



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

**held on Wednesday 30 November 2016 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Stephen Jolly
Councillor Mike McEvoy
Councillor James Searle

Danielle Connell (Coordinator Statutory Planning)
Vicky Grillakis (Acting Coordinator Statutory Planning)
Lara Fiscalini (Senior Statutory Planner)
Rhys Thomas (Senior Governance Advisor)

II. APOLOGIES AND LEAVE OF ABSENCE

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

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

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 16 November 2016 be confirmed.

CARRIED

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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

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

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

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

**Governance Branch
2008**

Councillor Searle nominated Councillor Jolly as Chair.

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

Councillor Jolly assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN14/0485 - 239 - 245 Church St Richmond - Development of the land for the construction of a building including full demolition, reduction in car parking and loading bay requirements.	6	12
1.2	PLN14/1000 - 1 Little Lesney and 9 Wiltshire Street, Richmond	19	30
1.3	76 - 78 Arnold Street, Princes Hill VIC 3054 - Planning Application Permit No. PLN15/0598 - Part demolition, construction of two new dwellings (one at the rear of No. 76 and one at the rear of No. 78), construction of a ground and first-floor addition to No. 76, alterations and additions to the building at No. 78 to allow for the use of the building as food and drink premises (Cafe), and a reduction in car parking.	42	45
1.4	PLN16/0435 - 2 - 16 Northumberland Street Collingwood - Use and development of the land for the construction of two multi-storey, buildings for offices (no permit required for office use) and food and drink premises (café), reduction of car parking and loading bay requirements.	49	59
1.5	29 Little Buckingham Street, Richmond - PLN16/0611 - Development of the land for the construction of two double-storey dwellings.	69	71
1.6	149-159 Swan Street, Richmond, VIC 3121 - Planning Permit Application No. PL06/0603.05	75	78

1.1 PLN14/0485 - 239 - 245 Church St Richmond - Development of the land for the construction of a building including full demolition, reduction in car parking and loading bay requirements.

Trim Record Number: D16/155128

Responsible Officer: Principal Statutory Planner

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/0485 for the development of the land for the construction of a mixed-use building, including full demolition, reduction in the car parking and loading bay requirements at 239-245 Church Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Armsby Architects received by Council on 28 July 2016 but modified to show:
 - (a) Amended floor layouts (between first and fifth floors) as per sketch plans provided 7 September 2016 which show the deletion of the single aspect north and south-facing apartments and their amalgamation into adjoining dwellings;
 - (b) The southern boundary wall of the first and second floors directly to the north of the private open space of No. 247 Church Street, set back 3m from the boundary;
 - (c) From the third floor and above, the south-facing walls directly to the north of the private open space of No. 247 Church Street, set back 6m from the boundary;
 - (d) The habitable room windows of adjoining dwellings facing the lightcourts to be screened to prevent unreasonable overlooking where they face one-another;
 - (e) Sectional diagrams demonstrating that no unreasonable overlooking will occur into the habitable room windows or secluded private open space of No. 237 Church Street;
 - (f) Sectional diagrams demonstrating that no unreasonable overlooking will occur into the habitable room windows to the east (within 9m);
 - (g) A notation confirming that the rainwater tank is connected to 19 toilets for flushing;
 - (h) The canopy across the Church Street footpath to be extended to 750mm from the kerb;
 - (i) The vehicle crossings for the car stacker parking and the loading dock depicted and dimensioned on the ground floor plan;
 - (j) The loading dock height clearance as no less than 3.5 metres as required by the Australian Standard AS 2890.2-2002, relocating the storage lockers in the mezzanine above as necessary;
 - (k) One bicycle space provided per dwelling and four visitor bicycle spaces located in a convenient location;
 - (l) The technical specification of the stacker device and confirm dimensions and height clearances of stacker platforms and their compliance of requirements of Design standard 4: Mechanical parking of Clause 52.06-8;
 - (m) Swept path diagrams for a small rigid vehicle accessing and egressing the loading dock via Tullo Place;
 - (n) Any requirement of the endorsed Sustainable Management Plan (condition 3) (where relevant to show on plans);
 - (o) Any requirement of the endorsed Waste Management Plan (condition 6) (where relevant to show on plans); and
 - (p) Any requirement of the endorsed acoustic report (condition 7) (where relevant to show on plans).

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

Sustainable Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by F2 design and dated October 2015, but modified to include or show:
 - (a) The changes as per the decision plans and sketch plans provided 7 September 2016 and further modified to show any Condition 1 requirements where relevant;
 - (b) One bicycle space per dwelling and four visitor bicycle spaces;
 - (c) Reasonable levels of thermal comfort in all dwellings through NatHERS cooling loads of 30MJ/m²/year or lower; and
 - (d) Best practice of the updated building design, in accordance with Clause 22.17.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

Acoustic report

7. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report and Memo prepared by WatsonmossGrowcott, dated July 2016 and 30 September 2016 respectively and further modified to include (or show, or address):
 - (a) The updated floor plans as per the sketch plans provided 7 September 2016 and further modified as per Condition 1 requirements where relevant.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

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

Road Infrastructure

9. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must submit 1 in 20 scale cross sectional drawings of all vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the Tullo Place road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profile of Tullo Place (from the west kerb line to the centre line of the road) and the accessway/slab inside the property must be accurately drawn. The designer must demonstrate by way of a ground clearance check that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out.
The 1 in 20 cross sectional drawing must be submitted to Council's Construction Management branch for assessment and must be to the satisfaction of the Responsible Authority.
10. 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.
11. 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.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the west footpath and kerb and channel of Tullo Place, from Bridge Road to the subject site must be fully reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpath immediately outside the property's Church Street road frontage must be stripped and re-sheeted:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, full width pavement of Tullo Place, from the intersection of Bridge Road to the southern boundary of the site must be stripped and re-sheeted:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
15. 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

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Lighting

19. 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 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

20. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
21. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

22. 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.
23. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

24. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
 - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;

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

During the construction:

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

Time expiry

25. This permit will expire if:

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

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

Notes:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

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

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

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

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

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

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

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

Submissions

Mr David Gold (Planned FX Pty Ltd) addressed the Committee on behalf of the applicant.

The following people also addressed the Committee:

Ms Anna Mckindlay;
Mr John McShane;
Jun Khoo;
Ms Suzette Ng;
Mr Peter Kay; and
Mr Alan Fisher.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Searle

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/0485 for the development of the land for the construction of a mixed-use building, including full demolition, reduction in the car parking and loading bay requirements at 239-245 Church Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Armsby Architects received by Council on 28 July 2016 but modified to show:
 - (a) Amended floor layouts (between first and fifth floors) as per sketch plans provided 7 September 2016 which show the deletion of the single aspect north and south-facing apartments and their amalgamation into adjoining dwellings;
 - (b) The southern boundary wall of the first and second floors directly to the north of the private open space of No. 247 Church Street, set back 3m from the boundary;
 - (c) From the third floor and above, the south-facing walls directly to the north of the private open space of No. 247 Church Street, set back 6m from the boundary;
 - (d) The habitable room windows of adjoining dwellings facing the lightcourts to be screened to prevent unreasonable overlooking where they face one-another;
 - (e) Sectional diagrams demonstrating that no unreasonable overlooking will occur into the habitable room windows or secluded private open space of No. 247 Church Street;
 - (f) Sectional diagrams demonstrating that no unreasonable overlooking will occur into the habitable room windows to the east (within 9m);
 - (g) A notation confirming that the rainwater tank is connected to 19 toilets for flushing;
 - (h) The canopy across the Church Street footpath to be extended to 750mm from the kerb;
 - (i) The vehicle crossings for the car stacker parking and the loading dock depicted and dimensioned on the ground floor plan;
 - (j) The loading dock height clearance as no less than 3.5 metres as required by the Australian Standard AS 2890.2-2002, relocating the storage lockers in the mezzanine above as necessary;
 - (k) One bicycle space provided per dwelling (with at least 20% provided as ground level bike hoops) and four visitor bicycle spaces located in a convenient location;

- (l) The technical specification of the stacker device and confirm dimensions and height clearances of stacker platforms and their compliance of requirements of Design standard 4: Mechanical parking of Clause 52.06-8;
 - (m) Swept path diagrams for a small rigid vehicle accessing and egressing the loading dock via Tullo Place;
 - (n) Any requirement of the endorsed Sustainable Management Plan (condition 3) (where relevant to show on plans);
 - (o) Any requirement of the endorsed Waste Management Plan (condition 6) (where relevant to show on plans); and
 - (p) Any requirement of the endorsed acoustic report (condition 7) (where relevant to show on plans).
 - (q) A reduction in the car spaces by a further 30%.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by F2 design and dated October 2015, but modified to include or show:
- (a) The changes as per the decision plans and sketch plans provided 7 September 2016 and further modified to show any Condition 1 requirements where relevant;
 - (b) One bicycle space per dwelling and four visitor bicycle spaces;
 - (c) Reasonable levels of thermal comfort in all dwellings through NatHERS cooling loads of 30MJ/m²/year or lower; and
 - (d) Best practice of the updated building design, in accordance with Clause 22.17.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

Acoustic report

7. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report and Memo prepared by WatsonmossGrowcott, dated July 2016 and 30 September 2016 respectively and further modified to include (or show, or address):
- (a) The updated floor plans as per the sketch plans provided 7 September 2016 and further modified as per Condition 1 requirements where relevant.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

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

Road Infrastructure

9. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must submit 1 in 20 scale cross sectional drawings of all vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the Tullo Place road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profile of Tullo Place (from the west kerb line to the centre line of the road) and the accessway/slab inside the property must be accurately drawn. The designer must demonstrate by way of a ground clearance check that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out.
The 1 in 20 cross sectional drawing must be submitted to Council's Construction Management branch for assessment and must be to the satisfaction of the Responsible Authority.
10. 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.
11. 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.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the west footpath and kerb and channel of Tullo Place, from Bridge Road to the subject site must be fully reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpath immediately outside the property's Church Street road frontage must be stripped and re-sheeted:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, full width pavement of Tullo Place, from the intersection of Bridge Road to the southern boundary of the site must be stripped and re-sheeted:
 - (a) at the permit holder's cost; and

(b) to the satisfaction of the Responsible Authority.

