



# Minutes

## Planning Decisions Committee

6.30pm, Wednesday 15 December 2021

MS Teams

## 1. Appointment of Chair

Cr O'Brien nominated Cr Landes as chair.

There being no other nominations, Cr Landes was elected chair.

Cr Landes assumed the chair.

## 2. Statement of recognition of Wurundjeri Woi-wurrung Land

*"Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.*

*We acknowledge their creator spirit Bunjil, their ancestors and their Elders.*

*We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.*

*We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.*

*We pay our respects to Elders from all nations here today—and to their Elders past, present and future."*

## 3. Attendance and apologies

Attendance

Councillors

Cr Herschel Landes

Cr Bridgid O'Brien

Cr Gabrielle de Vietri

Council officers

Ally Huynh (Senior Coordinator Statutory Planning)

Daniel Herrmann (Co-Ordinator Statutory Planning)

Julian Larkins (Co-Ordinator Statutory Planning)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

## 4. Declarations of conflict of interest

Rhys Thomas declared that his wife is a Director of Urbis Pty Ltd, who are acting for the applicant for 61-65 Victoria Parade Collingwood, and stated that his role in the meeting is purely administrative and that he has played no role in preparing the reports or officer advice.

## 5. Confirmation of Minutes

### RESOLUTION

**Moved:** Cr de Vietri    **Seconded:** Cr O'Brien

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 1 December 2021 be confirmed.

**CARRIED**

## 6 PLANNING DECISIONS COMMITTEE

| <b>Item</b> |  | <b>Page</b> | <b>Res.<br/>Page</b> |
|-------------|--|-------------|----------------------|
| 6.1         | PLN20/0938 - 61-65 Victoria Parade Collingwood   | 4           | 15                   |
| 6.2         | PLN19/0670 - 16 Park Street, Abbotsford - Construction of three, triple storey townhouses and a reduction in the car parking requirements of the Yarra Planning Scheme.                                      | 16          | 21                   |
| 6.3         | PLN21/0208 - Road Segment 200 to 223 Gipps Street, 81 and 81A Victoria Crescent & Main Yarra Trail, Abbotsford - Buildings and works for the construction of a ramp and stair and the removal of vegetation. | 22          | 32                   |
| 6.4         | PLN18/0552.01 - 332 Victoria Street Richmond   | 44          | 44                   |
| 6.5         | PLN21/0227 - 3 Hilton Street Clifton Hill  | 45          | 47                   |
| 6.6         | PLN21/0660 - 4/8 Coate Avenue Alphington   | 48          | 49                   |

|                   |                                       |
|-------------------|---------------------------------------|
| <b>Reference</b>  | D21/193859                            |
| <b>Author</b>     | John Theodosakis - Principal Planner  |
| <b>Authoriser</b> | Senior Coordinator Statutory Planning |

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## RECOMMENDATION

That having considered all relevant planning policies, the Planning Development Committee resolves to advise the permit applicant, objectors, the Victorian Civil and Administrative Tribunal and parties to the proceedings, that had it been in a position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN20/0938 for part demolition to allow for the restoration of the heritage façade of the existing building (existing licenced hotel); the development of the land with a multi-level building; and a reduction in the car parking requirement of the Yarra Planning Scheme at 61 – 65 Victoria Parade, Collingwood 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 prepared by SAC Building Workshop and dated 18 May 2021 but modified to show:

### Built Form

- (a) The building reduced by two levels.
- (b) The upper level setbacks adopted to Victoria Parade in the south-west portion to Level 2 and above increased by 1m and 1.5m.
- (c) The northern interface screened to a height of 1.7m above the finished floor level and 25% transparency (minimum) if any of its trafficable area is located within 9m of the upper level terraces of dwellings approved in the northern development under Planning Permit No. PLN16/0941.
- (d) Visibility splays and convex mirrors on both sides of the car park entrance in lieu of pedestrian sight triangles;
- (e) The headroom clearance along the ramp dimensioned;
- (f) All ramp grades and changes of grades, including the ramp grade for the first 5m inside the property line;
- (g) The propped location of the two remaining vehicles associated with the 98<sup>th</sup> percentile queue length for the car stacker (i.e. total of 4 waiting bays) or details demonstrating to the contrary.
- (h) A vehicle crossing ground clearance check undertaken by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out; and
- (i) The depiction of the traffic signal system on the drawings based on advice from the Trafficworks Pty. Ltd.

