site bicycle parking spaces:
 - (i) 307 resident spaces;
 - (ii) 103 visitor spaces; and
 - (iii) seven bike share spaces provided along the Church Street frontage;
- (o) a mechanism to review the car parking **(including car share spaces)** and bicycle spaces to either re-allocate the spaces if demand warrants so, or provide more spaces if the opportunity arises. This may include future Owners Corporation review/input;
- (p) management details of the bike share programme provided;

Loading and Deliveries and Waste

- (q) no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time;
 - (r) details regarding the management of loading and unloading of goods and materials for commercial and residential uses to the Bank Street loading area all in compliance with any other condition(s) of this permit;
 - (s) the provision of spotter to assist truck vehicles reversing into the loading/unloading (public square) area to Bank Street or any other measures to ensure public safety to the satisfaction of the Responsible Authority;
 - (t) management of separate pedestrian and loading bay areas in the Bank Street public square;
 - (u) confirmation commercial deliveries (except for supermarket) and loading will only occur within section of the public square in the land in plan of consolidation 105419 and how this will be managed; and
 - (v) details regarding the management of loading and unloading of goods and materials for the supermarket including frequency, times, truck sizes all in compliance with any other condition(s) of this permit.
38. Except with the further consent of the Responsible Authority, the management of the car park must, at all times, comply with the approved Transport Management Plan.

Car Parking, Crossovers and Footpaths

39. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
- (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;

- (c) be made available for such use at all times and not used for any other purpose;
- (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
- (e) be drained and sealed with an all weather seal coat

all to the satisfaction on the Responsible Authority.

- 40. Any redundant vehicle crossings must be broken out and reinstated with paving, kerb and channel of the surrounding area. The cost of these reinstatement works must be borne by the Permit Holder.
- 41. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
- 42. Footpaths adjacent to the development site (along Bank Street, Cameron Street, Church Street and Bridge Road) must be reconstructed to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
- 43. All vehicle crossings must be constructed in accordance with City of Yarra Standard Drawings and Specifications;
- 44. The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
- 45. All existing kerb and channel, and road pavement surface levels should not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004;
- 46. At no cost to Council, any in-ground parking sensors surrounding the subject site that are required to be removed as part of the works approved by this development must be removed and or relocated/reinstated in consultation with and to the satisfaction of the Responsible Authority.
- 47. Before the development commences (excluding demolition and excavation), detailed design drawings must be prepared by a suitably qualified person and to the satisfaction of the Responsible Authority addressing all civil and road infrastructure works associated with the development. Once approved, the plans will be endorsed and will then form part of the permit.
Before the development is completed, all works shown on the endorsed plans must be carried out and completed and at no cost and to the satisfaction of the Responsible Authority

Childcare Centre

- 48. Unless with the prior written consent of the Responsible Authority, no more than 40 places may be offered in the childcare centre at any time.
- 49. Unless with the prior written consent of the Responsible Authority, the childcare centre may only operate between 6.00 am to 6.00 pm Monday to Sunday.

Restricted Recreation Facility (Gym)

- 50. Unless with the prior written consent of the Responsible Authority, no more than 60 patrons and six staff may be present in the gym at any time.

51. Unless with the prior written consent of the Responsible Authority, the gym may only operate between:
- (a) 6.00 am to 10.00 pm Monday to Friday; and
 - (b) 6.00 am to 10.00 pm Saturday and Sunday.

Restricted Recreation Facility (Yoga studio)

52. Unless with the prior written consent of the Responsible Authority, no more than 25 patrons and five staff may be present in the yoga studio at any time.
53. Unless with the prior written consent of the Responsible Authority, the yoga studio may only operate between:
- (a) 6.00 am to 10.00 pm Monday to Friday; and
 - (b) 6.00 am to 10.00 pm Saturday and Sunday.

Bottle Shop

54. Unless with the prior written consent of the Responsible Authority, the sale of liquor hereby permitted may only be offered between 9.00 am – 11.00 pm Monday to Sunday.
55. During all hours in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale of alcohol on the site.
56. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").
57. The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
58. The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the use hereby authorised.

Operations Management Plan

59. Before any of the development is occupied, an Operations Management Plan prepared by an appropriately qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operations Management Plan must address the following:
- (a) access arrangements to the tenancies;
 - (b) internal signage;
 - (c) security arrangements;
 - (d) servicing arrangements; and
 - (e) complaint resolution mechanisms.

Community Services Plan

60. Prior to the commencement of the uses hereby permitted, a community services plans 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 then form part of the permit. The plan must address:

- (a) implementation and management of the plaza to enable the opportunity for community events to be coordinated between council and the centre free of charge each year, including display spaces etc.;
- (b) installation of real time information on public transport services and programs; and
- (c) that the centre will be invested with wireless technology to the public lanes and spaces ensuring these areas support local commerce and contemporary e-commerce, community information and social networking.

General Amenity

- 61. Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.
- 62. The amenity of the area, particularly the Yarra River Corridor, must not be detrimentally affected by the use or development, through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.
- 63. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 64. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1 to the satisfaction of the Responsible Authority.
- 65. Noise emanating from the commercial uses within the development must comply with the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.

Landscaping

- 66. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 67. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.
- 68. Prior to commencement of the development the permit holder must make a one off contribution of a maximum of \$6,000 to the Responsible Authority to be used for street tree plantings to Hull Street.
- 69. Before the development commences, the permit holder must make a one off contribution of \$3220.00 (excluding GST) to the Responsible Authority to be use for 2 new street tree plantings along Cameron and Bank Streets that are required as a result of the development.
- 70. Before construction works start, a landscaping bond or bank guarantee of no less than 5% of the total landscaping value must be paid to the responsible authority. This bond will be returned in full no later than six months after the satisfactory completion of these works and subject to an inspection by the Responsible Authority.