15. 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

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

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface; and
- (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

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

Lighting

19. 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 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

20. The amenity of the area must not be detrimentally affected by the use, including through:

- (a) the transport of materials, goods or commodities to or from land;
- (b) the appearance of any buildings, works or materials;
- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
- (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

21. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
22. 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.
23. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

24. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

Time expiry

25. This permit will expire if:

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

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

Notes:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

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

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

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

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

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

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

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

CARRIED

1.2 PLN14/1000 - 1 Little Lesney and 9 Wiltshire Street, Richmond

Trim Record Number: D16/155723

Responsible Officer: Manager Statutory Planning

RECOMMENDATION

That a Notice of Decision to Grant a Permit (PLN14/1000) be issued for 1 Little Lesney Street and 9 Wiltshire Street, Richmond VIC 3121 for the application is for the development of the land for the construction of a 10 storey building (plus 2 basement levels), use of part of the site as a food and drinks premises (café), reduction in the car parking requirement associated with dwellings and a food and drinks premises (café), waiver of the loading bay requirement, part demolition and variation of an easement in accordance with the advertised plans (TP05E to TP29E, prepared by Sgourakis Architects, received by Council 31 May 2016) and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the advertised plans (TP05E to TP29E, prepared by Sgourakis Architects) but modified to show:
 - (a) deletion of levels 7 and 8;
 - (b) replacement of circular columns to the ground floor and replacement with rectilinear forms, with other design changes to improve the ground level treatment;
 - (c) the south elevation of the ground to level 3 elements to be read as a stronger podium through the use of colours and/or materials;
 - (d) the bathroom/laundry of apartments 111, 211 and 311 relocated within the apartment (replacing the kitchen). An additional northern window must be installed adjacent to the original bathroom/laundry location;
 - (e) deletion of 'bedroom 2' in apartments 101, 201, 301 and 401, along with the associated extent of balcony to apartment 501 above, increasing the size of the light court;
 - (f) the bedrooms to apartments 103, 203 and 303 repositioned adjacent to the balcony (to provide direct access to a window);
 - (g) the residential entry doors a maximum 2.5m from the west title boundary;
 - (h) dwelling entry doors recessed a minimum 200mm;
 - (i) treatment of internal overlooking opportunities between balconies/habitable room windows;
 - (j) habitable room windows and balconies screened where views could be provided within a 9m radius and 45 degree arc of another habitable room window or balcony. This includes the skylights of the dwellings to the east along Wiltshire Street. Screening treatments may include minimum 1.7m high, fixed obscure glazing or minimum 1.7m high, fixed, maximum 25% transparent screens;
 - (k) confirmation all habitable rooms will have an openable window(s);
 - (l) natural ventilation to the ground floor car park;
 - (m) the Wiltshire Street and Little Lesney Street vehicular entries with a minimum 2.1m headroom clearance;
 - (n) a convex mirror opposite the entrance of 254 Swan Street;
 - (o) 1 in 20 ramp sections from the vehicular entrances/exits;
 - (p) the 1 in 8 ramp grade at the bottom of the Little Lesney Street entrance with a minimum length of 2.5m;
 - (q) confirmation the existing vehicle crossing on the north side of Little Lesney Street will be demolished and reconstructed to span the entrance width of the ramped accessway. A notation must confirm that the new vehicle crossing will be constructed in accordance with Council's Infrastructure Road Materials Policy, Council's Standard Drawings and engineering requirements. A bull-nose of up to 50 mm will be permitted for the new vehicle crossing;

- (r) the column depths and setbacks from the aisles, with the column locations satisfying Diagram 1 Clearance to car parking spaces of Clause 52.06-8 of the Yarra Planning Scheme;
 - (s) details of the selected car stacker model, confirming design standard 4 of Clause 52.06 of the Yarra Planning Scheme is met;
 - (t) swept path diagrams for B85 design vehicles for entry and exit movements into and out of car stacker platforms;
 - (u) swept path diagrams demonstrating that the south-west corner splay on the building would facilitate access for B99 design vehicles around the ninety-degree bend of Little Lesney Street;
 - (v) swept path diagrams into and out of the Little Lesney Street basement carpark, demonstrating access can be achieved for B99 design vehicles;
 - (w) at least 20% of bicycle parking spaces to be floor mounted (not hanging);
 - (x) all resident bicycle parking spaces must be enclosed in a lockable cage/cages;
 - (y) bicycle parking signage as per clause 52.34-5 of the Yarra Planning Scheme;
 - (z) confirmation that all bicycle parking spaces can provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars;
 - (aa) the eastern end of the southern façade podium strengthened with the use of colours and/or materials;
 - (bb) screening to the rooftop plant;
 - (cc) a schedule of colours and materials, including samples, with the selection simplified and clarification of window glazing (clear is preferable);
 - (dd) any necessary changes as a result of the endorsed SMP;
 - (ee) any necessary changes as a result of the endorsed Acoustic report; and
 - (ff) any necessary changes as a result of the endorsed WMP.
2. The development and uses as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

General

3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. The amenity of the area must not be detrimentally affected by the development or office 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) all to the satisfaction of the Responsible Authority.
6. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
7. Before the development is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

8. 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.

Food and drinks premises (café) use

9. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of:
 - (a) 7am to 8pm (Monday to Thursday and Sunday); and
 - (b) 7am to 10pm (Friday and Saturday).
10. The food and drinks premises (café) use must comply at all times with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
11. The food and drinks premises (café) use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Landscape plan

12. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include (or show):
 - (a) landscaping at the ground level and on the roof deck;
 - (b) information regarding proposed plants, the number of plants proposed (for each type), including the name, location, and plant size;
 - (c) detailed design information regarding the proposed drainage, planters, and paving;
 - (d) information regarding irrigation and maintenance, including the reuse of stormwater where possible.
 - (e) the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (f) the location of all areas to be covered by lawn or other surface materials (including the ground level planter and roof deck planting); and
 - (g) a specification of works to be undertaken prior to planting.
13. Before the development 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 thereafter maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, all to the satisfaction of the Responsible Authority.

Acoustic report

14. Before the plans are endorsed, an amended Acoustic Report prepared to the satisfaction of the Responsible Authority by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by WGM dated June 2015, but modified to include (or show, or address):
 - (a) façade upgrade treatments, or alternative solutions, for the measured levels of music noise. The design should address the predicted SEPP N-2 exceedances (i.e. SEPP N-2 exceedances at existing dwellings should not be taken into consideration);

- (b) design targets within bedrooms and living rooms within the development at SEPP N-2 base noise limits + 10 dB;
- (c) noise masking to be provided to habitable rooms to ensure that SEPP N-2 'background+8 dB' limits are met;
- (d) forced ventilation for all rooms that rely on a sealed façade for the management of music and patron noise ingress, and
- (e) structure borne noise and vibration from the carpark entrance gate and car stackers for both occupants of the proposed building and existing residents.

The report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.

Section 173 Agreement

16. Before the occupation of the development, 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) Make purchasers aware that the site is impacted by music and patron noise and that, while façade upgrades have been implemented to minimise noise impacts, a reduced level of acoustical amenity is to be expected.

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

Sustainable Management Plan

17. Before the plans are endorsed, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit.
The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Development Consultants and dated 1 October 2014, but modified to include or show:
- (a) NatHERS cooling loads of 30MJ/m²/year or lower.
18. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.

Waste management plan

19. Before the plans are endorsed, 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 dated 24 September 2015, but modified to show/include:
- (a) private commercial and residential collection;

- (b) details of where the commercial bins will be stored;
 - (c) details of where the commercial bins will be collected;
 - (d) details of the route to be used by the collection vehicle for the commercial bins;
 - (e) details of the type of vehicle to be used for commercial collections; and
 - (f) demonstrate that the vehicle to be used is able to enter and exit the building (radial turning diagrams).
20. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and all ongoing obligations must be complied with to the satisfaction of the Responsible Authority.

Wind impact assessment

21. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.
22. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Park Management Plan

23. Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
 - (b) the allocation of tandem spaces to one tenancy;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.;
 - (e) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 19; and
 - (f) details regarding the management of loading and unloading of goods and materials.
- (g) The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction management

24. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing;

- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
 - i. contaminated soil;
 - ii. materials and waste;
 - iii. dust;
 - iv. stormwater contamination from run-off and wash-waters;
 - v. sediment from the land on roads;
 - vi. washing of concrete trucks and other vehicles and machinery; and
 - vii. spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - i. using lower noise work practice and equipment;
 - ii. the suitability of the land for the use of an electric crane;
 - iii. silencing all mechanical plant by the best practical means using current technology;
 - iv. fitting pneumatic tools with an effective silencer;
 - v. other relevant considerations; and
 - vi. if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
- (q) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
- (r) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated; and
- (s) during the construction of the approved development:
- (t) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (u) 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;
- (v) vehicle borne material must not accumulate on the roads abutting the land;
- (w) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (x) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

25. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Civil works

26. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
27. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority:
- (a) the kerb and channel and asphalt infill (behind the kerb) immediately outside the property's Little Lesney Street road frontage must be reconstructed;
 - (b) the east-west aligned section of Little Lesney Street from the southwest corner of the development to Brighton Street must be stripped and re-sheeted;
 - (c) the north-south aligned section of Little Lesney Street from Swan Street to VicTrack land in the south must be reconstructed;
 - (d) the carriageway of Wiltshire Street (from the west end to Brighton Street) must be stripped and re-sheeted; and
 - (e) the construction of the new easement drain and the new drain underneath Little Lesney Street.
28. Prior to the commencement of the development, the developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development (outlined in condition 27) for assessment and endorsement to the satisfaction of the Responsible Authority.
29. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
30. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - to the satisfaction of the Responsible Authority.
31. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath, nature strip, and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
32. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans; formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (b) treated with an all-weather seal or some other durable surface; and
 - (c) line-marked or provided with some adequate means of showing the car parking spaces,

all to the satisfaction of the Responsible Authority.

33. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, and dwelling entrances must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- all to the satisfaction of the Responsible Authority.
34. Before the development is occupied, or by such later date as is approved by the Responsible Authority in writing, a public lighting plan must be prepared to the satisfaction of the Responsible Authority and submitted to the Responsible Authority for approval. Once approved, the plan will be endorsed and will then form part of the permit. The permit holder must provide for the lighting of the pedestrian and vehicle access ways to the satisfaction of the Responsible Authority.