### Reports and Plans

- (j) Any requirement of the endorsed Structural Report (condition 3) (where relevant to show on plans).
- (k) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 5) (where relevant to show on plans).

- (l) Any requirement of the endorsed Landscape Plan (condition 7) (where relevant to show on plans).
  - (m) Any requirement of the endorsed Tree Management Plan (condition 9) (where relevant to show on plans).
  - (n) Any requirement of the endorsed Sustainable Management Plan (condition 10) (where relevant to show on plans).
  - (o) Any requirement of the endorsed Wind Assessment Report (condition 13) (where relevant to show on plans).
  - (p) Any relevant requirement of the endorsed Acoustic Report (condition 15) (where relevant to show on plans).
  - (q) Any requirement of the endorsed Green Travel Plan (condition 17) (where relevant to show on plans).
  - (r) Any requirement of the endorsed Waste Management Plan (condition 20) (where relevant to show on plans).
  - (s) Any requirement of the endorsed Public Lighting Plan (condition 23) (where relevant to show on plans).
  - (t) Any requirement of the endorsed Public Realm Plans / Road Infrastructure (condition 26) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

#### Structural Report

3. Before the demolition commences, an amended structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended structural report will be endorsed and will then form part of this permit. The amended 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.

#### Ongoing Structural Report Requirement

4. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Façade Strategy and Materials and Finishes Plan

5. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) Full details relating to the façade reconstruction and restoration methodology;
  - (b) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors;
  - (c) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (d) A materials schedule coloured drawings and renders outlining colours, materials including glare and reflectivity levels from glazing of the walls to the tower and graffiti proofing of walls to the street, including doors, perforations and upper levels (where necessary).



### Ongoing architect involvement

6. As part of the ongoing progress and development of the site, SAC Building Workshop 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

7. In conjunction with the submission of development plans under Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) Show the type, location, quantity, height at maturity and botanical names of all proposed plants whilst addressing:
  - (b) Provide information on all planter beds, including the depths and widths, as well as information on soil media, drainage and irrigation ensuring their location is setback from behind the heritage parapet.
  - (c) Provide a specification of works to be undertaken prior to planting.
  - (d) Confirm the mulch used on higher levels is a wind tolerant material.
  - (e) Include maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

### Ongoing Landscape Plan Requirement

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

to the satisfaction of the Responsible Authority.

### Ongoing Tree Management Plan Requirement

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

### Amended Sustainable Management Plan

10. In conjunction with the submission of development plans under Condition 1, 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 NJM Consulting Engineers and dated 30 April 2021 but modified to include or show:
  - (a) Clarify provision of outdoor air to office spaces on all levels.

