



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

**held on Wednesday 14 December 2016 at 6.30pm  
in Meeting Room 3 at the Richmond Town Hall**

**I. ATTENDANCE**

Councillor Jackie Fristacky (substitute for Cr Stephen Jolly)  
Councillor James Searle  
Councillor Mike McEvoy

Mary Osman (Manager Statutory Planning)  
Amy Hodgen (Acting Coordinator Statutory Planning)  
Cindi Johnston (Governance Officer)

**II. APOLOGIES AND LEAVE OF ABSENCE**

Councillor Stephen Jolly

**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 30 November 2016 be confirmed.

**CARRIED**

**Printed on 100% recycled paper**

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



## Guidelines for public participation at Internal Development Approval Committee meetings

### **POLICY**

---

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

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

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

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

**Governance Branch  
2008**

Councillor McEvoy nominated Councillor Fristacky as Chair.

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

Councillor Fristacky assumed the Chair.

## 1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN15/0612 - 247-259 Johnston St and 36-40 Stafford St, Abbotsford VIC 3067	6	16
1.2	PLN12/0132.02 - 416-422 Smith Street and 2 Hotham Street, Collingwood - Section 72 amendment to include one additional level (increase from eight levels to nine levels) containing one dwelling and include one additional car parking space and one additional bicycle parking space within the basement.	27	32
1.3	14 Maugie Street, Abbotsford - Planning Permit PLN15/1173 - Development of the land for partial demolition and construction of a two storey extension with roof terrace to the existing dwelling and three new double storey dwellings with roof terraces.	39	41
1.4	Planning Permit Application No. PLN16/0505 - 10 & 12 Abbott Grove, Clifton Hill - Development of the land for construction of ground and first floor extensions to the existing dwelling, including partial demolition at No. 12 Abbott Grove, Clifton Hill and demolition of an overhanging eave at No. 10 Abbott Grove, Clifton Hill	45	47
1.5	<p>PLN15/1138 - Development of the land for the construction of a 10 storey building above four basement levels, use of the land for shops, reduction in the car parking requirements associated with dwelling visitors and shops and waiver of the loading bay requirement for the shops. land for the construction of a four-storey mixed use development consisting of a food and drink premises (Cafe) and dwellings (no permit for use), full demolition of the existing building and a reduction in the car parking requirements and a waiver of the loading bay requirement            [CONFIDENTIAL ITEM - VCAT COMPULSORY CONFERENCE WITHOUT PREJUDICE POSITION]</p> <p><i>This item is to be considered in closed session in accordance with Section 89 (2) (h) of the Local Government Act 1989, to allow consideration of:</i></p> <p>(h) Matters prejudicial to Council and/or any person.</p>		

---

**1.1 PLN15/0612 - 247-259 Johnston St and 36-40 Stafford St, Abbotsford VIC 3067**


---

Trim Record Number: D16/176003

Responsible Officer: Manager Statutory Planning

## RECOMMENDATION

That Council inform VCAT that had it been in a position, it would have issued a Notice of Decision to Grant a Permit (PLN15/0612) for 247, 249, 253 and 255-259 Johnston St and 36-40 Stafford St, Abbotsford VIC 3067 for the development of the land for the construction of a 15 storey building (plus 3 basement levels), including part demolition, use of the land as dwellings, reduction in the car parking requirements associated with dwellings and shops and waiver of the loading bay requirements in accordance with the decision plans (SD00-03, SD00-04, SD02-01, SD02-02, SD02-03, SD02-10, SD02-11, SD2-12, SD02-13, SD02-14, SD02-15, SD02-16, SD02-17, SD02-18, SD02-19, SD02-20, SD02-21, SD02-22, SD05-01, SD05-02, SD05-03, SD05-03A, SD05-05, SD06-01 and SD06-02 all dated 19/08/16, schedule of colours and materials all prepared by SJB Architects) 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 decision plans (SD00-03, SD00-04, SD02-01, SD02-02, SD02-03, SD02-10, SD02-11, SD2-12, SD02-13, SD02-14, SD02-15, SD02-16, SD02-17, SD02-18, SD02-19, SD02-20, SD02-21, SD02-22, SD05-01, SD05-02, SD05-03, SD05-03A, SD05-05, SD06-01 and SD06-02 all dated 19/08/16, schedule of colours and materials all prepared by SJB Architects) but modified to show:

### Building Design

- (a) deletion of level 9;
- (b) the westernmost shop relocated to the west, with the residential lobby repositioned centrally and more inline with the lift core;
- (c) a demolition plan clearly depicting which sections of the St Crispin House building at 247 – 253 Johnston Street are to be demolished;
- (d) confirmation that the existing north-facing windows to St Crispin House building at 247 – 253 Johnston will be retained (or replaced to match existing);
- (e) dwellings 6.11, 7.11 and 8.11 reoriented to the west;
- (f) deletion of the protruding study elements of dwellings 2.13, 3.09 and 4.11 from the adjacent corridors;
- (g) windows and balconies within a 9m radius and 45 degree arc of another habitable room window or balcony treated in one of the following ways:
  - (i) a minimum 1.7m high, maximum 25% transparent, fixed screen;
  - (ii) minimum 1.7m high, obscure glazing; or
  - (iii) minimum 1.7m high sills.
- (h) fixed, retractable clothes lines on all balconies;
- (i) balcony balustrades to be opaque glass or solid;
- (j) addition of a south facing window to apartment G.03;
- (k) all window to be openable, including to communal corridors;
- (l) eternal shutters, blinds or awnings in lieu of tinted glazing to the western and northern facades of dwellings 11.02 and 11.03;
- (m) external awnings or sunshade screens to the roof deck lobby;
- (n) details of all external screens, confirming they would not appear too 'solid', along with details of their operation;
- (o) the pedestrian entry door leading to dwellings G.04 and G.05 a maximum 1m behind the property frontage;
- (p) a schedule of colours and materials including coloured elevations and perspectives, showing:

- (i) the laneway resurfacing as per Council's standard specifications/materials;
- (ii) reduced tinted glazing (balancing urban design outcomes and energy efficiency of the dwellings); and
- (iii) confirmation of glazing types (clear or tinted) where external bronze metal screens are installed to the outside.