Lighting

71. The development must be provided with external lighting capable of illuminating access to each car parking spaces, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

General

72. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
73. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
74. All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Waste Management

75. Before the use and 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 Leigh Design and dated 3 August 2018, but modified to include the following:
 - (a) An organic waste collection or a composting system **for residents**.
76. The collection of all waste must be in accordance with the approved Waste Management Plan. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved Waste Management Plan.
77. All commercial waste must be collected via a private collection service to the satisfaction of the Responsible Authority.

Construction Management Plan

78. Before any 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 as evidence of its approval. The plan must provide for or include the following:
 - (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
 - (e) on site facilities for vehicle washing;

- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
- (i) construction program;
- (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that sub-contractors/tradespersons operate 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, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the site for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology; and
 - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port;
- (q) confirm the location of the Council drain within the laneway running adjacent to properties fronting Bank Street and ensure that the drain is protected and be made accessible to Council work works in times of maintenance or emergency; and
- (r) screening measures to prevent overlooking into 267 Bridge Road during construction.

79. During the construction, the following must occur:

- (a) any stormwater discharged into the stormwater drainage system to comply with EPA 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 premises enters the stormwater drainage system;
- (c) vehicle borne material must not accumulate on the roads abutting the site;
- (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
- (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- (f) all site operations must comply with the EPA Publication TG302/92.

80. The development once commenced, must be completed to the satisfaction of the Responsible Authority.

Transport for Victoria Condition (81 to 82)

81. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Bridge Road and Church Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty-five days (35) prior.
82. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Public Transport Victoria at the full cost of the permit holder.

VicRoads Conditions (83 – 85)

83. In the event that the Roads Corporation requires the land affected by the Public Acquisition Overlay – Schedule 1 (PAO1), VicRoads will advise the landowner in writing. Upon receiving this notice, the owner must remove, from the land affected by the overlay, all use and development permitted by this planning permit to the satisfaction of VicRoads and the Responsible Authority. The cost associated with removing the use and development from the land affected by the PAO1 is to be borne by the owner of the land.
84. No compensation is payable under part 5 of the *Planning and Environment Act 1987* in respect of anything done under this permit.
85. Construction plans for the buildings and works proposed within the areas affected by the PAO1 must be submitted to and approved by VicRoads prior to the commencement of any works on site.

The plans must demonstrate that the buildings and works proposed within the PAO1 areas may be removed by the owners of the building at a time as required by VicRoads.

Expiry

86. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within three (3) years of the date of this permit;
 - (b) the development is not completed within seven (7) years of the date of this permit;
 - (c) the uses are not commenced within seven (7) years of the date of this permit.The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within three (3) months afterwards.

NOTE: A building permit maybe required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

NOTE: In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution may apply in the event of the subdivision of the land.

NOTE: The design and construction of the vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

NOTE: The Permit Holder must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations 2006* from Yarra Building Services Unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 610.

NOTE: 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.

NOTE: The Permit Holder is required to identify any overflow paths surrounding the site and ensure that they are not obstructed. Please contact Council's Engineering Services Unit on 9205 5555 to discuss.

NOTE: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

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

NOTE: A copy of this permit and the endorsed plan (and any subsequent variation) must form part of the document to any Contract of Sale or Lease for any part of the site after the date of the permit.

NOTE: The southern part of the site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: The food premises are required to comply with health and food safety regulations before commencing operation. Please contact Council's Public Health Unit on 9205 5166.

NOTE: The proposal includes construction over a carriageway easement. As easements are not strictly planning matters in this regard, the Permit Holder is required to consider this obligation.

NOTE: Permission is required from Council's Parking Services Unit to remove on-street parking spaces and/or modify parking restrictions.

VicRoads NOTE: 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. Church Street and Bridge Road). Please contact VicRoads prior to commencing any works.

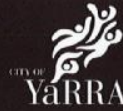
CONTACT OFFICER: Mary Osman
TITLE: Manager Statutory Planning
TEL: 9205 5300

Attachments

- 1 PLN11/0834 - 281 Bridge Road, 208, 224, 228, 230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 29 Bank Street Richmond - Planning Permit (Amended)

Attachment 1 - PLN11/0834 - 281 Bridge Road, 208, 224, 228, 230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 29 Bank Street Richmond - Planning Permit (Amended)

Helping you understand your planning needs



PLANNING PERMIT (Amended)

COPY

Permit No: PLN11/0834

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

ADDRESS OF THE LAND:

271 Bridge Road , 208, 224, 228, 230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 – 39 Bank Street, Richmond VIC

THE PERMIT ALLOWS:

For the purpose of the following, in accordance with the endorsed plan(s).

Demolition, buildings and works, use of the land for dwellings shop, restricted recreation facility, food and drink premises, office, childcare centre, use of part of the land for the sale and consumption of liquor, reduction in car parking requirements, and use northern part of land for loading/unloading bay and waste collection

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

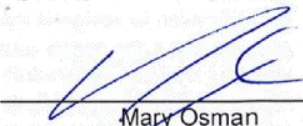
1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by SJB Architects, received by Council on 11 and 19 July 2018 but modified to show:

Building Design

Podium

- (a) details of the material along the west title boundary (adjacent to Ark) at ground and first floor level;
- (b) all canopies and architectural projections along Church Street and Bridge Road to be setback a minimum 750mm from the back of the kerb;
- (c) details of all lobby entrances including lighting and glazing to ensure good visibility in to the residential lobbies;

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- (d) setback of the western car park edge at levels 1 & 2 to be increased to align with those currently endorsed being ranging between 3.98 – 4.5m

Bridge Road Tower [Building A]

- (e) details of the operable screens proposed for the upper levels
- (f) basement car park to be contained within the subject sites title boundaries

Building C

- (g) a reduction in the parapet height (to apartment C6.01) as it presents to Church Street and for the first section of the return from 1.6m to approximately 300mm as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.
- (h) At level 3 details of location of porous screen of 2m high tree as required by the wind assessment;
- (i) Details of doors to loading and parking area (Cameron Street)

Building D

- (j) setback apartments D6.03 and D6.04 an additional 2 metres from the western boundary or rake or an alternative measure to reduce visual bulk.