- (b) Details of the energy efficient heat recovery ventilation that has been claimed under "Innovation".
- (c) Preliminary JV3 assessment and façade calculations and a basis for the thermal performance claim.
- (d) Window/wall ratios on elevations marked up.
- (e) External shading at the upper level to minimise solar heat gain to the north-west or another means.
- (f) JV3 modelling to be provide to estimate the total energy consumed with minimum 5% target reduction.
- (g) PV panels shown.
- (h) Details on filtration of water for collection from trafficable areas.
- (i) The location of fire test system water tank and specifications including tank capacity and intended re-use.
- (j) Details on how water being captured from trafficable terraces will be properly filtered.
- (k) Confirmation that post-development stormwater levels would not exceed pre-development levels.
- (l) Clarify if any additional treatment methods are required prior to discharge.
- (m) Provision of 13 visitor bicycle spaces.
- (n) Evidence to support claims of car share integration.
- (o) Provide floor plans indicating location of designated electric vehicle parking bay(s) and location of charging infrastructure.
- (p) Details of the organic waste system and who will be responsible for its implementation and management.
- (q) A Life Cycle Assessment report demonstrating a cumulative impact reduction of 70% with the LCA report is to be presented in accordance with ISO 14044.
- (r) Provide HRV system details.
- (s) Letter of commitment for the whole building air tightness testing, indicating targets and methodology to be provided.
- (t) A target recycling rate of 80% of construction and demolition waste for the construction phase of the development to minimise the volume of waste to landfill.
- (u) All identified strategies for the reduction of heat island effect.
- (v) Consider using the Green Factor tool to demonstrate green infrastructure approach.
- (w) All energy and water management systems to be commissioned in accordance with the manufacturer's specifications.
- (x) Consider Head contractor to be ISO 14001 accredited.

#### Prior to occupation Sustainable Management Plan Requirement

11. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

#### Ongoing Sustainable Management Plan Requirement

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

#### Amended Wind Impact Assessment Required

13. In conjunction with the submission of development plans under Condition 1, 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 Impact Assessment must be generally in accordance with the “Environmental Wind Speed Assessment” prepared and authored by MEL Consultants dated December 2020, but modified to:

- (a) Assess the proposal as amended pursuant to Condition 1.
- (b) Level 2 terrace to meet the standing criterion, with any additional mitigation measures to be sensitively designed to have minimal impact on the heritage façade.
- (c) Wind mitigation measures to address footpath trading (if any) to meet the sitting criterion.

#### Ongoing Wind Assessment Requirement

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

#### Acoustic Report

15. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) Assess the proposal as amended under Condition 1 and provide noise attenuation techniques to protect the amenity of existing dwellings.
16. The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

#### Green Travel Plan

17. In conjunction with the submission of development plans under Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering Pty. Ltd, but modified to reference:
  - (a) The proposal as amended pursuant to Condition 1.
  - (b) Description of the location in the context of alternative modes of transport;
  - (c) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (e) A designated ‘manager’ or ‘champion’ responsible for co-ordination and implementation;
  - (f) Details of bicycle parking and bicycle routes;
  - (g) Details of Green Travel funding and management responsibilities;
  - (h) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
  - (i) Security arrangements to access the employee bicycle storage spaces;
  - (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (k) Provisions for the GTP to be updated not less than every five years.
18. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.



### Ongoing Green Travel Plan Requirement

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

### Waste Management Plan

20. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by COVA Thinking Pty. Ltd. and dated 11 September 2020 (Revision 33), but modified to include:
- (a) The total footprint of the bins allocated and the space available in the bin storage room in square metres.
  - (b) The management of hard waste, e-waste, food waste, and the glass recycling stream
  - (c) Details of the collection process including path of access.
  - (d) If bins are to be presented kerbside it must be established that sufficient space (1.5m) is available for pedestrians at the bin collection location when bins are presented.
  - (e) Information on how users will access the waste system.
  - (f) A clause regarding potential review into the service if operational requirements change.
21. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### Ongoing Waste Management Plan Requirement

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

### Public Lighting Plan Required

23. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along Cambridge Street and Victoria Parade, including the northern and eastern interfaces. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for (as relevant):
- (a) A lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1.
  - (b) The control of light spillage into the windows of existing residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting".
  - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places.
  - (d) A maintenance regime for the lighting scheme within the curtilage of the property.
  - (e) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;

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

to the satisfaction of the Responsible Authority.