#### Car and bicycle parking facilities

- (q) a maximum car parking rate of 1 space per 2 bedroom dwelling, resulting in a reduced car parking provision (i.e. not to be reallocated to other uses/dwellings);
- (r) a maximum 80% of bicycle parking spaces may be hanging style;
- (s) bicycle hoops on the Johnston Street footpath;
- (t) bicycle parking for at least 10% of staff associated with the commercial tenancies;
- (u) end trip facilities (shower[s] and locker[s]) for staff;
- (v) all visitor bicycle parking spaces must be provided at a bicycle rail;
- (w) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (x) vehicular gates to the ramps (must not be within the ROW);
- (y) the transition at the base of the mezzanine level ramp at 1:8 increased to a minimum length of 2.6m;
- (z) the 1 in 8 transition grade at the base of the entrance ramp lengthened to 2.5m;
- (aa) inclusion of a translucent or glazed panel in between the two accessways towards the entrances;
- (bb) provision of wheel stops to the three 90 degree parking spaces in the 36-40 Stafford Street parking area (as per AS/NZS 2890.1:2004); internal dimensions and vehicular doorway widths dimensioned on the plans;
- (cc) all ramp grades, lengths and inside and outside radii. The curved sections should be designed to satisfy AS/NZS 2890.1:2004 Figure 2.9 – Dimensions of Curved Circulation Roadways and Ramps. A maximum superelevation of 1 in 20 (or 5%) must be provided at the curved sections of the accessways);
- (dd) a section drawing and ground clearance check using a B99 template to confirm that a minimum 2.2m headroom clearance (as per AS2890.1-2004) is available at critical points (including where this ramp passes under the ground floor, under the ramp to basement 3 and for the entrance and accessway to the level 1 car park);
- (ee) swept path diagram A3 AT(1) updated to take into account on-street car parking. This may require modifications to the vehicular entrance to ensure B99 vehicular access can be provided;
- (ff) demolition of the vehicle crossing servicing the Right of Way, with a notation confirming the crossing will be reconstructed and widened to Council's Standard Drawings and engineering requirements;
- (gg) a 1 in 20 scale cross sectional drawing of the reconstructed vehicle crossing, showing the actual reduced levels (not interpolated levels from the application drawings) of the Stafford Street road profile (centre line of road pavement to property line). The required levels include the building line level (entrance of Right of Way), top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Stafford Street and a few metres inside the Right of Way must be accurately drawn. A ground

clearance check must confirm that a B99 design vehicle can traverse the new vehicle crossing and ramp without scraping or bottoming out;

- (hh) deletion of the loading bay from the ROW;
- (ii) no works obstructing the ROW;

#### Other

- (jj) the unlabelled room of dwelling 2.07 at level 1 replaced with storage cages (as per the sketch plan received by Council on 24 November 2016);
  - (kk) deletion of the 'see landscape plan for proposed laneway finish' note on the ground floor plan;
  - (ll) stormwater management information (the location and size of raingardens, rainwater tank, collection areas and all treatment initiatives [raingarden, tank and buffer strip] and connections between the individual collection areas and treatment types;
  - (mm) changes as per the endorsed SMP (where relevant to show on the plans);
  - (nn) changes as per the endorsed acoustic report (where relevant to show on the plans);
  - (oo) changes as per the endorsed wind report (where relevant to show on the plans); and
  - (pp) changes as per the endorsed WMP (where relevant to show on the plans).
2. The development and use 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.

#### Heritage Structural report

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

#### Archival record

5. Before demolition commences, a detailed and annotated photographic record of the existing St Crispin House building at 247-253 Johnston Street in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) include the interior and each external elevation of the building;
  - (b) be submitted in black and white format; and
  - (c) be taken by a suitably qualified heritage photographer.

#### 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.

#### Ongoing involvement of the architect

9. As part of the ongoing consultant team, SJB 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.

#### Landscape plan

10. 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 be generally as per the decision plans (received by Council 11 February 2016), but include (or show):
  - (a) relevant changes as per the condition 1 plans;
  - (b) the removal of 3 street trees (the mature Melaleuca and a juvenile Eucalypt on the Johnston Street frontage and a mature but stunted Callistemon on the Stafford Street frontage).;
  - (c) 6 new tree plantings (3 along Johnston Street and 3 along Stafford Street). A notation must confirm that all costs are to be paid by Permit Holder, with all works undertaken by Council contractors which includes:
    - (i) tree removals;
    - (ii) stump grinding;
    - (iii) purchase of 6 new 100Ltr trees;
    - (iv) planting of new trees; and
    - (v) 2 years maintenance to ensure their establishment.
  - (d) Replacement of the Acer palmatum tree with a different genus with a minimum height of 8m at maturity which will provide shade and better withstand harsh conditions;
  - (e) further information regarding 'webforge climber mesh', including construction details on how it will be secured;
  - (f) further information regarding construction details of planters and planting areas, including soil and mulch depths and irrigation; and
  - (g) proposed landscape maintenance and maintenance program;
  - (h) information regarding proposed plants, the number of plants proposed (for each type), including the name, location, and plant size;
  - (i) detailed design information regarding the proposed drainage, planters, and paving;
  - (j) information regarding irrigation and maintenance, including the reuse of stormwater where possible.

- (k) the location of all areas to be covered by lawn or other surface materials (including the ground level planter and roof deck planting); and
  - (l) a specification of works to be undertaken prior to planting.
11. 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

12. 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 Renzo Tonin and Associates dated 14 January 2016, but modified to include (or show, or address):
- (a) relevant changes as per the condition 1 plans;
  - (b) advice for ventilation in rooms where substantial façade upgrades are proposed;
  - (c) noise from the mechanical plant at the restaurant to the east (including the kitchen exhaust fan);
  - (d) noise from mechanical plant and equipment associated with the project is to be designed to comply with the relevant noise criteria. These include SEPP N-1 (commercial and body corporate operated plant, including carpark infrastructure); EPA Noise Control Guidelines / Publication 1254 (privately owned air conditioning condenser units) and sleep disturbance targets of 60 dBA Lmax outside openable windows of dwellings;
  - (e) that noise from carpark access gates will meet SEPP N-1 and be no greater than 60 dBA Lmax outside openable windows; and
  - (f) details of the operation of the ancillary gym, confirming that the gym would not unreasonably impact the amenity of the proposed dwellings.

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.

13. 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.

#### Sustainable Management Plan

14. 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 2 September 2016, but modified to include or show:
- (a) an updated STORM assessment, deleting reference to the buffer strips, with necessary adjustments to achieve a minimum 100% compliance;

- (b) the provision of fly screens and security mechanisms to openable windows/doors to allow for night purging;
  - (c) the provision of fixed, retractable clothes lines;
  - (d) the incorporation of a central condensing gas boiler with at least 90% efficiency;
  - (e) details of the operation of external screens;
  - (f) how water and energy consumption would be minimised with regard to the pool operation;
  - (g) water and energy consumption will be minimised in regard to the pool operation;
  - (h) an updated thermal energy (NatHERS) information that confirms different glazing types (clear/tint) that is consistent with the architectural drawings, and ensure that the average 6.8 Star NatHERS rating can be met; and
  - (i) a building users guide.
15. 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

16. 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

17. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPac dated 29 August 2016, but modified to include (or show):
- (a) the correct reference to wind strengths (figure 4 of their report states that southwest to west wind directions would be stronger than the southern winds);
  - (b) the rooftop terraces will achieve the criteria for standing and sitting comfort;
  - (c) a wind tunnel test, quantifying the environmental wind conditions in the streetscapes immediately adjacent, on the north side footpath of Johnson Street, and the private recreation areas, confirming that the wind targets can be achieved.
18. 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

19. 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) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.;
  - (d) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan;
  - (e) details regarding the management of loading and unloading of goods and materials; and

- (f) details of the traffic light system to manage vehicles entering/exiting the level 1 car park. The Owners Corporation must be responsible for the care and maintenance of this system, including the detector loop.