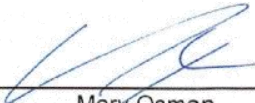
Building E

- (k) Plans and elevations to clearly show location of doors and windows

Building Materials

- (l) an updated schedule of all materials and finishes (including materials samples, colours coloured elevations and perspectives). The schedule must show the materials, colour, finish and application methods (where relevant) of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences and must include:
 - (i) thumb nail sketches of key elements of the façade of each building
 - (ii) material treatment of Building A lift core to be patterned concrete to both the south and west elevations.
 - (iii) Building A upper levels to be treated with a patterned mesh in a light colour as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.
 - (iv) Building B design resolution to be as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.
 - (v) Building C Church Street podium façade levels 1 & 2 to replicate façade detailing (brick) of the remainder of the façade in a white or light grey colour
 - (vi) Ground floor building C wall adjacent to lobby and substation to be a patterned brick wall in a black or dark colour.
 - (vii) Details of the grey mesh proposed on the Church Street podium
 - (viii) Details of materials proposed for the ground floor of building D;
 - (ix) Details of car park / loading bay doors
 - (x) include details of graffiti proof coating to be applied to the ground floor interfaces of the buildings;

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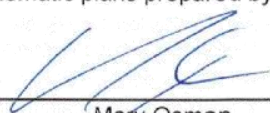
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Landscape

- (m) updated landscape plans generally in accordance with the Landscape Concepts February 2018) prepared by MemLa to the satisfaction of the Responsible Authority must be prepared by a suitably qualified permit. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- (i) the location of all areas to be covered by lawn or other surface materials;
 - (ii) the location of any permanent structures, furniture, public seating or other facilities;
 - (iii) all public area footpaths, steps, ramps and crossings to comply with DDA – Tactile indicators, nosing's and handrails where necessary;
 - (iv) grades of all ramps shown on plan;
 - (v) grades of all footpaths shown on plan;
 - (vi) details of raised planters to courtyards to be confirmed (height, construction and tree planting details);
 - (vii) location and type of water tank for irrigation;
 - (viii) detailed planting plan with plant schedule (common and botanical plant names, density, quantities, size at planting and maturity height);
 - (ix) details of street furniture, including bench seats and street tree planters;
 - (x) existing and proposed levels including top wall and fence heights (where relevant);
 - (xi) details of the installation methodology for the green wall to the car parking area, including planting and initial establishment requirements and details of the proposed maintenance regime to ensure the integrity of the green wall over its operation life, including plant replacement, irrigation and fertilisation and guidelines for monitoring;
 - (xii) ongoing maintenance and management details of all publically accessible spaces;
 - (xiii) a detailed lighting plan for all publically accessible areas including private, communal and the public laneways ensuring lighting is baffled to minimise light spill;
 - (xiv) a schedule of 'way finding' signage;
 - (xv) additional soft landscaping including planting details to assist in the delineation between the pedestrian and loading/waste management sections of the Bank Street square;
 - (xvi) dimensioned cross sections and internal elevations detailing the interior of the laneways, access ways and Bank Street square;
 - (xvii) deletion of *Quercus Rubra Red Oak* from Podium Level 3 plan and replace with a smaller tree
 - (xviii) fencing details for Podium Level 3
 - (xix) use of stormwater or grey water for irrigation of planters
 - (xx) the ground floor plan to show locations of all existing street trees to be removed and retained and any protection works required
 - (xxi) show a physical separation between moving traffic and the food and drinks premises seating in the form of temporary barriers such as (but not limited to) planter boxes on wheels in the western most laneway between the laneway and the 'trade out area';
 - (xxii) the relaying or new blue stone within Council's land with need to meet Council' design standards.
 - (xxiii) The provision of 2 Street tree plantings along, Cameron Street and Bank Street in consultation with Council.
 - (xxiv) Landscape images and plans to match the schematic plans prepared by SJB Architecture dated 26 October.

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(xxv) Additional landscape facilities including toilets, sinks, BBQ to be added to the communal terrace at level 3.

Acoustic

(n) all works recommended in the report of the professional acoustic engineer referred to in condition 14;

Environmentally Sustainable Design Principles

(o) all works recommended in the ESD report referred to in condition 17;

Wind Assessment

(p) all works recommended in the wind assessment report referred to in condition 20;

Bicycle Parking

- (q) a minimum 7 public bicycle share spaces;
- (r) width of the bike ramps increased to 1.5m with ramp grades to be as close to 1:12 as possible in general compliance with AS2890.3
- (s) increased bike provision to 410 spaces with 103 spaces allocated for visitor parking to be located with the basement and in the laneway access spaces (Bridge Road) without hindering vehicular access.
- (t) 20% of residential /staff spaces to be provided as horizontal at ground level spaces.

