

# PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: PA2201662

Planning scheme: Yarra City Council

Responsible authority: DELWP

## ADDRESS OF THE LAND:

- 53 Burnley Street, Richmond
- 61-67 Burnley Street, Richmond
- 77-79 Burnley Street, Richmond
- 1-9 Doonside Street, Richmond
- 620 Victoria Street, Richmond

## THE PERMIT ALLOWS:

- Staged development of the land to allow for construction of multi-storey buildings with basements, and carrying out of buildings and works on a lot under Clause 37.02-4, 43.02-2 and 43.01-1.
- Use of the land for a Hotel under Clause 37.02-2.
- Partial demolition of the existing building under Clause 43.01-1;

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### AMENDED PLANS REQUIRED

1. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans TPXXX – TPXXX inclusive, all dated XXX prepared by Cox Architecture and NH Architecture, but modified to show:
  - a) XXX

Date issued:

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operation:

(or if no date is specified, the permit  
comes into operation on the same day as  
the amendment to which the permit  
applies comes into operation)

Signature for the responsible  
authority:

b) XXX...

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### Staging

3. The development of the land may be undertaken in stages. Before the commencement of development (excluding site preparation works, early site preparation works and bulk excavation), a staging plan generally in accordance with XX by Cox Architecture and dated XX must be submitted to and approved by the Responsible Authority. The staging plan may be altered and updated from time to time to the satisfaction of the Responsible Authority.
4. Any condition of this permit may be satisfied in stages in accordance with the Staging Plan approved under Condition 3, to the satisfaction of the Responsible Authority.

### Sustainable Management Plan

5. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation), an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The approved SMP must not be altered without the prior written consent of the Responsible Authority. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan dated 1 April 2022, prepared by Norman Disney & Young, but modified to include or show:
  - (a) XXX
  - (b) XXX
  - (c) XXX...
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority. The approved SMP must not be altered without the prior written consent of the Responsible Authority.

### Waste Management Plan

7. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation) 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 approved WMP must not be altered without the prior written consent of the Responsible Authority. The

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amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated 7 April 2022 but modified to include:

- (a) XXX
- (b) XXX
- (c) XXX...

8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority. The approved WMP must not be altered without the prior written consent of the Responsible Authority.
9. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority

### Acoustic report

10. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation), an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The approved Acoustic Report must not be altered without the prior written consent of the Responsible Authority. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Norman Disney & Young Consulting Engineers and dated 1 March 2022, but modified to include (or show, or address):
  - (a) XXX
  - (b) XXX
  - (c) XXX...
11. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority. The approved Acoustic Report must not be altered without the prior written consent of the Responsible Authority.

### Landscape Plan

12. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation), an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia and dated 8 April 2022, but modified to include (or show):
  - (a) XXX
  - (b) XXX
  - (c) XXX...

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_____	_____	_____

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

## Wind

14. Before the development commences (excluding site preparation works, early site preparation works and bulk excavation), an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The approved Wind Assessment Report must not be altered without the prior written consent of the Responsible Authority. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated March 2022, but modified to include (or show):
- (a) XXX
  - (b) XXX
  - (c) XXX...
15. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority. The approved Wind Assessment Report must not be altered without the prior written consent of the Responsible Authority.

## Affordable Housing

### Section 173 Agreement

16. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land (or another person anticipated to become 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* (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).

Date issued:

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(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

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The Agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The Agreement must specify that the Affordable Housing Contribution will be delivered by one or a combination of the following methods, all to the satisfaction of Responsible Authority:

- (a) Sale of not less than **ten per cent** of the total number of approved dwellings at a discount to market value of not less than **20 per cent**:
  - (i) to a Registered Housing Agency; or
  - (ii) to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- (b) Lease of not less than **ten per cent** of the total number of approved dwellings at a discount to market value of not less than **30 per cent**, for not less than 12 years from the occupation of the dwellings:
  - (i) to a Registered Housing Agency; or
  - (ii) to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- (c) An alternative delivery method providing that it demonstrates the total dollar value of the Affordable Housing Contribution is equivalent to not less than two per cent of the total market value of the total number of approved dwellings, to the satisfaction of the Responsible Authority.

For the purpose of the above requirements and Agreement:

- 'Eligible Household' means a household that meets the threshold for a very low income household, low-income household or moderate income household, consistent with Section 3AB of the *Planning and Environment Act 1987*.
- 'Affordable Housing' has the same meaning as any definition of that phrase contained within the *Planning and Environment Act 1987*.
- 'Market Value' means the value of a Dwelling as determined by an independent qualified Valuer.

17. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land must:

- (a) do all things necessary to enable the Responsible Authority to register the Agreement with the Registrar of Titles in accordance with section 181 of the *Planning and Environment Act 1987*; and

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- (b) pay to the Responsible Authority its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the Agreement on the certificate of title to the land.

#### Affordable Housing Management Plan

18. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), an Affordable Housing Management Plan (the Plan) must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of this permit. The plan must include the following detail, all to the satisfaction of the Responsible Authority:

- (a) Delivery of the Affordable Housing managed, leased and sold in accordance with permit condition 1 through an appropriately monitored management arrangement;
- (b) A framework for regular reporting to the Responsible Authority (for example biannually) to demonstrate ongoing compliance with the approved Plan;
- (c) Detail of all dwellings leased by the landowner as affordable housing, including the quantity and type of dwellings (e.g. 1 bedroom or studio), including details of any changes to the pool of leased dwellings;
- (d) Detail on the annual cost of rent for each dwelling and a demonstration that the rental rate is consistent with the prescribed income ranges declared under Section 3AB of the *Planning and Environment Act 1987*;
- (e) Any other details required to demonstrate compliance with any Section 173 Agreement applying to the land that relates to affordable housing.

This requirement does not apply to affordable housing sold or leased to a Registered Housing Agency in accordance with Condition 16.

#### Section 173 Agreement (Publicly Accessible Open Space)

19. Within six months of the commencement of works (excluding site preparation works, early site preparation works and bulk excavation), the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) that part of the land to be used as "publicly accessible open space" in accordance with the Publicly Accessible Open Space Plan prepared by Arcadia and dated 8 April 2022. Table and seating associated with adjacent retail uses may be located within the publicly accessible open space subject to the approval of the Responsible Authority;
  - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 19(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;

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- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 19(a).

- 20. The owner, or other person in anticipation of becoming the owner, must meet all of the reasonable expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

#### **VicRoads Conditions (Conditions X to X)**

21. XX

22. XX

#### **Road Infrastructure**

- 23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

- 24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

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

- 25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

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

#### **Car parking**

- 26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface; and

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- (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

27. Unless otherwise approved by the Responsible Authority, the loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
28. Unless otherwise approved by the Responsible Authority, delivery and collection of goods to and from the land (including waste) may only occur between 7am and 6pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### Green Travel Plan

29. Before the development is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The approved Green Travel Plan must not be altered without the prior written consent of the Responsible Authority. The Green Travel Plan must include, but not be limited to, the following:
- (a) describe the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of Met Cards/Myki);
  - (c) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (d) details of bicycle parking and bicycle routes;
  - (e) details of GTP funding and management responsibilities; and
  - (f) include provisions to be updated not less than every 5 years.
30. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority. The approved Green Travel Plan must not be altered without the prior written consent of the Responsible Authority.

### Lighting

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

### General

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32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. The amenity of the area must not be detrimentally affected by the construction and use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.
  - (e) to the satisfaction of the Responsible Authority.
34. The use and development must comply at all times with the noise limits specified in the relevant Environment Protection Authority guidelines as may be amended from time to time.
35. Emptying of bottles and cans into bins external of the building may only occur between 7am and 10pm on any day.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
37. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
38. Unless otherwise approved by the Responsible Authority, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
39. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### Construction Management

40. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The approved Construction Management Plan must not be altered without the prior written consent of the Responsible Authority. The plan must provide for:

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

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_____	_____	_____
_____	_____	_____

- (vi) fitting pneumatic tools with an effective silencer;
- (vii) other relevant considerations; and
- (viii) any site-specific requirements.

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (t) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (u) vehicle borne material must not accumulate on the roads abutting the land;
- (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

#### Time expiry

41. This permit will expire if:

- (a) the development is not commenced within three years of the date of this permit;
- (b) the development is not completed within seven years of the date of this permit; or
- (c) the use (Hotel) is not commenced within eight years of the date of this permit or
- (d) the use (Hotel) is discontinued for a period of two years.

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

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

  

<b>Date issued:</b>	<b>Date permit comes into operation:</b> (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	<b>Signature for the responsible authority:</b>
_____	_____	_____

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**Date issued:**

**Date permit comes into operation:**

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the responsible authority:**

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C207yara to the Yarra Planning Scheme.

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### WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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### 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 a 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.

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### WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.