20. 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

21. 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. In particular, but not limited to, the dilapidation report must assess the condition of the Stafford Street and Park Street road pavements.  
Any damage or areas of excavation or trenching that has occurred in Stafford Street and Park Street as a result of the development will require the developer to rehabilitate these roads to Council standards and at the Permit Holder's expense;
- (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;
  - (x) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
  - (y) a temporary public lighting scheme, should any public lighting assets require temporary disconnection.
22. 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

23. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
24. 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 undergrounding of the power lines adjacent to the Johnston and Stafford Street property frontages;
  - (b) construction of bluestone footpath instead of asphalt footpath adjacent to the properties Johnston and Stafford Street frontages;
  - (c) improved street lighting, seating and placement of waste disposal bins and bike hoops;
  - (d) the Right of Way must be reconstructed in accordance with Council's Infrastructure Road Materials Policy (the widening of the Right of Way (on private property) is to be constructed in materials consistent with the Right of Way (Road));
  - (e) the footpath and kerb and channel along the property's Stafford Street road frontage must be reconstructed;
  - (f) the reconstructed footpaths must have a cross-fall of no steeper than 1 in 40.
  - (g) removal of redundant property drains;
  - (h) profile and re-sheet the full width of Stafford Street road pavement, extending in line with the site's western boundary to the site's eastern boundary (upon the completion of all building works and utility connections to the site);
  - (i) the footpath along the property's Johnston Street frontage must be stripped and re-sheeted;

- (j) isolated repairs to kerb and channel as a result of the development/construction; and
  - (k) the half width road pavement of Johnston Street (from south kerb to road centreline) profiled and re-sheeted spanning the property frontage.
25. 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 24) for assessment and endorsement to the satisfaction of the Responsible Authority.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

#### PTV Condition

32. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Johnston Street is kept to a minimum during the construction of the development.

Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

### Expiry

33. 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.

### Submissions

*The Applicants Mr James Govenlock and Mr Russ Fairlie addressed the Committee.*

*The following people also addressed the Committee:*

*Ms Claire Leach;  
Mr Raymond Endean; and  
Dr Virginia Dods.*

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor McEvoy

**Seconded:** Councillor Fristacky

That Council inform VCAT that had it been in a position, it would have issued a Notice of Decision to Grant a Permit (PLN15/0612) for 247, 249, 253 and 255-259 Johnston St and 36-40 Stafford St, Abbotsford VIC 3067 for the development of the land for the construction of a 13 storey building (plus 3 basement levels), including part demolition, use of the land as dwellings, reduction in the car parking requirements associated with dwellings and shops and waiver of the loading bay requirements in accordance with the decision plans (SD00-03, SD00-04, SD02-01, SD02-02, SD-02-03, SD02-10, SD02-11, SD2-12, SD02-13, SD02-14, SD02-15, SD02-16, SD-02-17, SD02-18, SD02-19, SD02-20, SD02-21, SD02-22, SD05-01, SD05-02, SD05-03, SD05-03A, SD05-05, SD06-01 and SD06-02 all dated 19/08/16, schedule of colours and materials all prepared by SJB Architects) 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 decision plans (SD00-03, SD00-04, SD02-01, SD02-02, SD-02-03, SD02-10, SD02-11, SD2-12, SD02-13, SD02-14, SD02-15, SD02-16, SD-02-17, SD02-18, SD02-19, SD02-20, SD02-21, SD02-22, SD05-01, SD05-02, SD05-03, SD05-03A, SD05-05, SD06-01 and SD06-02 all dated 19/08/16, schedule of colours and materials all prepared by SJB Architects) but modified to show:



## Building Design

- (a) deletion of levels 8 and 9;
- (b) deletion of dwellings 4.12, 4.13 and 4.14 and replace with the communal deck and bbq area currently at level 5;
- (c) the westernmost shop relocated to the west, with the residential lobby repositioned centrally and more inline with the lift core;
- (d) a demolition plan clearly depicting which sections of the St Crispin House building at 247 – 253 Johnston Street are to be demolished;
- (e) confirmation that the existing north-facing windows to St Crispin House building at 247 – 253 Johnston will be retained (or replaced to match existing);
- (f) dwellings 6.11, 7.11 and 8.11 reoriented to the west;
- (g) deletion of the protruding study elements of dwellings 2.13, 3.09 and 4.11 from the adjacent corridors;
- (h) windows and balconies within a 9m radius and 45 degree arc of another habitable room window or balcony treated in one of the following ways:
  - (i) a minimum 1.7m high, maximum 25% transparent, fixed screen;
  - (ii) minimum 1.7m high, obscure glazing; or
  - (iii) minimum 1.7m high sills.
- (i) fixed, retractable clothes lines on all balconies;
- (j) balcony balustrades to be opaque glass or solid;
- (k) addition of a south facing window to apartment G.03;
- (l) all window to be openable, including to communal corridors;
- (m) external shutters, blinds or awnings in lieu of tinted glazing to the western and northern facades of dwellings 11.02 and 11.03;
- (n) external awnings or sunshade screens to the roof deck lobby;
- (o) details of all external screens, confirming they would not appear too ‘solid’, along with details of their operation;
- (p) the pedestrian entry door leading to dwellings G.04 and G.05 a maximum 1m behind the property frontage;
- (q) a schedule of colours and materials including coloured elevations and perspectives, showing:
  - (i) the laneway resurfacing as per Council’s standard specifications/materials;
  - (ii) reduced tinted glazing (balancing urban design outcomes and energy efficiency of the dwellings); and
  - (iii) confirmation of glazing types (clear or tinted) where external bronze metal screens are installed to the outside.