Car Parking

- (u) Dimensions shown for parallel parking spaces at the south west corner of the Basement car spaces (9, 10 and 11) and the parallel parking spaces in Podium level 01 car spaces (5, 120 and 133);
- (v) Column locations to be in accordance with AS2890.1:2004;
- (w) Installation of appropriate signage and / or line marking /ground stencilling be installed at the location where one way aisles meet two way aisles.
- (x) Wayfinding signage for both drivers and cyclist to and from parking areas and entry/exit points;
- (y) Priority line marking within the basement and podium car parking levels at all conflict points
- (z) Appropriate pedestrian crossing signage be provided at each formal pedestrian crossing;
- (aa) Location of speed humps at the approaches to pedestrian crossings if required;

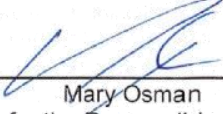
Loading and Waste

(bb) all works recommended in the waste management plan referred to in condition 75;

General

- (cc) internal layout of apartments to comply with the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.
- (dd) location of the proposed water tank with a minimum capacity of 100,000 litres;
- (ee) all plans to be drawn within title boundaries (excluding architectural features, canopies and awnings) and to be fully dimensioned;

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- (ff) a full set of all elevations and cross-sections including full internal elevations of all buildings and public spaces (including laneways) fully dimensioned with setbacks and heights of all buildings;
- (gg) Plans and elevations to clearly show location of doors and windows for both commercial and residential uses and all habitable rooms having openable windows;
- (hh) Where overlooking opportunities can be provided within a 9m radius and 45 degree arc from a habitable room window or private open space into another habitable room or private open space on or off site, the following must be applied:
 - (i) Minimum 1.7m fixed obscure glazing;
 - (ii) Minimum 1.7 high, maximum 25% transparent screens; or
 - (iii) Other method(s) to the satisfaction of the Responsible Authority.
- (ii) all publically accessible areas to be shown as referred to in condition 22;
- (jj) deletion of all reference to business identification signage;
- (kk) location of all mailboxes;
- (ll) a demolition plan clearly detailing all structures and surfaces to be demolished within the portion of the site affected by the Heritage Overlay;
- (mm) all internal corridors in the apartment buildings to have a minimum width of 1.5m with an indentation at each entrance of up to 100mm to articulate dwelling entries;
- (nn) details and provision of an average of 4 cubic metres of storage for each dwelling;
- (oo) provision of an internal signage plan detailing indicative signage to guide residents, employees, visitors and the public to communal open spaces, commercial facilities, car parking areas, bicycle parking areas with priority given to pedestrian and cyclist wayfinding;
- (pp) all feature paving and in ground lighting proposed is to be contained within the site title boundaries;
- (qq) a minimum of 33% of the dwellings to be shown as including internal layout supporting adaptation for persons with limited mobility based on the schematic apartment layout plans prepared by SJB Architects dated 26 October 2018.

Endorsed Plans

- 2. All development and use must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.
- 3. Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.

Ongoing Involvement of the Architect

- 4. As part of the ongoing consultant team SJB Architects must be retained to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans during the construction unless with the prior written approval of the Responsible Authority.

Cameron/Church Street Intersection

- 5. Within six months of the development commencing, the design of the proposed works to the Cameron Street road reserve at the intersection with Church Street must be prepared by an independent and suitably qualified professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must be submitted to and approved by the Responsible Authority. The design of the works must provide details of how the road reserve will be treat to enable:

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- a) the creation of separate right turn and left turn exit lanes, while retaining a single entry lane;
- b) the removal of the two kerb extensions;
- c) reinstatement of road pavement;
- d) the re-setting of stones within the existing bluestone threshold treatment, demonstrating the threshold treatment is robust to accommodate vehicle loadings and repetitive movements, ensuring that stones are not dislodged;
- e) removal of street trees (as necessary);
- f) installation of no stopping (all times) restrictions on the south side of Cameron Street (including the loss of three on street car parking spaces) all between the subject sites access points and Church Street;
- g) removal of parking restrictions (as necessary); and
- h) and any other works required.

Details must include, but are not to be limited to, all dimensions, existing reduced levels, proposed kerb levels, surface treatments, line marking, kerb, channel and footpath works, positions and details of all signs (existing and proposed), accurate locations of any stormwater pits and underground services.

6. Before any use commences on site and prior to the issue of a certificate of occupancy, all works associated with provision of the Cameron/Church Street intersection works as set out in condition 6 must be undertaken and completed at the cost of the permit holder to the satisfaction of the Responsible Authority.

Environmental Audit

7. Before the development commences, 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 EEP Act (Certificate)*; or
 - (b) a *Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement)*,

and the Certificate or Statement must be provided to the Responsible Authority.

8. If, pursuant to condition 7, 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*

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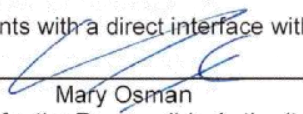
to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:

- (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).
9. Any ongoing groundwater management and abatement of groundwater contamination must be in accordance with all requirements of any Clean Up Notice issued by the Environment Protection Authority (EPA) under section 62A of the *Environment Protection Act 1970*, or any other relevant written notice or direction issued by the Environment Protection Authority, to the satisfaction of the Environment Protection Authority.
10. A copy of the site assessment, certificate of environmental audit and/or statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.
11. The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any site assessment or statement of environmental audit issued for the land.
12. Prior to the occupation of dwellings and commencement of the childcare centre use a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that all construction and remediation works necessary and required by a site assessment or an environmental audit or statement have been carried out.
13. Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the *Environment Protection Act 1970*.