#### Ongoing Public Lighting Plan Requirement

25. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

#### Public Realm Plan(s) / Works / Road Infrastructure / Street trees

26. Prior to the occupation of the building or by such later date as is approved by the Responsible Authority, a Public Realm Works plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Works plan must show the works associated with:
- (a) All pedestrian, vehicle and bicycle footpaths, crossings, roads, drainage, infrastructure works and connections and associated landscaping (external to buildings).
  - (b) Provision of a replacement tree on Cambridge Street should any existing trees be impacted by the proposed crossover.
  - (c) A minimum of 6 visitor spaces provided and positioned in accordance with Council's Urban Design Standard Detail for Bicycle Hoops.
  - (d) Include all paving materials with footpath areas outside and for the length of the subject site constructed of asphalt, surface grading and drainage and all existing/proposed fixtures such as paving, trees and the improvements to Cambridge Street and to maximise on-street car parking.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the works shown on the endorsed Public Realm Plan must be carried out and completed to the satisfaction of the Responsible Authority.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpaths along the property's Cambridge Street and Victoria Parade frontages must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement of Cambridge Street and Victoria Parade outside the property's frontage must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
30. 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.

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

#### General

35. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.
36. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
37. The development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
38. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
39. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

40. 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.
41. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
42. 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.

#### Developer Contribution Plan

43. Prior to the commencement of the development:
  - (a) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or
  - (b) the Owner must enter into an agreement with Yarra City Council to pay the amount of the Development Infrastructure within a time specified in the agreement.

#### Construction Management Plan

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

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

#### Ongoing Construction Management Plan Requirement

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

#### Construction Times

46. 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.

#### Time expiry

47. This permit will expire if:
- (a) the development is not commenced 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 extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 for further information.

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

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 5555 to confirm.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit.

Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

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

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>.



## Submissions made online during the meeting

Vicky Grillakis, Urbis (for the applicant)  
Antonio Calabro, SAC BW (for the applicant)  
Shauna-Marie Wilson  
Joe Battisti  
Wendy Grace  
Neil Faulkner, ACVP Residents Inc  
Michael Pollock

### **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Cr O'Brien

**Seconded:** Cr de Vietri

That having considered all relevant planning policies, the Planning Development Committee resolves to advise the permit applicant, objectors, the Victorian Civil and Administrative Tribunal and parties to the proceedings, that had it been in a position to, it would have issued a Notice of Decision to Refuse to Grant a Permit for part demolition to allow for the restoration of the heritage façade of the existing building (existing licenced hotel); the development of the land with a multi-level building; and a reduction in the car parking requirement of the Yarra Planning Scheme at 61 – 65 Victoria Parade, Collingwood on the following grounds:

1. The height and design of the proposed development will have an adverse impact on the Victoria Parade Heritage Precinct and will dominate the heritage place and surrounds.
2. The height and design of the proposed development will dominate the surrounding streetscapes and will not positively response to the surrounding context.
3. The design of the proposed development does not provide a satisfactory environmentally sustainable outcome.

**CARRIED UNANIMOUSLY**

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## 6.2 PLN19/0670 - 16 Park Street, Abbotsford - Construction of three, triple storey townhouses and a reduction in the car parking requirements of the Yarra Planning Scheme.

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|                   |   |
|-------------------|---|
| <b>Reference</b>  | D21/194690                              |
| <b>Author</b>     | Laura Condon - Senior Statutory Planner |
| <b>Authoriser</b> | Senior Coordinator Statutory Planning   |