## Car and bicycle parking facilities

- (r) a maximum car parking rate of 1 space per 2 bedroom dwelling, resulting in a reduced car parking provision (i.e. not to be reallocated to other uses/dwellings);
- (s) at least 50% of bicycle parking racks must be floor mounted;
- (t) bicycle hoops on the Johnston Street footpath;
- (u) bicycle parking for at least 10% of staff associated with the commercial tenancies;
- (v) end trip facilities (shower[s] and locker[s]) for staff;
- (w) all visitor bicycle parking spaces must be provided at a bicycle rail;
- (x) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (y) vehicular gates to the ramps (must not be within the ROW);
- (z) the transition at the base of the mezzanine level ramp at 1:8 increased to a minimum length of 2.6m;
- (aa) the 1 in 8 transition grade at the base of the entrance ramp lengthened to 2.5m;
- (bb) inclusion of a translucent or glazed panel in between the two accessways towards the entrances;
- (cc) provision of wheel stops to the three 90 degree parking spaces in the 36-40 Stafford Street parking area (as per AS/NZS 2890.1:2004); internal dimensions and vehicular doorway widths dimensioned on the plans;

- (dd) all ramp grades, lengths and inside and outside radii. The curved sections should be designed to satisfy AS/NZS 2890.1:2004 Figure 2.9 – Dimensions of Curved Circulation Roadways and Ramps. A maximum superelevation of 1 in 20 (or 5%) must be provided at the curved sections of the accessways);
- (ee) a section drawing and ground clearance check using a B99 template to confirm that a minimum 2.2m headroom clearance (as per AS2890.1-2004) is available at critical points (including where this ramp passes under the ground floor, under the ramp to basement 3 and for the entrance and accessway to the level 1 car park);
- (ff) swept path diagram A3 AT(1) updated to take into account on-street car parking. This may require modifications to the vehicular entrance to ensure B99 vehicular access can be provided;
- (gg) demolition of the vehicle crossing servicing the Right of Way, with a notation confirming the crossing will be reconstructed and widened to Council's Standard Drawings and engineering requirements;
- (hh) a 1 in 20 scale cross sectional drawing of the reconstructed vehicle crossing, showing the actual reduced levels (not interpolated levels from the application drawings) of the Stafford Street road profile (centre line of road pavement to property line). The required levels include the building line level (entrance of Right of Way), top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Stafford Street and a few metres inside the Right of Way must be accurately drawn. A ground clearance check must confirm that a B99 design vehicle can traverse the new vehicle crossing and ramp without scraping or bottoming out;
- (ii) deletion of the loading bay from the ROW;
- (ii) no works obstructing the ROW;
- (kk) one car parking space allocated to loading for use by a van or small truck (for use of the shop tenancies and for residents moving in/out);
- (ll) provision of power points for charging e-bicycles and e-vehicles;

#### Other

- (mm) the unlabelled room of dwelling 2.07 at level 1 replaced with storage cages (as per the sketch plan received by Council on 24 November 2016);
- (nn) deletion of the 'see landscape plan for proposed laneway finish' note on the ground floor plan;
- (oo) stormwater management information (the location and size of raingardens, rainwater tank, collection areas and all treatment initiatives [raingarden, tank and buffer strip] and connections between the individual collection areas and treatment types);
- (pp) changes as per the endorsed SMP (where relevant to show on the plans);
- (qq) changes as per the endorsed acoustic report (where relevant to show on the plans);
- (rr) changes as per the endorsed wind report (where relevant to show on the plans); and
- (ss) changes as per the endorsed WMP (where relevant to show on the plans).

2. The development and use 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.

#### Heritage Structural report

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

### Archival record

5. Before demolition commences, a detailed and annotated photographic record of the existing St Crispin House building at 247-253 Johnston Street in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
  - (a) include the interior and each external elevation of the building;
  - (b) be submitted in black and white format; and
  - (c) be taken by a suitably qualified heritage photographer.

### 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.

### Ongoing involvement of the architect

9. As part of the ongoing consultant team, SJB 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.

### Landscape plan

10. 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 be generally as per the decision plans (received by Council 11 February 2016), but include (or show):

- (a) relevant changes as per the condition 1 plans;
  - (b) the removal of 3 street trees (the mature Melaleuca and a juvenile Eucalypt on the Johnston Street frontage and a mature but stunted Callistemon on the Stafford Street frontage).;
  - (c) 6 new tree plantings (3 along Johnston Street and 3 along Stafford Street). A notation must confirm that all costs are to be paid by Permit Holder, with all works undertaken by Council contractors which includes:
    - (i) tree removals;
    - (ii) stump grinding;
    - (iii) purchase of 6 new 100Ltr trees;
    - (iv) planting of new trees; and
    - (v) 2 years maintenance to ensure their establishment.
  - (d) Replacement of the Acer palmatum tree with a different genus with a minimum height of 8m at maturity which will provide shade and better withstand harsh conditions;
  - (e) further information regarding 'webforge climber mesh', including construction details on how it will be secured;
  - (f) further information regarding construction details of planters and planting areas, including soil and mulch depths and irrigation; and
  - (g) proposed landscape maintenance and maintenance program;
  - (h) information regarding proposed plants, the number of plants proposed (for each type), including the name, location, and plant size;
  - (i) detailed design information regarding the proposed drainage, planters, and paving;
  - (j) information regarding irrigation and maintenance, including the reuse of stormwater where possible.
  - (k) the location of all areas to be covered by lawn or other surface materials (including the ground level planter and roof deck planting); and
  - (l) a specification of works to be undertaken prior to planting.
11. 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

12. 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 Renzo Tonin and Associates dated 14 January 2016, but modified to include (or show, or address):
- (a) relevant changes as per the condition 1 plans;
  - (b) advice for ventilation in rooms where substantial façade upgrades are proposed;
  - (c) noise from the mechanical plant at the restaurant to the east (including the kitchen exhaust fan);
  - (d) noise from mechanical plant and equipment associated with the project is to be designed to comply with the relevant noise criteria. These include SEPP N-1 (commercial and body corporate operated plant, including carpark infrastructure); EPA Noise Control Guidelines / Publication 1254 (privately owned air conditioning condenser units) and sleep disturbance targets of 60 dBA Lmax outside openable windows of dwellings;

- (e) that noise from carpark access gates will meet SEPP N-1 and be no greater than 60 dBA Lmax outside openable windows; and
- (f) details of the operation of the ancillary gym, confirming that the gym would not unreasonably impact the amenity of the proposed dwellings.

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.

13. 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.

#### Sustainable Management Plan

14. 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 2 September 2016, but modified to include or show:

- (a) an updated STORM assessment, deleting reference to the buffer strips, with necessary adjustments to achieve a minimum 100% compliance;
- (b) the provision of fly screens and security mechanisms to openable windows/doors to allow for night purging;
- (c) the provision of fixed, retractable clothes lines;
- (d) the incorporation of a central condensing gas boiler with at least 90% efficiency;
- (e) details of the operation of external screens;
- (f) how water and energy consumption would be minimised with regard to the pool operation;
- (g) water and energy consumption will be minimised in regard to the pool operation;
- (h) an updated thermal energy (NatHERS) information that confirms different glazing types (clear/tint) that is consistent with the architectural drawings, and ensure that the average 6.8 Star NatHERS rating can be met;
- (i) a building users guide; and
- (j) installation of a HVAC mechanism.