Acoustic Treatments

14. Before the development commences (excluding demolition and excavation), an updated acoustic report generally in accordance with the Watson Moss Growcott report dated December 2017 and the Acoustic Logic report dated 9 July 2018 must be submitted to and approved by the Responsible Authority. Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must be prepared by a suitably qualified acoustic engineer and include:
- (a) an assessment of how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
 - (i) protect all dwelling occupants from external noise sources from Bridge Road and Church Street including details of glazing types;
 - (ii) protect dwelling occupants with a specific interface to commercial tenancies above, next to or below from associated commercial noise sources including but not limited to loading (including reversing beepers), waste collection, plant and equipment and gym;
 - (iii) protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development;
 - (iv) protect all dwelling occupants and nearby occupants with a direct interface with the

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Signature for the Responsible Authority

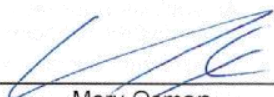
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- (v) loading areas and car park; and
 - (v) protect all dwellings within Building A from noise generated from use of the bin chutes.
 - (b) details of acoustic treatment of the rooftop terrace fronting Bridge Road (westernmost above the second floor café) to limit noise emanating from the site to not exceed 48dB(A) when measure at the nearest residential dwelling at night time under the SEPP- N1 methodology;
 - (c) an assessment of how the requirements of State Environment Protection Policy N-2 and relevant Australian Standards will be met including music noise from gym, cafes/restaurant etc.;
 - (d) specific details of acoustic attenuation (not just preliminary recommendations), including but not limited to mechanical services equipment, the gym/yoga centre and the child care centre; and
 - (e) the façade of the Gym and yoga studio designed such that noise breakout from the facility will comply with the relevant noise limits at the nearest noise sensitive receivers (existing and future). (Noting that the Revision 10 design features the Gym and Yoga Studio entrance across the hall from the entry doors of apartments B-0-14 and B-0-13, therefore this may require an airlock to the Gym and Yoga Studio entry door.)
 - (f) Include 42 Cameron Street into the assessment and review any interface issues between the fresh food truck store and dwellings DG.02, D.104 and D.203;
 - (g) Address the modified loading area.
15. On the completion of any works required by the endorsed Acoustic report (condition 15) above and before the residential use commences, 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 demonstrating that the required level of noise attenuation has been achieved. The report must:
- (a) confirm compliance with condition 14 of the permit; and
 - (b) provide measurement data taken from inside the dwellings of the development, demonstrating compliance with State Environment Protection Policy N-1 (indoor noise limits), however allowing internal noise measurements to be taken with openable external façade sections close.
16. The recommendations and any works contained in the approved acoustic reports pursuant to conditions 14 and 15 must be implemented and completed and where they are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design Principles

17. Before the plans are endorsed, an amended Environmentally Sustainable Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The Report must be generally in accordance with the report Sustainability Management Plan for Coles Richmond Plaza (April 2018) prepared by Cundall but modified to address the following:
- (a) the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.
 - (b) An updated daylight modelling report reflective of the layout changes;
 - (c) confirmation that door / window locks are to be provided to all balcony doors and windows so that they can be fixed/locked into position such that they can provide a secure opening for night purging;

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- (d) inclusion of a daylight modelling report that confirms that albeit the use of tinted glazing a daylight factor of at least 1.5 per cent is met for 75% of the living areas across at least 80 per cent of dwellings;
 - (e) confirmation that the development will achieve at least 10 per cent or half a star (whichever is greater) above BCA minimum standards;
 - (f) details of insulation and sealing of penetrations between air-conditioned and unair-conditioned areas through the provision of seals to the loading dock area;
 - (g) incorporation where viable, solar boosted gas hot-water; and confirm the use of dimmable lighting systems;
 - (h) confirmation that a 100,000 litre water tank is sufficient to service watering of landscaping and flushing of retail tenancy toilets;
 - (i) confirmation the number and location of toilets that will be serviced by rainwater rather than mains water;
 - (j) natural ventilation to residential corridors, in consultation with the wind assessment required by condition 20;
 - (k) provision for future electric vehicle and bicycle charging points; and
 - (l) provision for all electric vehicle charging stations to be powered by Green power.
18. The dwellings must achieve a minimum average of 6.5 star rating under first rate (BCA standards).
19. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

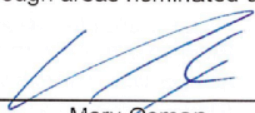
Wind Assessment

20. The provisions, recommendations and requirements of the endorsed Wind Impact Assessment prepared by Vipac dated 10 April 2018 must be complied with and implemented to the satisfaction of the Responsible Authority.

Accessibility Plan

21. Before the plans are endorsed, an accessibility plan must be submitted to and approved by the Responsible Authority and must be generally in accordance with the access plan shown on page 88 of the original urban context report submitted with the application. Once approved, the accessibility plan will be endorsed and will then form part of the permit. The plan must show:
- (a) areas within the development that are proposed to have 24 hour access including but not limited to:
 - (i) western laneway accessed from Bridge Road;
 - (ii) part eastern laneway accessed from Bridge Road;
 - (iii) public square accessed from Bank Street;
 - (iv) existing lane extending south from Cameron Street;
 - (v) civic space adjacent to Church Street;
 - (vi) residential lobby adjacent to Church Street; and
 - (b) areas within the development that are proposed to have access during the centre operating hours.
22. Unfettered public access at all times must be maintained through areas nominated under condition 21(a).

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Affordable Housing

23. Unless with the prior written consent of the Responsible Authority, provision of at least 13 apartments which meet the definition of 'affordable housing' to be managed by an accredited Housing Association. In the event that no agreement can be reached with a Housing Association, evidence of this must be submitted to the Responsible Authority for consideration.

Car and Bicycle Share

24. Before the development is occupied, a minimum of six car share vehicles and seven bicycle share facilities must be provided on the land. This must be by way of arrangement with a car share/bicycle share operator and/or the future Owners Corporation. The car share vehicles and the bicycle share facilities must be provided on the land for a minimum period of 10 years, to the satisfaction of the Responsible Authority. Any costs associated with ensuring on-going availability of the car share vehicles and the bicycle share facilities on the land must be borne by the Owners Corporation.