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### RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0670 for the construction of three dwellings and reduction in the car parking requirements of the Yarra Planning Scheme in accordance with the endorsed plans. at 16 Park Street, Abbotsford, 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 two copies must be provided. The plans must be generally in accordance with the plans numbered A02 – A10 inclusive, A10a, A11- A19 inclusive, all TP-REV 3, dated 30 June 2021, prepared by C Kairouz Architects, but modified to show;
  - (a) Details of the material and finish of the proposed arbour to the balcony of TH1 and common walkway of TH2 and TH3, including that the roof arbour to the common walkway is to be open to allow rainwater penetration to the permeable ground surfaces below;
  - (b) Clarification of the perforated steel (material code PP) to show whether the material is less than 25% open and detail on the elevation where this material is used on the building;
  - (c) The brick finish that wraps around onto the southern elevation from the façade at first and second to be repeated on the northern elevation;
  - (d) Details of the type of garage door, including material, mechanism and whether it is perforated;
  - (e) Greater detail (i.e. 1:20 scale) of the proposed artwork to the garage door;
  - (f) Detail of the proposed adjustable shading devices;
  - (g) ESD provisions and commitments labelled on the plans and included in the materials schedule as relevant, including, but not limited to:
    - (i) At least double glazing for all habitable windows;
    - (ii) shading devices for windows;
    - (iii) a minimum of one bicycle parking facility for each dwelling;
    - (iv) location of separate utility meters; and
    - (v) commitment to water efficient fixtures and fitting;
  - (h) Correction of the first floor plan to include the west facing bedroom 2 window to TH2;
  - (i) Privacy screens or overlooking measures in accordance with Clause 55.04-6 (Standard B22 – Overlooking objective) of the Yarra Planning Scheme to the following windows:
    - (i) The first floor west-facing window of TH2 (bedroom 2);
    - (ii) The north facing windows at first floor associated with bedrooms in TH2 and TH3, and kitchen to TH1;
    - (iii) The north facing second floor windows associated with bedrooms in TH2 and TH3;
    - (iv) The east facing windows at first floor associated with bedrooms to TH3; and
    - (v) The second floor south facing window of TH2 master suite;

- (j) RLs to be shown on the floor plans internally and externally, and with level entries provided, and an accessible entry pathway to TH2 and TH3 to be provided;
- (k) Fence height nominated on the elevations, to be no higher than 1.7m;
- (l) A parking allocation plan that provides at least one parking space per dwelling;
- (m) A notation confirming that the rainwater tanks will be connected to toilets within the development and irrigation;
- (n) Notation confirming a minimum 20% site permeability will be achieved with permeable surface clearly noted on plans;
- (o) Updated STORM report to show the following detail:
  - (i) A minimum STORM score of 100%;
  - (ii) Show a minimum 20% site permeability will be achieved; and
  - (iii) The roof surface areas connected to the tanks to conform with the detail shown on plans.
- (p) Dimension width of garage door and vehicle crossover on the plans, with the vehicle crossover width to match the width of the garage door;
- (q) Notation that confirms that the vehicle platform clearance height within the car stacker will be labelled;
- (r) Notation on the plan that confirms the existing vehicle crossing is to be demolished and reconstructed to Council's requirements;
- (s) A 1:20 vehicle crossing ground clearance check for a B99 design vehicle with appropriate levels provided in accordance with Council's 'Vehicle Crossing – Cross Section' information sheet and to demonstrate the following:
  - (i) access into and out of the development can be achieved without bottoming out; and
  - (ii) show the reduced level 2m inside the property, at the property boundary, the bottom of the kerb (invert), the lip of the channel and a couple of levels for the Park Street road pavement.
- (t) Any changes as required by the endorsed Sustainable Development Assessment at Condition 3;
- (u) Any changes as required by the endorsed Landscape Plan at Condition 5; and
- (v) Any changes as required by the endorsed Waste Management Plan at Condition 7.

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.

### **Sustainable Development Assessment**

3. Before the use and development commences, an amended Sustainable Development Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Development Assessment will be endorsed and will form part of this permit. The amended Sustainable Development Assessment must be generally in accordance with the Sustainable Development Assessment prepared by Frater Consulting and dated 26 April 2021, but modified to include or show:
  - (a) Dwellings to meet a minimum of 6.6-star average energy rating;
  - (b) Provision of preliminary NatHERS modelling to illustrate improvement of 10% above minimum requirements (to meet the 6.6-star requirement);
  - (c) Confirmation of provision of separate metering in all dwellings;
  - (d) Provision of a Building Users Guide to assist residents to minimise their environmental impacts;
  - (e) Provision of bicycle parking for residents at a minimum rate of 1 space per dwelling;
  - (f) Clarification of the difference in rainwater tank size between SDA and STORM (which indicates 6-KL and plans which indicate 9-KL) with a preference for larger size to further off-set potable water use;
  - (g) Provision landscape plan in accordance with condition 5.