Easement

35. The easement as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
36. The plan submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

PTV Conditions (37 to 57)

Pre-construction

37. Before the development starts, including demolition and bulk excavation, detailed construction/engineering plans and computations must be submitted to Public Transport Victoria. These plans must be to the satisfaction of Public Transport Victoria. The plans must provide the means for the protection of:-
- (a) the railway lines and corridor proximate to the hereby-approved building;
 - (b) Lines-of-sight for train drivers to demonstrate what glare, if any, from the buildings will affect drivers' vision
 - (c) Details of colours, materials and finishes which are selected and applied so as to not create any glare, or limit the visibility of rail signals or be so coloured as to cause rail signals to not be clearly and constantly obvious for train drivers. Such colours, materials and finishes must be maintained and never changed to be different without the written consent of Public Transport Victoria, VicTrack and all rail operators.
 - (d) All tram and bus transport infrastructure proximate to the hereby-approved buildings.
 - i. The plans must detail all excavation of the site, engineering methods and means to support the building and impacts on all public transport and associated infrastructure; and any other transport infrastructure proximate to the approved building.
38. Before the development starts, including demolition and bulk excavation, a Traffic Management Plan must be submitted to Public Transport Victoria and must be to the satisfaction of Public Transport Victoria, which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport to the satisfaction of Public Transport Victoria. All traffic management and mitigation costs will be at the full cost of the permit holder and must be implemented to the satisfaction of Public Transport Victoria.

39. Prior to the commencement of works in public transport areas, the public transport operator(s) (train, tram and bus) must be contacted to obtain the public transport operator's conditions and safety requirements for works on, over, under or adjacent to public transport land and/or easements and electrical infrastructure. Access to the public transport areas during construction must conform to all of the necessary public transport operator/s guidelines and instructions.

During Construction

In the conditions below, the term "public transport areas" means any area and space and infrastructure necessary for the safe and efficient operation and provision of public transport services or any kind.

40. Works undertaken within public transport areas should consider and apply all relevant standards and work practices for work within or under public transport areas and conform to all relevant Australian standards and Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services within those areas. This must be to the satisfaction of PTV and VicTrack.
41. No drainage, effluent, waste, soil or other materials must enter or be directed from the site to rail land, easements or licences areas in favour of Public Transport Victoria and/or VicTrack or stored or deposited on or in or over or across public transport areas.
42. Permanent soil anchors must not be installed on railway land. Temporary soil anchors may be acceptable at the discretion of Public Transport Victoria, in consultation with rail service operators. Such temporary anchors must be designed fully and approved by Public Transport Victoria in writing.
43. No lighting is to be installed or used which spills light onto railway tracks or which interferes with the visibility for train drivers of signals and the rail lines.
44. The permit holder must ensure that all public transport infrastructure (including overhead power and supporting infrastructure for both trains and trams) and public transport areas are not damaged during the construction period. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria and VicTrack at the full cost of the permit holder.

Post Construction

45. "As built" drawings of the buildings hereby permitted must be provided to Public Transport Victoria prior to the issuing of the Certificate of Occupancy, or at another time agreed to in writing by Public Transport Victoria. All plans must comply with Public Transport Victoria Drawing Management System (DMS) standards.
46. The permit holder must take all reasonable steps to ensure that disruption to any public transport service operating proximate to the site kept to a minimum during the construction of the development. Foreseen disruptions to operations during construction and mitigation measures must be communicated to Public Transport Victoria and service operators a minimum of fourteen days (14) prior to occurrence.
47. 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 Public Transport Victoria at the full cost of the permit holder.
48. During occupation and normal use of the building, no lighting is to be installed or used which spills light onto railway tracks or which interferes with the visibility for train drivers of signals and the rail lines. Normal use of the building includes residential and commercial occupation, security devices and advertising used for sales promotion.

Structural Integrity

49. Prior to the commencement of the use or development, the permit applicant must:-
- (a) identify a suitably qualified engineer whose appointment and terms of reference are to be approved by Public Transport Victoria to advise on the structural integrity of the proposed development so as not to prejudice the railway line located adjacent to the Subject Land.
 - (b) Obtain a report from the Engineer, subject to the approval of Public Transport Victoria, which demonstrates in writing that :
 - i. Confirming that all and any retaining walls and load-bearing pillars for the subject proposal on the boundary of the rail corridor
 - ii. can be installed wholly within the applicant's land
 - iii. can be installed in such a way that development of the rail corridor (which may require excavation within the railway corridor, up to the boundary of the subject land), will not be prejudiced, and
 - iv. can be constructed so that they will remain self supporting when development of rail infrastructure within the rail corridor occurs;
 - v. Specifying risk mitigation design options in the event of derailment for protection of the building in the vicinity of the rail corridor;
 - vi. Confirming that the design of the development complies with the Derailment Loadings as set out in the Australian Standard AS 5100;
 - vii. Confirming that the design meets all clearance requirements from the adjacent railway tracks as per Victorian Rail Industry Operator Group (VRIOS-001-2005) Standards.
50. Prior to the commencement of works, the Rail Operator must be contacted to obtain the conditions and safety requirements of working near an operating railway and live power feeders.
51. Prior to the commencement of works, a construction management plan must be prepared and endorsed by Public Transport Victoria.
52. Prior to the commencement of works, an agreement must be entered into with the Department of Transport, VicTrack and the Rail Operator for construction, maintenance and disturbance of land abutting the railway reserve.

Building design

53. Building materials (including glass/window treatments) along the rail corridor must be non-reflective and avoid using red or green colour schemes that may interfere with driver operations. All colours, materials and finishes must be approved in writing by Public Transport Victoria prior to being used or installed.

No impact on railway land or operations

54. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.
55. Permanent or temporary soil anchors must not be installed in, over or across public transport areas
56. Entry onto railway land is at the discretion of the Rail Operator and is subject to any conditions imposed by it.

Expiry

57. The variation of easement approved under this permit will expire if **(a)** A plan which varies the easement is not certified under the Subdivision Act 1988 within two years of the issue of the permit; or **(b)** A plan which varies the easement is not completed within five years of the date of certification under the Subdivision Act 1988. NOTE: If the plan is not certified within two years of the issue of the permit, the Responsible Authority may extend this period if a request is made before the permit expires or within six months after the expiry date.
58. This permit will expire if:
- (a) the development is not commenced within four years of the date of this permit;
 - (b) the development is not completed within six years of the date of this permit; or
 - (c) the use is not commenced within five years of the date of this permit.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

NOTES:

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

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

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

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.

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

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

PTV NOTES:

The development is located adjacent to an operating railway corridor, where train services may operate 24 hours a day, 7 days a week, therefore the permit applicant may wish to construct windows and built form that incorporates noise attenuation materials (i.e. double glazing and appropriate wall attenuation materials) to reduce amenity impacts.

Should any amended plans be required to implement changes:-

- (a) required by Public Transport Victoria as a result of the conditions above.
it is then expected that such amended plans are to be provided to Public Transport Victoria for review and approval prior to endorsement as part of this permit.

Submissions

The Applicant, Ms Joanne Hartsias (JHTP Town Planning Consultants) addressed the Committee.

The following people also addressed the Committee:

*Mr Steve Cornips;
Mr Cameron Leigh;
Mr Peter Sgourakis (Sgourakis Architects);
Ms Mirella Manfre;
Jock Jeffries;
Mr Kel Twite (SJB Planning); and
Mr Anthony Corbett (Tract Consultants).*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Jolly

That a Notice of Decision to Grant a Permit (PLN14/1000) be issued for 1 Little Lesney Street and 9 Wiltshire Street, Richmond VIC 3121 for the application is for the development of the land for the construction of a 10 storey building (plus 2 basement levels), use of part of the site as a food and drinks premises (café), reduction in the car parking requirement associated with dwellings and a food and drinks premises (café), waiver of the loading bay requirement, part demolition and variation of an easement in accordance with the advertised plans (TP05E to TP29E, prepared by Sgourakis Architects, received by Council 31 May 2016) and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the advertised plans (TP05E to TP29E, prepared by Sgourakis Architects) but modified to show:
 - (a) deletion of levels 6, 7 and 8;
 - (b) replacement of circular columns to the ground floor and replacement with rectilinear forms, with other design changes to improve the ground level treatment;
 - (c) the south elevation of the ground to level 3 elements to be read as a stronger podium through the use of colours and/or materials;
 - (d) the bathroom/laundry of apartments 111, 211 and 311 relocated within the apartment (replacing the kitchen). An additional northern window must be installed adjacent to the original bathroom/laundry location;
 - (e) deletion of 'bedroom 2' in apartments 101, 201, 301 and 401, along with the associated extent of balcony to apartment 501 above, increasing the size of the light court;
 - (f) the bedrooms to apartments 103, 203 and 303 repositioned adjacent to the balcony (to provide direct access to a window);
 - (g) the residential entry doors a maximum 2.5m from the west title boundary;
 - (h) dwelling entry doors recessed a minimum 200mm;
 - (i) treatment of internal overlooking opportunities between balconies/habitable room windows;
 - (j) habitable room windows and balconies screened where views could be provided within a 9m radius and 45 degree arc of another habitable room window or balcony. This includes the skylights of the dwellings to the east along Wiltshire Street. Screening treatments may include minimum 1.7m high, fixed obscure glazing or minimum 1.7m high, fixed, maximum 25% transparent screens;