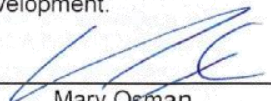
Green Travel Plan [GTP]

25. Prior to the occupation of the development, a Green Travel Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Plan will be endorsed and will then form part of the permit. The Plan must encourage the use of non-private vehicle transport modes by the occupiers of the land by addressing at a minimum:
- (a) Updated to reflect the new bicycle space allocation
 - (b) the provision of a minimum three car share vehicles on site within close proximity to the vehicle entrance and located to the satisfaction of the Responsible Authority;
 - (c) the provision of 10 electric charging stations in locations to the satisfaction of the Responsible Authority;
 - (d) describe the location in the context of alternative modes of transport;
 - (e) the provision of real time passenger information displays for nearby stops within each residential lobby and outside the Church street kiosk;
 - (f) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
 - (g) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (h) details of bicycle parking and bicycle routes;
 - (i) details of car share and bicycle share schemes (including any discounts for residents/tenants and electric car charging points);
 - (j) details of GTP funding and management responsibilities; and
 - (k) include provisions to be updated not less than every five years.

Developer Contribution

26. Prior to the commencement of the development, the permit holder must pay a bank guarantee to the value of \$40,000 to the City of Yarra for future public transport improvements to Bridge Road and/or Church Street in the immediate vicinity of the site. The bank guarantee may be drawn down by Council and used for proposed works by either Yarra Trams, Department of Transport or VicRoads to carry out public transport improvements (e.g. increased tram capacity) in the immediate vicinity of the site along Bridge Road and/or Church Street, Richmond, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the transport improvement works are not commenced by the relevant authorities, prior to the occupation of the final stage of the development.

Date: 20 December 2012



Mary Osman
Signature for the Responsible Authority

Attachment 1 - PLN11/0834 - 281 Bridge Road, 208, 224, 228, 230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 29 Bank Street Richmond - Planning Permit (Amended)

Loading General

- 27. Unless with the prior written consent of the Responsible Authority, no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time.

Loading and Waste Management – Cameron Street Loading Dock

- 28. All loading and unloading for the supermarket (including all commercial garbage and recycling collection) must be carried out within the confines of the designated Cameron Street loading dock (Cameron Street).
- 29. All loading dock deliveries and commercial garbage and recycling collection must be to the satisfaction of the Responsible Authority. During all loading and unloading activities, truck/vehicle motors must be turned off.
- 30. All truck/vehicles using the Cameron Street loading dock must enter and exit the site in a forward motion.
- 31. All delivery and collection of goods at the Cameron Street loading dock associated with the supermarket are restricted to the following hours and number of deliveries:

Day	Time Period	Maximum Number of Delivery Vehicles per 30 minutes
All Days (Monday to Sunday)	7.00 am – 6.00 pm	2
All Days (Monday to Sunday)	6.00 pm – 10.00 pm	1
Weekday (Monday to Friday)	5.00 am – 7.00 am	2
Saturday	5.00 am – 7.00 am	1
Sunday	5.00 am – 7.00 am	No vehicles

- 32. No more than a maximum of 30 deliveries/collection of goods to occur from the Cameron Street loading dock per day.

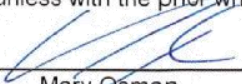
Loading and Waste Management – Bank Street Loading Dock

- 33. Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
 - (a) 7.00 am and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday
- 34. Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Loading and Waste Management – Church Street Loading Dock

- 35. Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:

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 Signature for the Responsible Authority

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- (a) 7.00 and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday.
36. Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Transport Management Plan

37. Prior to the commencement of the development, a Transport Management Plan prepared by a suitably qualified professional to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Transport Management Plan will be endorsed and will then form part of the permit. The Transport Management Plan must address the following:

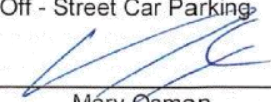
General

- (a) A review of directional line marking and control methods with the car park areas addressing safety for vehicle, bikes and pedestrians.
- (b) an internal signage plan distinguishing permanent parking areas (resident and commercial) from visitor parking areas, and car share programme parking areas, directional arrows and signage, information signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc.;
- (c) management system of trolley bay area's to ensure appropriate measures are in place for collection and storage;
- (d) security arrangements;
- (e) location of all real time travel information signs to be installed within the development;
- (f) right turn only between 10.00 pm – 7.00 am into Cameron Street from the site;

Car Parking

- (g) residential car parking must be allocated such that 80% of all dwellings are allocated one car parking space. All two-bedroom dwellings must be provided with one on-site car parking space and all three – bedroom dwellings must be provided with an average of 1.5 on site car parking spaces. This allocation of car spaces may be varied with the written consent of the Responsible Authority;
- (h) other car parking must be allocated as follows:
 - (i) 23 staff car parking spaces (shop, childcare, gym, yoga etc)
 - (ii) 40 office car parking spaces;
 - (iii) 237 retail/public car parking spaces (inclusive of staff):
 - including eight 'parking for parents with prams' spaces located in basement 1; and
 - three car share parking spaces located in basement 1;
 - four spaces allocated to drop off - pick up for the childcare centre
- (i) a minimum of 52 motorcycle parking bays;
- (j) a minimum of six car spaces for car share programme in locations to the satisfaction of the Responsible Authority;
- (k) management details of the car share programme provided;
- (l) the proposed parking fee structure, including shopper incentives for short term parking and details of ticketing systems, including any requirements for boom gates etc;
- (m) management of queuing at the entry and exit points of the car park during peak times to comply with Table 3.3 of the Australian Standards for Off - Street Car Parking AS/NZS2890.1 (2004);