15. 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

16. 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

17. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit.

The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPac dated 29 August 2016, but modified to include (or show):

- (a) the correct reference to wind strengths (figure 4 of their report states that southwest to west wind directions would be stronger than the southern winds);
- (b) the rooftop terraces will achieve the criteria for standing and sitting comfort;
- (c) a wind tunnel test, quantifying the environmental wind conditions in the streetscapes immediately adjacent, on the north side footpath of Johnson Street, and the private recreation areas, confirming that the wind targets can be achieved.

18. 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 Share

19. Before the development starts, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for at least 2 car share vehicles on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years. The agreement will reflect that any costs associated with ensuring ongoing availability of at least 2 car share vehicles on site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

### Car Park Management Plan

20. 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 location of the car share vehicles;
  - (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;
  - (f) details regarding the management of loading and unloading of goods and materials; and
  - (g) details of the traffic light system to manage vehicles entering/exiting the level 1 car park. The Owners Corporation must be responsible for the care and maintenance of this system, including the detector loop.
21. 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

22. 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. In particular, but not limited to, the dilapidation report must assess the condition of the Stafford Street and Park Street road pavements.  
Any damage or areas of excavation or trenching that has occurred in Stafford Street and Park Street as a result of the development will require the developer to rehabilitate these roads to Council standards and at the Permit Holder's expense;
- (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;
- (x) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- (y) a temporary public lighting scheme, should any public lighting assets require temporary disconnection.

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.

#### Civil works

24. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.

25. 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 undergrounding of the power lines adjacent to the Johnston and Stafford Street property frontages;
- (b) construction of bluestone footpath instead of asphalt footpath adjacent to the properties Johnston and Stafford Street frontages;
- (c) improved street lighting, seating and placement of waste disposal bins and bike hoops;
- (d) the Right of Way must be reconstructed in accordance with Council's Infrastructure Road Materials Policy (the widening of the Right of Way (on private property) is to be constructed in materials consistent with the Right of Way (Road));
- (e) the footpath and kerb and channel along the property's Stafford Street road frontage must be reconstructed;
- (f) the reconstructed footpaths must have a cross-fall of no steeper than 1 in 40.
- (g) removal of redundant property drains;
- (h) profile and re-sheet the full width of Stafford Street road pavement, extending in line with the site's western boundary to the site's eastern boundary (upon the completion of all building works and utility connections to the site);
- (i) the footpath along the property's Johnston Street frontage must be stripped and re-sheeted;
- (j) isolated repairs to kerb and channel as a result of the development/construction; and
- (k) the half width road pavement of Johnston Street (from south kerb to road centreline) profiled and re-sheeted spanning the property frontage.



26. 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 24) for assessment and endorsement to the satisfaction of the Responsible Authority.
27. 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.
28. 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.
29. 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, nature strip, and kerb and channel:
- (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, 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.
31. 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.
32. 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.

#### PTV Condition

33. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Johnston Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

#### Expiry

34. 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, and will be notified as such.**

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.

**CARRIED**

**For:** Crs Fristacky and McEvoy

**Against:** Cr Searle

- 
- 1.2 PLN12/0132.02 - 416-422 Smith Street and 2 Hotham Street, Collingwood - Section 72 amendment to include one additional level (increase from eight levels to nine levels) containing one dwelling and include one additional car parking space and one additional bicycle parking space within the basement.**
- 

Trim Record Number: D16/172225

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 PLN12/0132.02 for the demolition of the existing building and development of the land for the construction of a nine storey building providing dwellings with ground floor retail and office, reduction in the associated car parking requirement and construction of a crossover at 416-422 Smith Street and 2 Hotham Street, Collingwood, subject to the following conditions (amended or new conditions in **bold**):

### **Amended Plans**

1. **Prior to the endorsement of plans, 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 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 plans prepared Cera Stribley Architects and numbered TP-01, TP-07, TP-09 to TP-21, TP-30 to TP-37, TP-40 to TP-41 and TP-65 to TP-66, but modified to show:**
  - (a) **The bin store room on level 8 deleted from the plans, with the bin storage relocated to within the remaining footprint of this level.**

### **Endorsed plans**

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

### **Environmental Sustainable Design (ESD)**

4. **The provisions, recommendations and requirements of the endorsed sustainable management plan prepared by Sustainable Built Environments and dated 16 September 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.**

### **Acoustic Report**

5. Before the plans are endorsed, an acoustic report prepared by a suitably qualified expert must be submitted to and approved by the Responsible Authority. Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must include an assessment of how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to the following (addressing on-site and off-site amenity impacts):
  - (a) any proposed air conditioner units;
  - (b) commercial plant and equipment; and
  - (c) on-site residential amenity to protect against noise from nearby commercial uses.
6. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where they are recommendations of an ongoing nature must be maintained to the satisfaction of the Responsible Authority.

### **Car Parking, Crossovers and Footpaths**

7. The area set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plan must:
  - (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
  - (b) must be used for no other purpose and must be line-marked and maintained at all times to the satisfaction of the Responsible Authority;
  - (c) be made available for such use at all times and not used for any other purpose;
  - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
  - (e) be drained and sealed with an all weather seal coat.

All to the satisfaction on the Responsible Authority.

8. The design and construction of the new vehicle crossing must comply with the following:
  - (a) the vehicle crossing shall be constructed in accordance with City of Yarra Standard Drawings and Specifications;
  - (b) the development's finished floor levels relative to footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
  - (c) Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004. The designer may also need to alter finished floor levels just inside the property in order to provide satisfactory access;
  - (d) the design and construction of the vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued; and
  - (e) the eastern edge of the crossing shall be positioned no less than 6 metres from the tangent point of the radial located at the Hotham Street/Emma Street intersection and clear of the existing street tree. In the event that the street tree is required to be removed, a replacement tree / the existing street tree to be located to the satisfaction of the Responsible Authority with all costs borne by the permit holder.
9. Prior to the occupation of the development, all redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel of the surrounding area to Council's satisfaction. All costs associated with these works must be borne by the permit holder.
10. The trenching and excavation for underground utility service connections by service authorities on Public Highways will require the reinstatement / rectification of Council road infrastructure to the satisfaction of Council's Engineering Services Unit and at the expense of the permit holder.
11. Upon completion of all building works and underground service connections, the footpaths extending along the property's Hotham and Emma Streets road frontages must be re-sheeted by the developer in accordance with Council standards. All costs associated with these works must be borne by the permit holder.
12. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works shall be borne by the developer.
13. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
14. The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004.

15. All existing kerb and channel, and road pavement surface levels must not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004.

### **Bicycle Parking**

16. A minimum of 81 bicycle parking spaces (equating to the provision of one (1) space per dwelling) must be provided within the building to support the development hereby permitted, to the satisfaction of the Responsible Authority.