- (k) confirmation all habitable rooms will have an openable window(s), except where required to be closed for acoustic treatment;
 - (l) natural ventilation to the ground floor car park;
 - (m) the Wiltshire Street and Little Lesney Street vehicular entries with a minimum 2.1m headroom clearance;
 - (n) a convex mirror opposite the entrance of 254 Swan Street;
 - (o) 1 in 20 ramp sections from the vehicular entrances/exits;
 - (p) the 1 in 8 ramp grade at the bottom of the Little Lesney Street entrance with a minimum length of 2.5m;
 - (q) confirmation the existing vehicle crossing on the north side of Little Lesney Street will be demolished and reconstructed to span the entrance width of the ramped accessway. A notation must confirm that the new vehicle crossing will be constructed in accordance with Council's Infrastructure Road Materials Policy, Council's Standard Drawings and engineering requirements. A bull-nose of up to 50 mm will be permitted for the new vehicle crossing;
 - (r) the column depths and setbacks from the aisles, with the column locations satisfying Diagram 1 Clearance to car parking spaces of Clause 52.06-8 of the Yarra Planning Scheme;
 - (s) details of the selected car stacker model, confirming design standard 4 of Clause 52.06 of the Yarra Planning Scheme is met;
 - (t) swept path diagrams for B85 design vehicles for entry and exit movements into and out of car stacker platforms;
 - (u) swept path diagrams demonstrating that the south-west corner splay on the building would facilitate access for B99 design vehicles around the ninety-degree bend of Little Lesney Street;
 - (v) swept path diagrams into and out of the Little Lesney Street basement carpark, demonstrating access can be achieved for B99 design vehicles;
 - (w) at least 20% of bicycle parking spaces to be floor mounted (not hanging);
 - (x) all resident bicycle parking spaces must be enclosed in a lockable cage/cages;
 - (y) bicycle parking signage as per clause 52.34-5 of the Yarra Planning Scheme;
 - (z) confirmation that all bicycle parking spaces can provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars;
 - (aa) the eastern end of the southern façade podium strengthened with the use of colours and/or materials;
 - (bb) screening to the rooftop plant;
 - (cc) a schedule of colours and materials, including samples, with the selection simplified and clarification of window glazing (clear is preferable);
 - (dd) any necessary changes as a result of the endorsed SMP;
 - (ee) any necessary changes as a result of the endorsed Acoustic report; and
 - (ff) any necessary changes as a result of the endorsed WMP.
2. The development and uses as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

General

- 3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
- 4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

5. The amenity of the area must not be detrimentally affected by the development or office 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) all to the satisfaction of the Responsible Authority.
6. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
7. Before the development is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
8. 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.

Food and drinks premises (café) use

9. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of:
 - (a) 7am to 8pm (Monday to Thursday and Sunday); and
 - (b) 7am to 10pm (Friday and Saturday).
10. The food and drinks premises (café) use must comply at all times with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
11. The food and drinks premises (café) use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Landscape plan

12. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include (or show):
 - (a) landscaping at the ground level and on the roof deck;
 - (b) information regarding proposed plants, the number of plants proposed (for each type), including the name, location, and plant size;
 - (c) detailed design information regarding the proposed drainage, planters, and paving;
 - (d) information regarding irrigation and maintenance, including the reuse of stormwater where possible.
 - (e) the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (f) the location of all areas to be covered by lawn or other surface materials (including the ground level planter and roof deck planting); and
 - (g) a specification of works to be undertaken prior to planting.
13. Before the development 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 thereafter maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and

- (c) replacing any dead, diseased, dying or damaged plants, all to the satisfaction of the Responsible Authority.

Acoustic report

14. Before the plans are endorsed, an amended Acoustic Report prepared to the satisfaction of the Responsible Authority by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by WGM dated June 2015, but modified to include (or show, or address):
 - (a) façade upgrade treatments, or alternative solutions, for the measured levels of music noise. The design should address the predicted SEPP N-2 exceedances (i.e. SEPP N-2 exceedances at existing dwellings should not be taken into consideration);
 - (b) design targets within bedrooms and living rooms within the development at SEPP N-2 base noise limits + 10 dB;
 - (c) noise masking to be provided to habitable rooms to ensure that SEPP N-2 'background+8 dB' limits are met;
 - (d) forced ventilation for all rooms that rely on a sealed façade for the management of music and patron noise ingress, and
 - (e) structure borne noise and vibration from the carpark entrance gate and car stackers for both occupants of the proposed building and existing residents.
 - (f) treatment of plant and equipment noise for both occupants of the proposed building and existing residents.

The report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.

Section 173 Agreement

16. Before the occupation of the development, 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) Make purchasers aware that the site is impacted by music and patron noise and that, while façade upgrades have been implemented to minimise noise impacts, a reduced level of acoustical amenity is to be expected.

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

Sustainable Management Plan

17. Before the plans are endorsed, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Development Consultants and dated 1 October 2014, but modified to include or show:

- (a) NatHERS cooling loads of 30MJ/m²/year or lower.
18. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.

Waste management plan

19. Before the plans are endorsed, 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 dated 24 September 2015, but modified to show/include:
- (a) Relocation of bin store away from existing residential properties or internally within the building
 - (b) private commercial and residential collection;
 - (c) details of where the commercial bins will be stored;
 - (d) details of where the commercial bins will be collected;
 - (e) details of the route to be used by the collection vehicle for the commercial bins;
 - (f) details of the type of vehicle to be used for commercial collections; and
 - (g) demonstrate that the vehicle to be used is able to enter and exit the building (radial turning diagrams).
20. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and all ongoing obligations must be complied with to the satisfaction of the Responsible Authority.

Wind impact assessment

21. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.
22. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Park Management Plan

23. Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
 - (b) the allocation of tandem spaces to one tenancy;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.;
 - (e) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 19; and
 - (f) details regarding the management of loading and unloading of goods and materials.

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

Construction management

24. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to:
 - i. contaminated soil;
 - ii. materials and waste;
 - iii. dust;
 - iv. stormwater contamination from run-off and wash-waters;
 - v. sediment from the land on roads;
 - vi. washing of concrete trucks and other vehicles and machinery; and
 - vii. spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
 - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - i. using lower noise work practice and equipment;
 - ii. the suitability of the land for the use of an electric crane;
 - iii. silencing all mechanical plant by the best practical means using current technology;
 - iv. fitting pneumatic tools with an effective silencer;
 - v. other relevant considerations; and
 - vi. if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;

- (q) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
 - (r) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated; and
 - (s) during the construction of the approved development:
 - (t) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (u) 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;
 - (v) vehicle borne material must not accumulate on the roads abutting the land;
 - (w) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (x) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
25. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Civil works

26. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
27. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority:
- (a) the kerb and channel and asphalt infill (behind the kerb) immediately outside the property's Little Lesney Street road frontage must be reconstructed;
 - (b) the east-west aligned section of Little Lesney Street from the southwest corner of the development to Brighton Street must be stripped and re-sheeted;
 - (c) the north-south aligned section of Little Lesney Street from Swan Street to VicTrack land in the south must be reconstructed;
 - (d) the carriageway of Wiltshire Street (from the west end to Brighton Street) must be stripped and re-sheeted; and
 - (e) the construction of the new easement drain and the new drain underneath Little Lesney Street.
28. Prior to the commencement of the development, the developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development (outlined in condition 27) for assessment and endorsement to the satisfaction of the Responsible Authority.
29. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
30. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - to the satisfaction of the Responsible Authority.

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

Easement

35. The easement as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
36. The plan submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

PTV Conditions (37 to 57)

Pre-construction

37. Before the development starts, including demolition and bulk excavation, detailed construction/engineering plans and computations must be submitted to Public Transport Victoria. These plans must be to the satisfaction of Public Transport Victoria. The plans must provide the means for the protection of:-
 - (a) the railway lines and corridor proximate to the hereby-approved building;
 - (b) Lines-of-sight for train drivers to demonstrate what glare, if any, from the buildings will affect drivers' vision
 - (c) Details of colours, materials and finishes which are selected and applied so as to not create any glare, or limit the visibility of rail signals or be so coloured as to cause rail signals to not be clearly and constantly obvious for train drivers. Such colours, materials and finishes must be maintained and never changed to be different without the written consent of Public Transport Victoria, VicTrack and all rail operators.

- (d) All tram and bus transport infrastructure proximate to the hereby-approved buildings.
 - i. The plans must detail all excavation of the site, engineering methods and means to support the building and impacts on all public transport and associated infrastructure; and any other transport infrastructure proximate to the approved building.
- 38. Before the development starts, including demolition and bulk excavation, a Traffic Management Plan must be submitted to Public Transport Victoria and must be to the satisfaction of Public Transport Victoria, which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport to the satisfaction of Public Transport Victoria. All traffic management and mitigation costs will be at the full cost of the permit holder and must be implemented to the satisfaction of Public Transport Victoria.
- 39. Prior to the commencement of works in public transport areas, the public transport operator(s) (train, tram and bus) must be contacted to obtain the public transport operator's conditions and safety requirements for works on, over, under or adjacent to public transport land and/or easements and electrical infrastructure. Access to the public transport areas during construction must conform to all of the necessary public transport operator/s guidelines and instructions.

During Construction

In the conditions below, the term "public transport areas" means any area and space and infrastructure necessary for the safe and efficient operation and provision of public transport services or any kind.

- 40. Works undertaken within public transport areas should consider and apply all relevant standards and work practices for work within or under public transport areas and conform to all relevant Australian standards and Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services within those areas. This must be to the satisfaction of PTV and VicTrack.
- 41. No drainage, effluent, waste, soil or other materials must enter or be directed from the site to rail land, easements or licences areas in favour of Public Transport Victoria and/or VicTrack or stored or deposited on or in or over or across public transport areas.
- 42. Permanent soil anchors must not be installed on railway land. Temporary soil anchors may be acceptable at the discretion of Public Transport Victoria, in consultation with rail service operators. Such temporary anchors must be designed fully and approved by Public Transport Victoria in writing.
- 43. No lighting is to be installed or used which spills light onto railway tracks or which interferes with the visibility for train drivers of signals and the rail lines.
- 44. The permit holder must ensure that all public transport infrastructure (including overhead power and supporting infrastructure for both trains and trams) and public transport areas are not damaged during the construction period. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria and VicTrack at the full cost of the permit holder.

Post Construction

- 45. "As built" drawings of the buildings hereby permitted must be provided to Public Transport Victoria prior to the issuing of the Certificate of Occupancy, or at another time agreed to in writing by Public Transport Victoria. All plans must comply with Public Transport Victoria Drawing Management System (DMS) standards.

46. The permit holder must take all reasonable steps to ensure that disruption to any public transport service operating proximate to the site kept to a minimum during the construction of the development. Foreseen disruptions to operations during construction and mitigation measures must be communicated to Public Transport Victoria and service operators a minimum of fourteen days (14) prior to occurrence.
47. 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 Public Transport Victoria at the full cost of the permit holder.
48. During occupation and normal use of the building, no lighting is to be installed or used which spills light onto railway tracks or which interferes with the visibility for train drivers of signals and the rail lines. Normal use of the building includes residential and commercial occupation, security devices and advertising used for sales promotion.