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Bicycle Spaces

- (n) a minimum of 410 on site bicycle parking spaces:
 - (i) 307 resident spaces;
 - (ii) 103 visitor spaces; and
 - (iii) seven bike share spaces provided along the Church Street frontage;
- (o) a mechanism to review the car parking and bicycle spaces to either re-allocate the spaces if demand warrants so, or provide more spaces if the opportunity arises. This may include future Owners Corporation review/input;
- (p) management details of the bike share programme provided;

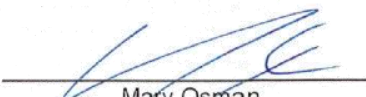
Loading and Deliveries and Waste

- (q) no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time;
 - (r) details regarding the management of loading and unloading of goods and materials for commercial and residential uses to the Bank Street loading area all in compliance with any other condition(s) of this permit;
 - (s) the provision of spotter to assist truck vehicles reversing into the loading/unloading (public square) area to Bank Street or any other measures to ensure public safety to the satisfaction of the Responsible Authority;
 - (t) management of separate pedestrian and loading bay areas in the Bank Street public square;
 - (u) confirmation commercial deliveries (except for supermarket) and loading will only occur within section of the public square in the land in plan of consolidation 105419 and how this will be managed; and
 - (v) details regarding the management of loading and unloading of goods and materials for the supermarket including frequency, times, truck sizes all in compliance with any other condition(s) of this permit.
38. Except with the further consent of the Responsible Authority, the management of the car park must, at all times, comply with the approved Transport Management Plan.

Car Parking, Crossovers and Footpaths

39. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
- (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all weather seal coat
- all to the satisfaction on the Responsible Authority.

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40. Any redundant vehicle crossings must be broken out and reinstated with paving, kerb and channel of the surrounding area. The cost of these reinstatement works must be borne by the Permit Holder.
41. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
42. Footpaths adjacent to the development site (along Bank Street, Cameron Street, Church Street and Bridge Road) must be reconstructed to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
43. All vehicle crossings must be constructed in accordance with City of Yarra Standard Drawings and Specifications;
44. The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
45. All existing kerb and channel, and road pavement surface levels should not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004;
46. At no cost to Council, any in-ground parking sensors surrounding the subject site that are required to be removed as part of the works approved by this development must be removed and or relocated/reinstated in consultation with and to the satisfaction of the Responsible Authority.
47. Before the development commences (excluding demolition and excavation), detailed design drawings must be prepared by a suitably qualified person and to the satisfaction of the Responsible Authority addressing all civil and road infrastructure works associated with the development. Once approved, the plans will be endorsed and will then form part of the permit. Before the development is completed, all works shown on the endorsed plans must be carried out and completed and at no cost and to the satisfaction of the Responsible Authority

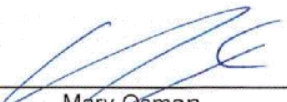
Childcare Centre

48. Unless with the prior written consent of the Responsible Authority, no more than 40 places may be offered in the childcare centre at any time.
49. Unless with the prior written consent of the Responsible Authority, the childcare centre may only operate between 6.00 am to 6.00 pm Monday to Sunday.

Restricted Recreation Facility (Gym)

50. Unless with the prior written consent of the Responsible Authority, no more than 60 patrons and six staff may be present in the gym at any time.

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51. Unless with the prior written consent of the Responsible Authority, the gym may only operate between:
- (a) 6.00 am to 10.00 pm Monday to Friday; and
 - (b) 6.00 am to 10.00 pm Saturday and Sunday.

Restricted Recreation Facility (Yoga studio)

52. Unless with the prior written consent of the Responsible Authority, no more than 25 patrons and five staff may be present in the yoga studio at any time.
53. Unless with the prior written consent of the Responsible Authority, the yoga studio may only operate between:
- (a) 6.00 am to 10.00 pm Monday to Friday; and
 - (b) 6.00 am to 10.00 pm Saturday and Sunday.

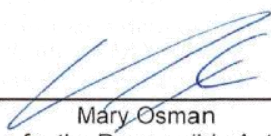
Bottle Shop

54. Unless with the prior written consent of the Responsible Authority, the sale of liquor hereby permitted may only be offered between 9.00 am – 11.00 pm Monday to Sunday.
55. During all hours in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale of alcohol on the site.
56. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").
57. The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
58. The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the use hereby authorised.

Operations Management Plan

59. Before any of the development is occupied, an Operations Management Plan prepared by an appropriately qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operations Management Plan must address the following:
- (a) access arrangements to the tenancies;
 - (b) internal signage;
 - (c) security arrangements;
 - (d) servicing arrangements; and
 - (e) complaint resolution mechanisms.

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Community Services Plan

60. Prior to the commencement of the uses hereby permitted, a community services plans 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 then form part of the permit. The plan must address:
- (a) implementation and management of the plaza to enable the opportunity for community events to be coordinated between council and the centre free of charge each year, including display spaces etc.;
 - (b) installation of real time information on public transport services and programs; and
 - (c) that the centre will be invested with wireless technology to the public lanes and spaces ensuring these areas support local commerce and contemporary e-commerce, community information and social networking.

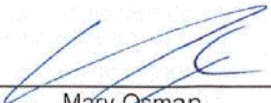
General Amenity

61. Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.
62. The amenity of the area, particularly the Yarra River Corridor, must not be detrimentally affected by the use or development, through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.
63. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
64. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1 to the satisfaction of the Responsible Authority.
65. Noise emanating from the commercial uses within the development must comply with the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.