### **Landscaping**

17. Within one (1) month of the development commencing, a landscape plan must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must include details for the proposed landscaping and maintenance regime of areas within the Level 01 setback from the north boundary and the Emma Street facing balconies, and include (but not limited to) the following:
  - (a) proposed plant schedule (with botanical name, common name, mature height and spread, installation size, spacing's, locations and quantities);
  - (b) a legend (with key features, materials and construction details);
  - (c) any raised planter beds (including height and construction methods);
  - (d) investigate opportunities for passive irrigation;
  - (e) alternatives to Environmental Weed Species such as *Acanthus mollis* and *Cotoneaster dameri* (as outlined in *Gardening with Native Plants in Yarra: A home gardener's guide to protecting our natural heritage City of Yarra 2001*);
  - (f) delineation of private areas; and
  - (g) landscaping to be irrigated by harvested rainwater.
18. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.
20. \*Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
  - (a) the protection of the tree on the Hotham St footpath closest to Smith St:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and
  - (d) watering and maintenance regimes,
21. \*Before the development commences the permit holder must make a one off contribution of a maximum of \$1,200 to the Responsible Authority to be used for a replacement street tree to Hotham Street.

### **Lighting**

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

### **General**

23. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
24. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
25. All piping and ducting, other than for drainage above the ground floor level of the building must be concealed.
26. The buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
27. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1 and N-2 to the satisfaction of the Responsible Authority.
28. The trafficable area shown on the Level 01 Floor Plan within the north boundary setbacks must be accessed for maintenance purposes only.

### **Waste Management**

29. Before the plans are endorsed, an updated Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will then form part of this permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Tech Services Pty Ltd (dated 10 February 2012), but modified to:
  - (a) take account of changes to the proposed development required by condition 1 of this permit;
  - (b) a requirement that bins must be:
  - (c) returned to the loading bay as soon as practicable after collection; and
  - (d) moved from and to the basement car park to the loading bay only between 8am and 7pm.
30. The collection of all waste must be in accordance with the approved Waste Management Plan. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved Waste Management Plan.

### **Construction Management**

31. Before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and form part of this permit. The plan must provide for or include the following:
  - (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
  - (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
  - (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
  - (e) on site facilities for vehicle washing;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;

- (h) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
- (i) construction program;
- (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
  - (q) using lower noise work practice and equipment;
  - (r) the suitability of the site for the use of an electric crane;
  - (s) silencing all mechanical plant by the best practical means using current technology; and
  - (t) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

32. During the construction, the following must occur:

- (a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
- (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
- (c) vehicle borne material must not accumulate on the roads abutting the site;
- (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
- (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- (f) all site operations must comply with the EPA Publication TG302/92.

33. Except with the written consent of the Responsible Authority, demolition or construction works may only be carried out between: **7.00am - 6.00pm**, Monday-Friday (excluding public holidays) and **9.00am - 3.00pm**, 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.

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

**Public Transport Victoria (conditions 33 to 34)**

35. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Smith Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior.

36. 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 to the permit holder.

### **Goods and materials delivery**

37. Except with the written consent of the Responsible Authority, all delivery and collection of goods associated with the retail and office tenancies must be conducted between the retail and office opening hours.
38. The retail and office uses must not cause nuisance or be detrimental to the amenity of the neighbourhood by way of emission of noise or other nuisances, to the satisfaction of the Responsible Authority.
39. The amenity of the area must not be detrimentally affected by the retail and office uses 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 the presence of vermin.

### **Expiry**

40. This permit will expire if one of the following circumstances applies:
- (a) the development is not started within two years of the date of this permit; and
  - (b) the development is not completed within four years of the date of this permit.

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

### Submissions

*The Applicant, Ms Christine Hartley addressed the Committee.*

*The following people also addressed the Committee:*

*Mr Barry Smith;  
Ms Anne Lockley; and  
Mr Ian Lamb.*

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Fristacky

**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 PLN12/0132.02 for the demolition of the existing building and development of the land for the construction of a nine storey building providing dwellings with ground floor retail and office, reduction in the associated car parking requirement and construction of a crossover at 416-422 Smith Street and 2 Hotham Street, Collingwood, subject to the following conditions (amended or new conditions in **bold**):

### **Amended Plans**

1. **Prior to the endorsement of plans, 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 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 plans prepared Cera Stribley Architects and numbered TP-01, TP-07, TP-09 to TP-21, TP-30 to TP-37, TP-40 to TP-41 and TP-65 to TP-66, but modified to show:**

- (a) The bin store room on level 8 deleted from the plans, with the bin storage relocated to within the remaining footprint of this level.**
- (b) Deletion of one of the lifts to level 8.**

#### **Endorsed plans**

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

#### **Environmental Sustainable Design (ESD)**

- 4. **The provisions, recommendations and requirements of the endorsed sustainable management plan prepared by Sustainable Built Environments and dated 16 September 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.**

#### **Acoustic Report**

- 5. Before the plans are endorsed, an acoustic report prepared by a suitably qualified expert must be submitted to and approved by the Responsible Authority. Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must include an assessment of how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to the following (addressing on-site and off-site amenity impacts):
  - (a) any proposed air conditioner units;
  - (b) commercial plant and equipment; and
  - (c) on-site residential amenity to protect against noise from nearby commercial uses.
- 6. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where they are recommendations of an ongoing nature must be maintained to the satisfaction of the Responsible Authority.

#### **Car Parking, Crossovers and Footpaths**

- 7. The area set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plan must:
  - (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
  - (b) must be used for no other purpose and must be line-marked and maintained at all times to the satisfaction of the Responsible Authority;
  - (c) be made available for such use at all times and not used for any other purpose;
  - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
  - (e) be drained and sealed with an all weather seal coat.

All to the satisfaction on the Responsible Authority.

- 8. The design and construction of the new vehicle crossing must comply with the following:
  - (a) the vehicle crossing shall be constructed in accordance with City of Yarra Standard Drawings and Specifications;
  - (b) the development's finished floor levels relative to footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;

- (c) Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004. The designer may also need to alter finished floor levels just inside the property in order to provide satisfactory access;
  - (d) the design and construction of the vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued; and
  - (e) the eastern edge of the crossing shall be positioned no less than 6 metres from the tangent point of the radial located at the Hotham Street/Emma Street intersection and clear of the existing street tree. In the event that the street tree is required to be removed, a replacement tree / the existing street tree to be located to the satisfaction of the Responsible Authority with all costs borne by the permit holder.
9. Prior to the occupation of the development, all redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel of the surrounding area to Council's satisfaction. All costs associated with these works must be borne by the permit holder.
  10. The trenching and excavation for underground utility service connections by service authorities on Public Highways will require the reinstatement / rectification of Council road infrastructure to the satisfaction of Council's Engineering Services Unit and at the expense of the permit holder.
  11. Upon completion of all building works and underground service connections, the footpaths extending along the property's Hotham and Emma Streets road frontages must be re-sheeted by the developer in accordance with Council standards. All costs associated with these works must be borne by the permit holder.
  12. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works shall be borne by the developer.
  13. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
  14. The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004.
  15. All existing kerb and channel, and road pavement surface levels must not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004.