Structural Integrity

49. Prior to the commencement of the use or development, the permit applicant must:-
 - (a) identify a suitably qualified engineer whose appointment and terms of reference are to be approved by Public Transport Victoria to advise on the structural integrity of the proposed development so as not to prejudice the railway line located adjacent to the Subject Land.
 - (b) Obtain a report from the Engineer, subject to the approval of Public Transport Victoria, which demonstrates in writing that :
 - i. Confirming that all and any retaining walls and load-bearing pillars for the subject proposal on the boundary of the rail corridor
 - ii. can be installed wholly within the applicant's land
 - iii. can be installed in such a way that development of the rail corridor (which may require excavation within the railway corridor, up to the boundary of the subject land), will not be prejudiced, and
 - iv. can be constructed so that they will remain self supporting when development of rail infrastructure within the rail corridor occurs;
 - v. Specifying risk mitigation design options in the event of derailment for protection of the building in the vicinity of the rail corridor;
 - vi. Confirming that the design of the development complies with the Derailment Loadings as set out in the Australian Standard AS 5100;
 - vii. Confirming that the design meets all clearance requirements from the adjacent railway tracks as per Victorian Rail Industry Operator Group (VRIOS-001-2005) Standards.
50. Prior to the commencement of works, the Rail Operator must be contacted to obtain the conditions and safety requirements of working near an operating railway and live power feeders.
51. Prior to the commencement of works, a construction management plan must be prepared and endorsed by Public Transport Victoria.
52. Prior to the commencement of works, an agreement must be entered into with the Department of Transport, VicTrack and the Rail Operator for construction, maintenance and disturbance of land abutting the railway reserve.

Building design

53. Building materials (including glass/window treatments) along the rail corridor must be non-reflective and avoid using red or green colour schemes that may interfere with driver operations. All colours, materials and finishes must be approved in writing by Public Transport Victoria prior to being used or installed.

No impact on railway land or operations

54. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.
55. Permanent or temporary soil anchors must not be installed in, over or across public transport areas
56. Entry onto railway land is at the discretion of the Rail Operator and is subject to any conditions imposed by it.

Expiry

57. The variation of easement approved under this permit will expire if **(a)** A plan which varies the easement is not certified under the Subdivision Act 1988 within two years of the issue of the permit; or **(b)** A plan which varies the easement is not completed within five years of the date of certification under the Subdivision Act 1988. NOTE: If the plan is not certified within two years of the issue of the permit, the Responsible Authority may extend this period if a request is made before the permit expires or within six months after the expiry date.
58. This permit will expire if:
 - (a) the development is not commenced within four years of the date of this permit;
 - (b) the development is not completed within six years of the date of this permit; or
 - (c) the use is not commenced within five years of the date of this permit.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

NOTES:

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

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

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

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.

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

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

PTV NOTES:

The development is located adjacent to an operating railway corridor, where train services may operate 24 hours a day, 7 days a week, therefore the permit applicant may wish to construct windows and built form that incorporates noise attenuation materials (i.e. double glazing and appropriate wall attenuation materials) to reduce amenity impacts.

Should any amended plans be required to implement changes:-

- (a) required by Public Transport Victoria as a result of the conditions above.
it is then expected that such amended plans are to be provided to Public Transport Victoria for review and approval prior to endorsement as part of this permit.

CARRIED UNANIMOUSLY

-
- 1.3 76 - 78 Arnold Street, Princes Hill VIC 3054 - Planning Application Permit No. PLN15/0598 - Part demolition, construction of two new dwellings (one at the rear of No. 76 and one at the rear of No. 78), construction of a ground and first-floor addition to No. 76, alterations and additions to the building at No. 78 to allow for the use of the building as food and drink premises (Cafe), and a reduction in car parking.**
-

Trim Record Number: D16/141918
 Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to advise the VCAT that were Council in a position to do so, it would have issued a Notice of Decision to Grant a Planning Permit PLN15/0598 for part demolition to allow for the construction of two new dwellings (one at the rear of No. 76 and one at the rear of No. 78), construction of a ground and first-floor addition to the existing dwelling at No. 76, alterations and additions at No. 78 to allow for the use of the building as a food and drink premises (Cafe), and a reduction in the car parking requirements of the Yarra Planning Scheme at 76 and 78 Arnold Street, Princes Hill, North Fitzroy, 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 plans received by Council on 12 May 2015 but modified to show:
 - (a) A clear set of demolition plans that scale 1:100, which also show all existing fences to be removed (and the demolition elevations to be consistent) and to show the demolition of the verandah to No. 78 Arnold Street;
 - (b) The deletion of the terms "where possible" from the demolition plans;
 - (c) Full details of the proposed restoration works of the front verandah to No. 78 Arnold Street to exhibit a traditional late Victorian and early Edwardian-era verandah;
 - (d) Details in relation to the paint removal from the façade of the existing dwelling at No. 76 Arnold Street;
 - (e) The removal of all signs and their structural components from the façade at No. 78 Arnold Street;
 - (f) The deletion of bedroom 1 from each new dwelling;
 - (g) All first floor windows and balconies (including any new west-facing windows/balconies as a consequence of the above condition) screened in accordance with the standards at Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal views) of the Yarra Planning Scheme;
 - (h) The external pedestrian gates to the new dwellings to the east to be visually permeable;
 - (i) A plan notation confirming that each water tank will be connected to a toilet for flushing;
 - (j) A plan notation confirming that the site will achieve a minimum permeable area of 20%;
 - (k) The garage entries to the new dwellings to be at least a minimum 3m wide;
 - (l) The provision of 6m³ of storage space to each dwelling;
 - (m) The external pedestrian gates to the new dwellings to be visually permeable;
 - (n) The ground floor plan to show the location of all site services, including the bin storage areas of the existing and new dwellings and the food and drink premises (café) concealed from Arnold Street;

- (o) The provision of sensor lighting to each porch / entry of the new dwelling, appropriately shielded and of limited intensity so as to avoid any light spillage into adjoining properties; and
 - (p) An updated schedule of all external materials and finishes, with a lighter colour adopted across the northern and southern elevations of the first floor of the new dwellings (e.g. light grey or similar).
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Use

3. No more than 60 patrons are permitted in the food and drink premises (café) at any one time.
4. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) authorised by this permit may only operate between the hours of 8.00am to 6.00pm, Monday to Sunday (seven days a week).
5. The amenity of the area must not be detrimentally affected by the food and drink premises (café) including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
6. The food and drink premises (café) must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
7. The collection of waste from the site must be by private collection, and may only occur between 8am and 8pm on any day, unless with the prior written consent of the Responsible Authority.
8. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 8am and 6pm on any day.
9. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

11. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
12. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
13. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
14. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
15. This permit will expire if:
 - (a) the use is not commenced within five years from the date of this permit.
 - (b) the development is not commenced within two years of the date of this permit; or
 - (c) the development is not completed within four years of the date of this permit.

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

Notes:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

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

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

CitiPower requirements must be complied with in relation to any poles, overhead cables / power lines or the installation of new light poles. Please contact CitiPower for further information.

Submissions

Mr James Livingstone (James Livingstone Planning) addressed the Committee on behalf of the applicant.

The following people also addressed the Committee:

*Ms Marcelle Schwartz;
Mr Gary Blenkiron;
Mr Michael Dadour;
Ms Stephanie Forgie; and
Ms Leela Darvall.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Searle

That having considered all relevant planning policies, the Committee resolves to advise the VCAT that were Council in a position to do so, it would have issued a Notice of Decision to Grant a Planning Permit PLN15/0598 for part demolition to allow for the construction of two new dwellings (one at the rear of No. 76 and one at the rear of No. 78), construction of a ground and first-floor addition to the existing dwelling at No. 76, alterations and additions at No. 78 to allow for the use of the building as a food and drink premises (Cafe), and a reduction in the car parking requirements of the Yarra Planning Scheme at 76 and 78 Arnold Street, Princes Hill, North Fitzroy, 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 plans received by Council on 12 May 2015 but modified to show:
 - (a) A clear set of demolition plans that scale 1:100, which also show all existing fences to be removed (and the demolition elevations to be consistent) and to show the demolition of the verandah to No. 78 Arnold Street;
 - (b) The deletion of the terms "where possible" from the demolition plans;
 - (c) Full details of the proposed restoration works of the front verandah to No. 78 Arnold Street to exhibit a traditional late Victorian and early Edwardian-era verandah;
 - (d) Details in relation to the paint removal from the façade of the existing dwelling at No. 76 Arnold Street;
 - (e) The removal of all signs and their structural components from the façade at No. 78 Arnold Street;
 - (f) The deletion of bedroom 1 from each new dwelling;
 - (g) All first floor windows and balconies (including any new west-facing windows/balconies as a consequence of the above condition) screened in accordance with the standards at Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal views) of the Yarra Planning Scheme;
 - (h) The external pedestrian gates to the new dwellings to the east to be visually permeable;
 - (i) A plan notation confirming that each water tank will be connected to a toilet for flushing;
 - (j) A plan notation confirming that the site will achieve a minimum permeable area of 20%;
 - (k) The garage entries to the new dwellings to be at least a minimum 3m wide;

- (l) The provision of 6m³ of storage space to each dwelling;
 - (m) The ground floor plan to show the location of all site services, including the bin storage areas of the existing and new dwellings and the food and drink premises (café) concealed from Arnold Street, with the bin storage area of the food and drink premises (café) to be entirely within the building;
 - (n) The provision of sensor lighting to each porch / entry of the new dwelling, appropriately shielded and of limited intensity so as to avoid any light spillage into adjoining properties;
 - (o) An updated schedule of all external materials and finishes, with a lighter colour adopted across the northern and southern elevations of the first floor of the new dwellings (e.g. light grey or similar); and
 - (p) The provision of one bicycle parking space in the garage of each new dwelling.
 - (q) Prior to use commencing a Waste Management Plan must be submitted to the satisfaction of the Responsible Authority showing private collection including details regarding frequency. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and all ongoing obligations must be complied with to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Use

3. No more than 40 patrons are permitted in the food and drink premises (café) at any one time.
4. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) authorised by this permit may only operate between the hours of 8.00am to 6.00pm, Monday to Sunday (seven days a week).
5. The amenity of the area must not be detrimentally affected by the food and drink premises (café) including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
6. The food and drink premises (café) must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
7. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
8. The provision of music and entertainment on the land must be at a background noise level.
9. Speakers external to the building must not be erected or used.
10. The collection of waste from the site must be by private collection, and may only occur between 8am and 8pm on any day, unless with the prior written consent of the Responsible Authority.

11. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 8am and 6pm on any day.
12. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
13. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
14. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and reinstated as standard footpath and kerb and channel:

 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
15. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
16. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
17. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
18. This permit will expire if:

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

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

Notes:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

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

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

CitiPower requirements must be complied with in relation to any poles, overhead cables / power lines or the installation of new light poles. Please contact CitiPower for further information.

CARRIED UNANIMOUSLY

1.4 PLN16/0435 - 2 - 16 Northumberland Street Collingwood - Use and development of the land for the construction of two multi-storey, buildings for offices (no permit required for office use) and food and drink premises (café), reduction of car parking and loading bay requirements.

Trim Record Number: D16/157413

Responsible Officer: Manager Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to notify VCAT and all parties that had Council been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN16/0435 for use and development of the land for the construction of two multi-storey, buildings for offices (no permit required for office use) and food and drink premises (café), reduction of car parking and loading bay requirements at 2 - 16 Northumberland Street Collingwood, subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by John Wardle Architects received by Council on 18 May and 20 July 2016 but modified to show:
 - (a) Inclusion of a larger window and seating facing Wellington Street for the 'companion' building as per the sketch plan provided on 20 September 2016;
 - (b) Alterations to the northern façade of the 'companion' building at ground and first floors as per the sketch plan provided on 20 September 2016;
 - (c) Reduction in the length of the wall nibs associated with the southern lifts as per the sketch plan provided on 20 September 2016;
 - (d) An additional 4.08m setback indentation along the northern façade towards the west as per the sketch plan provided on 20 September 2016;
 - (e) Sunshades along the northern façade to have angular edges as per the sketch plan provided on 20 September 2016;
 - (f) Shifting the plant area 9.3m to the east towards less sensitive interfaces and subsequent reduction in the western façade height of the primary building from 57.2m to 51.2m as per the sketch plan provided on 20 September 2016.
 - (g) Roof plan to be amended as per sketch plans submitted on 20 September 2016;
 - (h) Widths of the crossovers onto Northumberland Street were annotated and the width of the crossover onto Glasgow Street was narrowed to 7.9m from 10.82m, as per the sketch plan provided on 20 September 2016;
 - (i) Screening to the northern end of the car parking area to block headlight light spill from the site to the north as per the sketch plan provided on 20 September 2016;
 - (j) Improvements to bicycle access within the building as per the sketch plan provided on 20 September 2016 resulting in at least 56 on-floor parks and a minimum of 168 bicycle spaces (overall) on the first floor;
 - (k) Retail tenancy be re-labelled as a 'café';
 - (l) The headroom clearance for the vehicular doorway is no less than 2.1m as per *Design standard 1 – Accessways* of Clause 52.06-8 of the Yarra Planning Scheme;
 - (m) The installation of convex mirrors (at the vehicular exit) to view pedestrians along the Glasgow Street footpath;
 - (n) Four visitor bicycle spaces to be provided within the internal laneway;
 - (o) A notation confirming that the internal laneway will be lit at night and on weekends (both day and night);
 - (p) Any requirement of the endorsed Sustainable Management Plan (condition 4) (where relevant to show on plans);
 - (q) Any requirement of the endorsed Waste Management Plan (condition 6) (where relevant to show on plans);

- (r) Any requirement of the endorsed acoustic report (condition 8) (where relevant to show on plans.); and
 - (s) Any requirement of the endorsed wind report (condition 12) (where relevant to show on plans);
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Café Use

3. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 7am and 6pm, seven days per week.

Sustainable Management Plan

4. Before the use and development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Aurecon prepared on 19 September 2016, but modified to include or show:
- (a) The amended floor plans as per the sketch plans provided on 20 September 2016;
 - (b) The proposed 50,000L rainwater tank;
 - (c) The catchment area of the rainwater tank;
 - (d) Confirmation of the toilet connections associated with the rainwater tank;
 - (e) The 50kWp solar photovoltaic array;
 - (f) A STORM report confirming that the development maintains a minimum 100% STORM score, or equivalent MUSIC model demonstrating best practice stormwater management; and
 - (g) Confirm 5 Star Green Star rating.
5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

Acoustic report

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

Landscape Plan

9. Before the development is occupied, a Landscape Plan (for the 'companion' building roof top and internal laneway) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (b) detail the design and layout of the common area, planters and ground level planting areas;
- (c) provide a specification of works to be undertaken prior to planting; and
- (d) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

10. 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.

11. Before the buildings are 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.

Wind

12. Before the use and development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPAC and dated 19 October 2016, but modified to include (or show):

- (a) Walking criterion for the roof terrace of the 'companion' building;
- (b) Confirming the tethering of objects on the roof terrace of the 'companion' building and any objects that are not tethered should not be left unattended or permanently on the terraces;
- (c) The west-facing entrance be either set in 2m or to be provided with a 2m canopy to improve the wind conditions to meet the standing comfort criterion; and
- (d) Wind tunnel model measurements undertaken to verify the findings of the desktop study.

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

Public Realm works

14. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following public realm works must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority:
- (a) the following public realm improvements generally as per the public realm sketch plan submitted on 20 October 2016 showing:
 - (i) a raised pedestrian crossings along Wellington Street to both Glasgow and Northumberland Streets;
 - (ii) two additional street trees along the northern side of Northumberland Street and one along the eastern side of Wellington Street with concrete wheel stops at the edge;
 - (iii) two seats along the eastern side of Wellington Street; and
 - (iv) new asphalt to the northern side of the Northumberland Street footpath.
 - (b) the public realm sketch plan submitted on 20 October 2016 further modified to show:
 - (i) the specifications/details/materials of the raised pedestrian crossing, new asphalt and seating;
 - (ii) deletion of new planting at the intersection of Northumberland and Wellington Streets and rain gardens;
 - (iii) an additional tree within the existing 'No Stopping' area along the northern side of Northumberland Street,
 - (iv) an additional tree along the eastern side of Wellington Street between the two proposed seats;
 - (v) tree squares as being 1.5m x 1.5m;
 - (vi) 12m distances between street trees where there is car parking in between;
 - (vii) a notation confirming that the existing informal crossing point on Wellington Street is to remain;
 - (viii) correct dimensions of the Northumberland Street footpath;
 - (ix) a notation confirming the cost of the street trees is at the permit holders expense with the Responsible Authority carrying out the works/planting & maintenance for two years; and
 - (x) car parking spaces dimensioned.

End of Trip Facilities (EOTF) Operations Management Plan

15. Before the development is occupied, an EOTF Operations Management Plan prepared by an appropriately qualified person, must be submitted to and approved by the Responsible Authority. When approved, the EOTF Operations Management Plan will be endorsed and form part of this permit. The plan must cover the following points, but may include other points:
- (a) arrangements associated with the use of end of trip facilities by any person(s) or group who is not a tenant of the building (including homeless and/or disadvantaged persons);
 - (b) detail how the use of these facilities will not limit the use of end of trip facilities by building occupants;
 - (c) operating hours and days;
 - (d) staff numbers;
 - (e) security of the facility;
 - (f) supervision of visitors; and
 - (g) the collection of waste.

16. The EOTF Operations Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority, unless with the prior written consent of the Responsible Authority.

Road Infrastructure

17. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare a 1 in 20 scale cross sectional drawings of all new vehicle crossings. Each cross sectional drawing must include the existing building line level, the top of kerb level, the invert level, the lip level and road pavement levels. The reduced levels must be actual levels (interpolated levels from the application drawings will not be accepted). The applicant must demonstrate by way of ground clearances checks that the B99 design vehicle and the 8.8 metre service vehicle (for the loading facility) can adequately traverse the vehicle crossings. The cross sectional drawings with the ground clearance checks must be to the satisfaction of the Responsible Authority.
18. 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.
19. 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.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the area/s of any damage caused by the development works and service trenches in relation to the development along Northumberland Street and Glasgow Street must be re-sheeted full width:
 - (a) Any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement.
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpath immediately outside the property's Glasgow Street road frontage must be stripped and re-sheeted (with any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement):
 - (d) at the permit holder's cost; and
 - (e) to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpath immediately outside the property's Northumberland Street road frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

23. 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.
24. All road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement

Car parking

25. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
 - (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
 - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (c) policing arrangements and formal agreements;
 - (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (e) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 6; and
 - (f) details regarding the management of loading and unloading of goods and materials.
26. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Green Travel Plan

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

Lighting

32. 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

33. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
34. As part of the ongoing consultant team, John Wardle Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
35. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
36. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

37. 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.
38. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
39. 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.
40. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

41. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

Time expiry

42. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from Council Parking Management unit and Construction Management branch.

Disclosure

Rhys Thomas, Senior Governance Advisor disclosed that his wife is an Associate Director at Urbis and that while he has played no role in the preparation of the advice to Council and therefore has no conflict of interest to declare, he nevertheless make this disclosure in the interests of transparency.

Submissions

Mr Will Pearce (Urbis) and Mr Michael Hynes (Grocon) addressed the Committee on behalf of the applicant.

The following people also addressed the Committee:

*Mardy;
Ms Anna Castles;
Mr Paul Fritze;
Mr Anthony Barnett;
Ms Karen Delvin; and
Ms Sara Shepherd.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE MOTION

Moved: Councillor Jolly

That having considered all objections and relevant planning documents, Council resolves to advise the Victorian Civil and Administrative Tribunal, the Permit Applicant and Objectors that if it were in a position to, it would have issued a Notice of Refusal for use and development of the land for the construction of two multi-storey, buildings for offices and food and drink premises, reduction of car parking and loading bay requirements at 2 - 16 Northumberland Street Collingwood on the following grounds:

1. The height of the proposal is an inappropriate response to the context, failing to comply with policy within Clause 15.01-1 Urban Design, Clause 22.10 and Design and Development Overlay (Schedule 11).
2. The development will result in inappropriate overshadowing of the public realm, failing to comply with policy within Design and Development Overlay (Schedule 11).