Landscaping

66. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
67. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.
68. Prior to commencement of the development the permit holder must make a one off contribution of a maximum of \$6,000 to the Responsible Authority to be used for street tree plantings to Hull Street.

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69. Before the development commences, the permit holder must make a one off contribution of \$3220.00 (excluding GST) to the Responsible Authority to be use for 2 new street tree plantings along Cameron and Bank Streets that are required as a result of the development.
70. Before construction works start, a landscaping bond or bank guarantee of no less than 5% of the total landscaping value must be paid to the responsible authority. This bond will be returned in full no later than six months after the satisfactory completion of these works and subject to an inspection by the Responsible Authority.

Lighting

71. The development must be provided with external lighting capable of illuminating access to each car parking spaces, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

General

72. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
73. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
74. All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Waste Management

75. Before the use and 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 Leigh Design and dated 3 August 2018, but modified to include the following:
 - (a) An organic waste collection or a composting system.
76. The collection of all waste must be in accordance with the approved Waste Management Plan. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved Waste Management Plan.
77. All commercial waste must be collected via a private collection service to the satisfaction of the Responsible Authority.

Construction Management Plan

78. Before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

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When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:

- (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
- (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
- (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
- (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
- (e) on site facilities for vehicle washing;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
- (i) construction program;
- (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that sub-contractors/tradespersons operate 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, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the site for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology; and
 - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port;
- (q) confirm the location of the Council drain within the laneway running adjacent to properties fronting Bank Street and ensure that the drain is protected and be made accessible to Council work works in times of maintenance or emergency; and
- (r) screening measures to prevent overlooking into 267 Bridge Road during construction.

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79. During the construction, the following must occur:
- (a) any stormwater discharged into the stormwater drainage system to comply with EPA 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 premises enters the stormwater drainage system;
 - (c) vehicle borne material must not accumulate on the roads abutting the site;
 - (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - (f) all site operations must comply with the EPA Publication TG302/92.
80. The development once commenced, must be completed to the satisfaction of the Responsible Authority.

Transport for Victoria Condition (81 to 82)

81. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Bridge Road and Church Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty-five days (35) prior.
82. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Public Transport Victoria at the full cost of the permit holder.

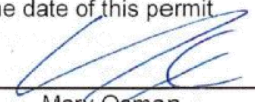
VicRoads Conditions (83 – 85)

83. In the event that the Roads Corporation requires the land affected by the Public Acquisition Overlay – Schedule 1 (PAO1), VicRoads will advise the landowner in writing. Upon receiving this notice, the owner must remove, from the land affected by the overlay, all use and development permitted by this planning permit to the satisfaction of VicRoads and the Responsible Authority. The cost associated with removing the use and development from the land affected by the PAO1 is to be borne by the owner of the land.
84. No compensation is payable under part 5 of the *Planning and Environment Act 1987* in respect of anything done under this permit.
85. Construction plans for the buildings and works proposed within the areas affected by the PAO1 must be submitted to and approved by VicRoads prior to the commencement of any works on site. The plans must demonstrate that the buildings and works proposed within the PAO1 areas may be removed by the owners of the building at a time as required by VicRoads.

Expiry

86. This permit will expire if one of the following circumstances applies:
- (a) the development is not started within three (3) years of the date of this permit;
 - (b) the development is not completed within seven (7) years of the date of this permit;
 - (c) the uses are not commenced within seven (7) years of the date of this permit.

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The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within three (3) months afterwards.

NOTE: A building permit maybe required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

NOTE: In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution may apply in the event of the subdivision of the land.

NOTE: The design and construction of the vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

NOTE: The Permit Holder must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations* 2006 from Yarra Building Services Unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 610.

NOTE: 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.

NOTE: The Permit Holder is required to identify any overflow paths surrounding the site and ensure that they are not obstructed. Please contact Council's Engineering Services Unit on 9205 5555 to discuss.

NOTE: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

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

NOTE: A copy of this permit and the endorsed plan (and any subsequent variation) must form part of the document to any Contract of Sale or Lease for any part of the site after the date of the permit.

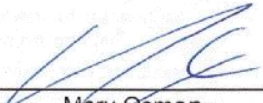
NOTE: The southern part of the site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: The food premises are required to comply with health and food safety regulations before commencing operation. Please contact Council's Public Health Unit on 9205 5166.

NOTE: The proposal includes construction over a carriageway easement. As easements are not strictly planning matters in this regard, the Permit Holder is required to consider this obligation.

NOTE: Permission is required from Council's Parking Services Unit to remove on-street parking spaces and/or modify parking restrictions.

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VicRoads NOTE: 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. Church Street and Bridge Road). Please contact VicRoads prior to commencing any works.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

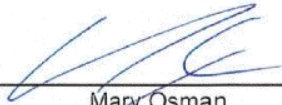
THIS PERMIT HAS BEEN ISSUED/AMENDED AS FOLLOWS

Date of issue/amendment	Brief description of amendment
20 December 2012	This permit was issued as per VCAT order P2722/2012.
27 March 2013	This permit was amended as per VCAT order P3102/2012.
26 June 2018	Amendment under Section 74 of the <i>Planning and Environment Act 1987</i> to the endorsed plans and permit.
22 January 2019	Amendment under Section 74 of the <i>Planning and Environment Act 1987</i> to the permit preamble, permit conditions and endorsed plans.

THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS

Date of correction	Brief description of correction
17 July 2018	Conditions 1(a), 1(y), 15, 16(b), 23(a)(vii) and 39(g) corrected under Section 71 of the <i>Planning and Environment Act 1987</i> to align with the amendment approved on 26 June 2018.

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PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

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

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86