### **Bicycle Parking**

16. A minimum of 81 bicycle parking spaces (equating to the provision of one (1) space per dwelling) must be provided within the building to support the development hereby permitted, to the satisfaction of the Responsible Authority.

### **Landscaping**

17. Within one (1) month of the development commencing, a landscape plan must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must include details for the proposed landscaping and maintenance regime of areas within the Level 01 setback from the north boundary and the Emma Street facing balconies, and include (but not limited to) the following:
  - (a) proposed plant schedule (with botanical name, common name, mature height and spread, installation size, spacing's, locations and quantities);
  - (b) a legend (with key features, materials and construction details);

- (c) any raised planter beds (including height and construction methods);
  - (d) investigate opportunities for passive irrigation;
  - (e) alternatives to Environmental Weed Species such as *Acanthus mollis* and *Cotoneaster dameri* (as outlined in *Gardening with Native Plants in Yarra: A home gardener's guide to protecting our natural heritage City of Yarra 2001*);
  - (f) delineation of private areas; and
  - (g) landscaping to be irrigated by harvested rainwater.
18. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.
20. \*Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of the tree on the Hotham St footpath closest to Smith St:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and
  - (d) watering and maintenance regimes,
21. \*Before the development commences the permit holder must make a one off contribution of a maximum of \$1,200 to the Responsible Authority to be used for a replacement street tree to Hotham Street.

### **Lighting**

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

### **General**

23. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
24. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
25. All piping and ducting, other than for drainage above the ground floor level of the building must be concealed.
26. The buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
27. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1 and N-2 to the satisfaction of the Responsible Authority.

28. The trafficable area shown on the Level 01 Floor Plan within the north boundary setbacks must be accessed for maintenance purposes only.

### **Waste Management**

29. Before the plans are endorsed, an updated Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will then form part of this permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Tech Services Pty Ltd (dated 10 February 2012), but modified to:
- (a) take account of changes to the proposed development required by condition 1 of this permit;
  - (b) a requirement that bins must be:
  - (c) returned to the loading bay as soon as practicable after collection; and
  - (d) moved from and to the basement car park to the loading bay only between 8am and 7pm.
30. The collection of all waste must be in accordance with the approved Waste Management Plan. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved Waste Management Plan.

### **Construction Management**

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

When approved, the plan will be endorsed and form part of this permit. The plan must provide for or include the following:

- (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
- (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
- (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
- (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
- (e) on site facilities for vehicle washing;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
- (i) construction program;
- (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
  - (q) using lower noise work practice and equipment;
  - (r) the suitability of the site for the use of an electric crane;
  - (s) silencing all mechanical plant by the best practical means using current technology; and
  - (t) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

32. During the construction, the following must occur:
- (a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
  - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
  - (c) vehicle borne material must not accumulate on the roads abutting the site;
  - (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
  - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
  - (f) all site operations must comply with the EPA Publication TG302/92.
33. Except with the written consent of the Responsible Authority, demolition or construction works may only be carried out between: **7.00am - 6.00pm**, Monday-Friday (excluding public holidays) and **9.00am - 3.00pm**, 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.
34. The development once commenced, must be completed to the satisfaction of the Responsible Authority.

**Public Transport Victoria (conditions 33 to 34)**

35. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Smith Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior.
36. 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 to the permit holder.

**Goods and materials delivery**

37. Except with the written consent of the Responsible Authority, all delivery and collection of goods associated with the retail and office tenancies must be conducted between the retail and office opening hours.
38. The retail and office uses must not cause nuisance or be detrimental to the amenity of the neighbourhood by way of emission of noise or other nuisances, to the satisfaction of the Responsible Authority.

39. The amenity of the area must not be detrimentally affected by the retail and office uses 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 the presence of vermin.

**Expiry**

40. This permit will expire if one of the following circumstances applies:
- (a) the development is not started within two years of the date of this permit; and
  - (b) the development is not completed within four years of the date of this permit.

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

**NOTE**

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

**CARRIED**

**For:** Crs Fristacky and Searle

**Against:** Cr McEvoy

---

**1.3 14 Maugie Street, Abbotsford - Planning Permit PLN15/1173 - Development of the land for partial demolition and construction of a two storey extension with roof terrace to the existing dwelling and three new double storey dwellings with roof terraces.**

---

Trim Record Number: D16/172733

Responsible Officer: Coordinator Statutory Planning

**RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN15/1173 for partial demolition and construction of a two storey extension with roof terrace to the existing dwelling and three new double storey dwellings with roof terraces at No. 14 Maugie Street, Abbotsford VIC 3067, generally in accordance with the decision plans 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 decision plans but modified to show:
  - (a) An existing floor plan to clearly show all demolition (including front roller door).
  - (b) The deletion of the roof terrace associated with the addition to the existing dwelling.
  - (c) The incorporation of timber garage doors to dwellings 1, 2 and 3 (demonstrating they are fully openable within the title boundary).
  - (d) Use of red brick along the ground floors of dwellings 1, 2 and 3.
  - (e) First floor habitable room windows and balconies screened, demonstrating compliance with Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme; including details of screening associated with planter boxes and "green walls".
  - (f) The provision of storage areas to all dwellings in accordance with clause 55.05-6 (Storage) of the Yarra Planning Scheme, with details shown on elevations (sheds to be no higher than 3 metres).
  - (g) The rainwater tanks to be notated as being connected for flushing of toilets.
  - (h) Solar hot water panels to be shown on elevations (as relevant).
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by The Urban Leaf and dated 9 August 2016, but modified to include or show:
  - (a) An amended STORM report and storm management response that meets best practice standards, demonstrated through a minimum 100% STORM score for the whole site area.
4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
6. 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.
7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Before the buildings are 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.
9. Before the buildings are 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.
10. Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Maugie Street road frontage and Federation Lane must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
11. Before the buildings are 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.

12. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;



- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

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

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

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

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.

### Submissions

*The Applicant, Mr Alex Rouditser addressed the Committee.*

*Mr Will Parker also addressed the Committee.*

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Searle

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN15/1173 for partial demolition and construction of a two storey extension with roof terrace to the existing dwelling and three new double storey dwellings with roof terraces at No. 14 Maugie Street, Abbotsford VIC 3067, generally in accordance with the decision plans 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 decision plans but modified to show:
  - (a) An existing floor plan to clearly show all demolition (including front roller door).