Motion lapsed for want of seconder

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Searle

That having considered all objections and relevant planning policies, the Committee resolves to notify VCAT and all parties that had Council been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN16/0435 for use and development of the land for the construction of two multi-storey, buildings for offices (no permit required for office use) and food and drink premises (café), reduction of car parking and loading bay requirements at 2 - 16 Northumberland Street Collingwood, subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by John Wardle Architects received by Council on 18 May and 20 July 2016 but modified to show:
 - (a) The deletion of levels 8, 9 and 10;
 - (b) Inclusion of a larger window and seating facing Wellington Street for the 'companion' building as per the sketch plan provided on 20 September 2016;
 - (c) Alterations to the northern façade of the 'companion' building at ground and first floors as per the sketch plan provided on 20 September 2016;
 - (d) Reduction in the length of the wall nibs associated with the southern lifts as per the sketch plan provided on 20 September 2016;
 - (e) An additional 4.08m setback indentation along the northern façade towards the west as per the sketch plan provided on 20 September 2016;
 - (f) Sunshades along the northern façade to have angular edges as per the sketch plan provided on 20 September 2016;
 - (g) Shifting the plant area 9.3m to the east towards less sensitive interfaces and subsequent reduction in the western façade height as per the sketch plan provided on 20 September 2016.
 - (h) Roof plan to be amended as per sketch plans submitted on 20 September 2016;
 - (i) Widths of the crossovers onto Northumberland Street were annotated and the width of the crossover onto Glasgow Street was narrowed to 7.9m from 10.82m, as per the sketch plan provided on 20 September 2016;
 - (j) Screening to the northern end of the car parking area to block headlight light spill from the site to the north as per the sketch plan provided on 20 September 2016;
 - (k) Improvements to bicycle access within the building as per the sketch plan provided on 20 September 2016 resulting in at least 56 on-floor parks and a minimum of 168 bicycle spaces (overall) on the first floor;
 - (l) Retail tenancy be re-labelled as a 'café';
 - (m) The headroom clearance for the vehicular doorway is no less than 2.1m as per *Design standard 1 – Accessways* of Clause 52.06-8 of the Yarra Planning Scheme;
 - (n) The installation of convex mirrors (at the vehicular exit) to view pedestrians along the Glasgow Street footpath;
 - (o) Eight visitor bicycle spaces to be provided within the internal laneway;
 - (p) A notation confirming that the internal laneway will be lit at night and on weekends (both day and night);
 - (q) Any requirement of the endorsed Sustainable Management Plan (condition 4) (where relevant to show on plans);
 - (r) Any requirement of the endorsed Waste Management Plan (condition 6) (where relevant to show on plans);
 - (s) Any requirement of the endorsed acoustic report (condition 8) (where relevant to show on plans.); and
 - (t) Any requirement of the endorsed wind report (condition 12) (where relevant to show on plans);

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

Café Use

3. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 7am and 6pm, seven days per week.

Sustainable Management Plan

4. Before the use and development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Aurecon prepared on 19 September 2016, but modified to include or show:
 - (a) The amended floor plans as per the sketch plans provided on 20 September 2016;
 - (b) The proposed 50,000L rainwater tank;
 - (c) The catchment area of the rainwater tank;
 - (d) Confirmation of the toilet connections associated with the rainwater tank;
 - (e) The 50kWp solar photovoltaic array;
 - (f) A STORM report confirming that the development maintains a minimum 100% STORM score, or equivalent MUSIC model demonstrating best practice stormwater management; and
 - (g) Confirm 5 Star Green Star rating.
5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

Acoustic report

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

Landscape Plan

9. Before the development is occupied, a Landscape Plan (for the 'companion' building roof top and internal laneway) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) detail the design and layout of the common area, planters and ground level planting areas;
 - (c) provide a specification of works to be undertaken prior to planting; and
 - (d) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

10. 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.

11. Before the buildings are 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.

Wind

12. Before the use and development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPAC and dated 19 October 2016, but modified to include (or show):
- (a) Walking criterion for the roof terrace of the 'companion' building;
 - (b) Confirming the tethering of objects on the roof terrace of the 'companion' building and any objects that are not tethered should not be left unattended or permanently on the terraces;
 - (c) The west-facing entrance be either set in 2m or to be provided with a 2m canopy to improve the wind conditions to meet the standing comfort criterion; and
 - (d) Wind tunnel model measurements undertaken to verify the findings of the desktop study.
13. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm works

14. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following public realm works must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority:
- (a) the following public realm improvements generally as per the public realm sketch plan submitted on 20 October 2016 showing:
 - (i) a raised pedestrian crossings along Wellington Street to both Glasgow and Northumberland Streets;
 - (ii) two additional street trees along the northern side of Northumberland Street and one along the eastern side of Wellington Street with concrete wheel stops at the edge;
 - (iii) two seats along the eastern side of Wellington Street; and
 - (iv) new asphalt to the northern side of the Northumberland Street footpath.
 - (b) the public realm sketch plan submitted on 20 October 2016 further modified to show:
 - (i) the specifications/details/materials of the raised pedestrian crossing, new asphalt and seating;
 - (ii) deletion of new planting at the intersection of Northumberland and Wellington Streets and rain gardens;
 - (iii) an additional tree within the existing 'No Stopping' area along the northern side of Northumberland Street,
 - (iv) an additional tree along the eastern side of Wellington Street between the two proposed seats;
 - (v) tree squares as being 1.5m x 1.5m;
 - (vi) 12m distances between street trees where there is car parking in between;
 - (vii) a notation confirming that the existing informal crossing point on Wellington Street is to remain;
 - (viii) correct dimensions of the Northumberland Street footpath;
 - (ix) a notation confirming the cost of the street trees is at the permit holders expense with the Responsible Authority carrying out the works/planting & maintenance for two years; and
 - (x) car parking spaces dimensioned.

End of Trip Facilities (EOTF) Operations Management Plan

15. Before the development is occupied, an EOTF Operations Management Plan prepared by an appropriately qualified person, must be submitted to and approved by the Responsible Authority. When approved, the EOTF Operations Management Plan will be endorsed and form part of this permit. The plan must cover the following points, but may include other points:
- (a) arrangements associated with the use of end of trip facilities by any person(s) or group who is not a tenant of the building (including homeless and/or disadvantaged persons);
 - (b) detail how the use of these facilities will not limit the use of end of trip facilities by building occupants;
 - (c) operating hours and days;
 - (d) staff numbers;
 - (e) security of the facility;
 - (f) supervision of visitors; and
 - (g) the collection of waste.
16. The EOTF Operations Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority, unless with the prior written consent of the Responsible Authority.

Road Infrastructure

17. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare a 1 in 20 scale cross sectional drawings of all new vehicle crossings. Each cross sectional drawing must include the existing building line level, the top of kerb level, the invert level, the lip level and road pavement levels. The reduced levels must be actual levels (interpolated levels from the application drawings will not be accepted). The applicant must demonstrate by way of ground clearances checks that the B99 design vehicle and the 8.8 metre service vehicle (for the loading facility) can adequately traverse the vehicle crossings. The cross sectional drawings with the ground clearance checks must be to the satisfaction of the Responsible Authority.
18. 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.
19. 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.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the area/s of any damage caused by the development works and service trenches in relation to the development along Northumberland Street and Glasgow Street must be re-sheeted full width:
 - (a) Any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement.
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpath immediately outside the property's Glasgow Street road frontage must be stripped and re-sheeted (with any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement):
 - (d) at the permit holder's cost; and
 - (e) to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpath immediately outside the property's Northumberland Street road frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
23. 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.

24. All road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement

Car parking

25. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
 - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (c) policing arrangements and formal agreements;
 - (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (e) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 6; and
 - (f) details regarding the management of loading and unloading of goods and materials.
26. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Green Travel Plan

30. Before the use and development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit.

The Green Travel Plan must include, but not be limited to, the following:

- (a) describe the location in the context of alternative modes of transport;
- (b) the provision of real time passenger information displays for nearby stops within each lobby;
- (c) employee welcome packs (e.g. provision of Met Cards/Myki);
- (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (e) details of bicycle parking and bicycle routes;
- (f) details of GTP funding and management responsibilities; and
- (g) include provisions to be updated not less than every 5 years.

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

Lighting

32. 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

33. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
34. As part of the ongoing consultant team, John Wardle Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
35. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
36. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
37. 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.

38. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
39. 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.
40. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

41. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
 - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

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

During the construction:

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

Time expiry

42. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from Council Parking Management unit and Construction Management branch.

CARRIED

1.5 29 Little Buckingham Street, Richmond - PLN16/0611 - Development of the land for the construction of two double-storey dwellings.

Trim Record Number: D16/162137

Responsible Officer: Principal Statutory Planner

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0611 to construct two, double-storey dwellings at 29 Little Buckingham Street, Richmond and recommends approval, subject to the following conditions.

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) All dimensions to match the 1:100 scale outlined on the plans and elevations;
 - (b) A notation regarding the permeable paving of the courtyard on the ground floor plan;
 - (c) A STORM assessment, with a minimum score of 100% achieved;
 - (d) Consistent rainwater tank sizes to be shown on the ground floor plan and outlined in the Sustainable Design Assessment, with the capacity of the tanks to be dictated by the outcome of the STORM assessment required at Condition 1(c);
 - (e) The location of all bin storage areas and mailboxes;
 - (f) Designated storage spaces for each dwelling in line with Standard B30 of the Yarra Planning Scheme;
 - (g) The garage doors to either be widened to 3.3m in width, or setback 0.6m from the southern boundary;
 - (h) All new and existing boundary fence heights to be demonstrated on the proposed ground floor plan;
 - (i) An amended colour scheme to match that shown in the sketch plan received by Council on 28 October 2016, with the colours altered as follows:
 - (i) Render finish 'Pure Zeal' altered to 'Warm Granite' on the east, west and north elevations at ground and first-floor;
 - (ii) Metal cladding (Ironstone) on the first-floor west elevation altered to a lighter shade (Dune).
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
4. 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.
5. 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.

6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the dwelling entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
8. 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.
9. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
10. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

11. This permit will expire if:

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

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

Notes:

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

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

All future property owners and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

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

Submission

Mr Craig Ross (Seaboard Building Design) addressed the Committee on behalf of the applicant.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor McEvoy

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0611 to construct two, double-storey dwellings at 29 Little Buckingham Street, Richmond and recommends approval, subject to the following conditions.