- (b) The deletion of the roof terrace associated with the addition to the existing dwelling.
  - (c) The incorporation of timber garage doors to dwellings 1, 2 and 3 (demonstrating they are fully openable within the title boundary).
  - (d) Use of red brick along the ground floors of dwellings 1, 2 and 3.
  - (e) First floor habitable room windows and balconies screened, demonstrating compliance with Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme; including details of screening associated with planter boxes and “green walls”.
  - (f) The provision of storage areas to all dwellings in accordance with clause 55.05-6 (Storage) of the Yarra Planning Scheme, with details shown on elevations (sheds to be no higher than 3 metres).
  - (g) The rainwater tanks to be notated as being connected for flushing of toilets.
  - (h) Solar hot water panels to be shown on elevations (as relevant).
  - (i) A rainwater tank to be provided to the existing dwelling; and
  - (j) Bicycle parking area to be shown within the garages of the new dwellings.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by The Urban Leaf and dated 9 August 2016, but modified to include or show:
    - (a) An amended STORM report and storm management response that meets best practice standards, demonstrated through a minimum 100% STORM score for the whole site area.
  4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
  5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  6. 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.
  7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
  8. Before the buildings are 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.

9. Before the buildings are 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.
10. Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Maugie Street road frontage and Federation Lane must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.
11. Before the buildings are 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.

12. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
14. 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 may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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

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.

**CARRIED UNANIMOUSLY**

---

**1.4 Planning Permit Application No. PLN16/0505 - 10 & 12 Abbott Grove, Clifton Hill - Development of the land for construction of ground and first floor extensions to the existing dwelling, including partial demolition at No. 12 Abbott Grove, Clifton Hill and demolition of an overhanging eave at No. 10 Abbott Grove, Clifton Hill**

---

Trim Record Number: D16/171992  
 Responsible Officer: Principal Planner

**RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0505 for development of the land for construction of ground and first floor extensions to the existing dwelling, including partial demolition at No. 12 Abbott Grove, Clifton Hill and demolition of an overhanging eave at No. 10 Abbott Grove, Clifton Hill, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans dated 21 November 2016, but modified to show:
  - (a) The ground floor northern wall of the proposed extensions to be constructed of face brickwork;
  - (b) The first floor northern wall of the proposed extensions to be constructed of render in a light colour/ finish;
  - (c) The southern boundary wall of the proposed extensions to be constructed outside the easement along the southern boundary;
  - (d) The proposed extensions, including eaves, constructed within the title boundaries of No. 12 Abbott Grove;
  - (e) Revised screening treatment for the east-facing first floor rumpus room window so as to not result in additional visual bulk;
  - (f) The west-facing windows of the proposed first floor bedroom to demonstrate compliance with the objective of Clause 54.04-6 (Overlooking) of the Yarra Planning Scheme;
  - (g) The first floor western façade revised to incorporate two Victorian-era style windows;
  - (h) A notation confirming the 2,000-litre rainwater tank will be connected for toilet flushing and garden irrigation.
  - (i) All permeable surfaces on site shown on the ground floor plan confirming compliance with Standard A6 (Site permeability);
  - (j) The floor plans to accurately depict the locations of the south- and east-facing windows, doors, verandahs and other structures of No. 10 Abbott Grove;
  - (k) The first floor plan to accurately depict the setback of the ground floor southern wall;
  - (l) The existing side gate and fence to the south of the dwelling as to be retained;
  - (m) The northern wall of the front two bedrooms of the existing dwelling as to be retained;
  - (n) The existing 1m high timber picket on the front boundary as to be retained;
  - (o) The height of the proposed southern boundary fence consistently depicted as 2m high brick fence on all relevant plans;
  - (p) The setback of the northern boundary wall from the adjacent living room windows of No. 10 Abbott Grove consistently depicted as 2.8m;
  - (q) The width of the easements reserved for overhanging eaves on the subject site accurately depicted on the plans as confirmed by the title plans of the adjoining properties.
  
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the 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.
4. 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.
5. 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.
6. 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.
7. 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 may be required before development is commenced. Please contact Council's Building Department on Ph. 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.

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.

Submissions

*The Applicant, Mr Seamus Walsh addressed the Committee.*

*The following people also addressed the Committee:*

*Ms Julie Savage;  
Dr Alexander Bearham; and  
Mr Arthur Apted.*

**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 Planning Permit PLN16/0505 for development of the land for construction of ground and first floor extensions to the existing dwelling, including partial demolition at No. 12 Abbott Grove, Clifton Hill and demolition of an overhanging eave at No. 10 Abbott Grove, Clifton Hill, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans dated 21 November 2016, but modified to show:
  - (a) The ground floor northern wall of the proposed extensions to be constructed of face brickwork;
  - (b) The first floor northern wall of the proposed extensions to be constructed of render in a light colour/ finish;
  - (c) The southern boundary wall of the proposed extensions to be constructed outside the easement along the southern boundary;
  - (d) The proposed extensions, including eaves, constructed within the title boundaries of No. 12 Abbott Grove;
  - (e) Revised screening treatment for the east-facing first floor rumpus room window so as to not result in additional visual bulk;
  - (f) The west-facing windows of the proposed first floor bedroom to demonstrate compliance with the objective of Clause 54.04-6 (Overlooking) of the Yarra Planning Scheme;
  - (g) The first floor western façade revised to incorporate two Victorian-era style windows;
  - (h) A notation confirming the 2,000-litre rainwater tank will be connected for toilet flushing and garden irrigation.
  - (i) All permeable surfaces on site shown on the ground floor plan confirming compliance with Standard A6 (Site permeability);
  - (j) The floor plans to accurately depict the locations of the south- and east-facing windows, doors, verandahs and other structures of No. 10 Abbott Grove;
  - (k) The first floor plan to accurately depict the setback of the ground floor southern wall;
  - (l) The existing side gate and fence to the south of the dwelling as to be retained;
  - (m) The northern wall of the front two bedrooms of the existing dwelling as to be retained;
  - (n) The existing 1m high timber picket on the front boundary as to be retained;
  - (o) Retention of the existing northern and southern boundary fences.
  - (p) The setback of the northern boundary wall from the adjacent living room windows of No. 10 Abbott Grove consistently depicted as 2.8m;
  - (q) The width of the easements reserved for overhanging eaves on the subject site accurately depicted on the plans as confirmed by the title plans of the adjoining properties;
  - (r) No additional overshadowing of the property at 14 Abbott Grove at 3pm at the September equinox; and
  - (s) The ground floor extension to be reduced in height with a maximum 2.4m floor to ceiling height.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the 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.

4. 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.
5. 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.
6. 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.
7. 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 may be required before development is commenced. Please contact Council's Building Department on Ph. 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.

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.

**CARRIED UNANIMOUSLY**



The meeting closed at 9.51pm.

**Confirmed at the meeting held on 18 January 2017**

---

**Chair**