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) All dimensions to match the 1:100 scale outlined on the plans and elevations;
 - (b) A notation regarding the permeable paving of the courtyard on the ground floor plan;
 - (c) A STORM assessment, with a minimum score of 100% achieved;
 - (d) Consistent rainwater tank sizes to be shown on the ground floor plan and outlined in the Sustainable Design Assessment, with the capacity of the tanks to be dictated by the outcome of the STORM assessment required at Condition 1(c);
 - (e) The location of all bin storage areas and mailboxes;

- (f) Designated storage spaces for each dwelling in line with Standard B30 of the Yarra Planning Scheme;
 - (g) The garage doors to either be widened to 3.3m in width, or setback 0.6m from the southern boundary;
 - (h) All new and existing boundary fence heights to be demonstrated on the proposed ground floor plan with any new boundary fences to be a minimum height of 1.9m;
 - (i) An amended colour scheme to match that shown in the sketch plan received by Council on 28 October 2016, with the colours altered as follows;
 - (i) Render finish 'Pure Zeal' altered to 'Warm Granite' on the east, west and north elevations at ground and first-floor;
 - (ii) Metal cladding (Ironstone) on the first-floor west elevation altered to a lighter shade (Dune).
 - (j) The provision of two (2) secure bicycle spaces for each dwelling in the garage.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
 4. 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.
 5. 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.
 6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the dwelling entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
 to the satisfaction of the Responsible Authority.
 7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
 8. 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.
 9. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or

(c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

10. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

11. This permit will expire if:

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

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

Notes:

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

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

All future property owners and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

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

CARRIED

1.6 149-159 Swan Street, Richmond, VIC 3121 - Planning Permit Application No. PL06/0603.05

Trim Record Number: D16/164352

Responsible Officer: Principal Statutory Planner

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PL06/0603.05 for Part demolition, buildings and works to extend the ground floor tavern into the bottle shop building and convert the drive-thru component into a beer garden, an increase in patron numbers from 360 to 510 patrons, a reduction in the car parking requirement, a waiver of the loading bay requirement and alterations to the access to a Road Zone, Category 1 by removing the crossover to Swan Street at 149-159 Swan Street, Richmond, subject to the following changes to the permit preamble and the following conditions:

Permit Preamble

Current:

Develop the land for the purpose of a smoker courtyard, vehicle doors for the drive thru bottle shop, external staircase including the reduction of the required car spaces, reduction of the loading bay requirements, partial demolition, buildings and works and the construction and display of internally-illuminated promotion signage.

Proposed:

Develop the land for the purpose of a smoker's courtyard, extension of the bar into the bottle shop building and conversion of the drive-thru to a beer garden, buildings and works, part demolition, the display of internally illuminated promotional signage, a reduction in the car parking requirement, a waiver of the loading bay requirement and alterations to the access to a Road Zone, Category 1 by removing the crossover to Swan Street.

Conditions (amended or new conditions in bold)

Amended Plans

1. **Before the use and/or development approved in amendment PL06/0603.05 commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this planning 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 (received by Council on 14 October 2016) but modified to show:**
 - (a) **The car parking spaces with a minimum length of 5.4 metres.**
 - (b) **The vehicle crossing to Swan Street removed.**
2. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
4. The signs must not include any flashing or intermittent light.
5. Prior to the erection of signage authorised by this permit, the following signs must be removed:
 - (a) All signage indicated on Plan TP04 as 'to be removed').

VicRoads (Condition 6 and 7)

6. The signs must not be flashing or reflective.

7. The luminance of the advertising signs must be such that they do not give a veiling luminance (to the driver) greater than 0.25cd/m² while approaching the advertising sign.
8. The signage component of this permit expires 15 years from the date of the permit.
9. This permit will expire if the sign is not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

Acoustic Report

10. **The provisions, recommendations and requirements of the endorsed acoustic report prepared by Audiometric and Acoustic Services and dated 7 October 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.**
11. No loud speakers are to be permitted on the exterior of the building or in the smoking areas.
12. **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.**
13. Car parking spaces must be maintained at all times to the satisfaction of the Responsible Authority and must not be used for any other purpose, except with the written consent of the Responsible Authority.
14. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
15. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Noise and Amenity Action Plan

16. **The provisions, recommendation and requirements of the endorsed noise and amenity action plan received by Council on 14 October 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.**
17. **Background music only is allowed in the proposed beer garden until 10:00pm. No music is allowed in the proposed beer garden after 10:00pm.**
18. **The proposed beer garden approved by this planning permit may only operate between the following hours:**

(a) Sunday	10:00am to 11:00pm
(b) Good Friday and ANZAC Day	12:00 noon to 11:00pm
(c) Monday to Wednesday	7:00am to 10:00pm
(d) Thursday	7:00am to 11:00pm
(e) Friday and Saturday	7:00am to 12:00 midnight
19. **No more than 510 patrons are permitted on the land at any one time between 7:00am and 1:00am the following day.**
20. **No more than 100 patrons are permitted within the proposed beer garden at any one time.**

Civil Works

- 21. Within two (2) months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on Swan Street 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.****

- 22. Within two (2) months of the completion of the development, 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 (including by the re-sheeting of the entire Waverley Street footpath for the width of the property frontage and the reconstruction of the concrete kerb and channel from the property's northern boundary to Swan Street if required by the Responsible Authority):
 - (a) at the permit holder's cost; and**
 - (b) to the satisfaction of the Responsible Authority.****

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

- 24. 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.**

Permit Expiry

- 25. This amended planning permit will expire if:
 - (a) the development is not commenced within two years of the date the amended planning permit PL06/0603.05 was approved;**
 - (b) the development is not completed within four years of the date the amended planning permit PL06/0603.05 was approved; or**
 - (c) the use is not commenced within five years of the date the amended planning permit PL06/0603.05 was approved.****

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.

NOTE: These premises are required to comply with the *Food Act 1984*. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5166

NOTE: This 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: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5351 to confirm.

NOTE: Storm water drainage of the property must be provided to the nearest Council pit.

Submissions

Mr Stephen Bitmead addressed the Committee on behalf of the applicant.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Searle

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PL06/0603.05 for Part demolition, buildings and works to extend the ground floor tavern into the bottle shop building and convert the drive-thru component into a beer garden, an increase in patron numbers from 360 to 510 patrons, a reduction in the car parking requirement, a waiver of the loading bay requirement and alterations to the access to a Road Zone, Category 1 by removing the crossover to Swan Street at 149-159 Swan Street, Richmond, subject to the following changes to the permit preamble and the following conditions:

Permit Preamble

Current:

Develop the land for the purpose of a smoker courtyard, vehicle doors for the drive thru bottle shop, external staircase including the reduction of the required car spaces, reduction of the loading bay requirements, partial demolition, buildings and works and the construction and display of internally-illuminated promotion signage.

Proposed:

Develop the land for the purpose of a smoker's courtyard, extension of the bar into the bottle shop building and conversion of the drive-thru to a beer garden, buildings and works, part demolition, the display of internally illuminated promotional signage, a reduction in the car parking requirement, a waiver of the loading bay requirement and alterations to the access to a Road Zone, Category 1 by removing the crossover to Swan Street.

Conditions (amended or new conditions in bold)

Amended Plans

1. **Before the use and/or development approved in amendment PL06/0603.05 commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this planning 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 (received by Council on 14 October 2016) but modified to show:**
 - (a) **The car parking spaces with a minimum length of 5.4 metres.**
 - (b) **The vehicle crossing to Swan Street removed.**
2. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
4. The signs must not include any flashing or intermittent light.
5. Prior to the erection of signage authorised by this permit, the following signs must be removed:
 - (a) All signage indicated on Plan TP04 as 'to be removed'.

VicRoads (Condition 6 and 7)

6. The signs must not be flashing or reflective.
7. The luminance of the advertising signs must be such that they do not give a veiling luminance (to the driver) greater than 0.25cd/m² while approaching the advertising sign.
8. The signage component of this permit expires 15 years from the date of the permit.
9. This permit will expire if the sign is not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

Acoustic Report

10. **The provisions, recommendations and requirements of the endorsed acoustic report prepared by Audiometric and Acoustic Services and dated 7 October 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.**
11. No loud speakers are to be permitted on the exterior of the building or in the smoking areas.
12. **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.**
13. Car parking spaces must be maintained at all times to the satisfaction of the Responsible Authority and must not be used for any other purpose, except with the written consent of the Responsible Authority.
14. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
15. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Noise and Amenity Action Plan

16. **The provisions, recommendation and requirements of the endorsed noise and amenity action plan received by Council on 14 October 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.**
17. **Background music only is allowed in the proposed beer garden until 10:00pm. No music is allowed in the proposed beer garden after 10:00pm.**
18. **The proposed beer garden approved by this planning permit may only operate between the following hours:**
 - (a) **Sunday** 10:00am to 11:00pm
 - (b) **Good Friday and ANZAC Day** 12:00 noon to 11:00pm
 - (c) **Monday to Wednesday** 7:00am to 10:00pm
 - (d) **Thursday** 7:00am to 11:00pm
 - (e) **Friday and Saturday** 7:00am to 12:00 midnight
19. **No more than 510 patrons are permitted on the land at any one time between 7:00am and 1:00am the following day.**

20. No more than 100 patrons are permitted within the proposed beer garden at any one time.

Civil Works

21. Within two (2) months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on Swan Street 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.
22. Within two (2) months of the completion of the development, 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 (including by the re-sheeting of the entire Waverley Street footpath for the width of the property frontage and the reconstruction of the concrete kerb and channel from the property's northern boundary to Swan Street if required by the Responsible Authority):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
23. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
24. 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.

VicRoads (Condition 25)

25. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the building hereby approved.

Permit Expiry

26. This amended planning permit will expire if:
- (a) the development is not commenced within two years of the date the amended planning permit PL06/0603.05 was approved;
 - (b) the development is not completed within four years of the date the amended planning permit PL06/0603.05 was approved; or
 - (c) the use is not commenced within five years of the date the amended planning permit PL06/0603.05 was approved.

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.

NOTE: These premises are required to comply with the *Food Act 1984*. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5166

NOTE: This 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: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5351 to confirm.

NOTE: Storm water drainage of the property must be provided to the nearest Council pit.

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

CARRIED UNANIMOUSLY

The meeting closed at 9.20pm.

Confirmed at the meeting held on Wednesday 14 December 2016

Chair