- (h) Clarification of the design of external shading devices in accordance with condition 1(e);
  - (i) Provide a statement which demonstrates how material choice has reduced the urban heat island effect.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Landscape Plan**

5. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
    - (i) include drought tolerant and native landscape theme;
    - (ii) include details of planting on the balcony (planter box)
    - (iii) include planting along the north boundary to TH2 and TH3;
    - (iv) include suitable landscaping along the southern boundary pathway;
  - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
  - (c) provide a specification of works to be undertaken prior to planting,
- to the satisfaction of the Responsible Authority.
6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

7. Before the commencement of the development, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit. The Waste Management Plan must include:
- (a) Identify waste generation rates for general waste, recycling, glass and food waste,
  - (b) Show on-site bin storage area demonstrate sufficient storage area will be provided (with cross section for under stair bin storage), and
  - (c) Cleaning procedures/vermin management procedures for any bin room proposed.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

## **Infrastructure**

9. 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.
  
10. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:
  - (a) In accordance with any requirements or conditions imposed by Council.
  - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B85 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet and in accordance with condition 1s);
  - (c) At the Permit Holder's cost; and
  - (d) To the satisfaction of Council.
  
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

## **Street Trees**

12. Before the development commences, the permit holder must make a one-off contribution of \$2,400.00 to the Responsible Authority to be used for replacement street tree planting that is required as a result of the development.

## **General**

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, driveways and associated works must be, as appropriate:
  - (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; and
  - (c) treated with an all-weather seal or some other durable surface to the satisfaction of the Responsible Authority.
  
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access dwelling entrances must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.

15. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed and thereafter maintained to the satisfaction of the Responsible Authority.

### **Car stacker installation and maintenance**

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
17. No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices.
18. 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.

### **Development Contribution Plan**

19. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.
20. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan or, the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

### **Construction**

21. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) before 7.00 am or after 6.00 pm, Monday-Friday (excluding public holidays);
  - (b) before 9.00 am or after 3.00 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
  - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

### **Permit Expiry**

22. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit.
  - (b) the development is not completed within four years of the date of this permit.

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

Notes:

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 for further information.



A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

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

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

#### Submissions made online during the meeting

Sue Sukkar, Chahid Kairouz Architects (for the applicant)  
Dzung Huynh  
Cecile Lyndt  
Donnacha Rogers  
Ian Gartlan  
Annabel Tiede  
Marilyn Sinclair

### **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Cr O'Brien

**Seconded:** Cr de Vietri

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit PLN19/0670 for the construction of three dwellings and reduction in the car parking requirements of the Yarra Planning Scheme in accordance with the endorsed plans. at 16 Park Street, Abbotsford, on the following grounds:

1. The proposal is an overdevelopment of the site, resulting in excessive visual bulk, inadequate setbacks and unreasonable onsite and offsite amenity impacts.\
2. The proposed development is incongruous with the existing neighbourhood character, dominating the streetscape and will be visually overwhelming as viewed from surrounding properties.
3. The proposal does not provide an adequate level of energy efficient and sustainable design.
4. The removal of mature trees adversely impacts the streetscape.
5. The proportion of the frontage dedicated to car parking adversely affects the presentation to the street, perceptions of safety and the appearance of the development.

**CARRIED UNANIMOUSLY**

#### Adjournment

The meeting adjourned at 8.14pm

The meeting resumed at 8.17pm.

### 6.3 PLN21/0208 - Road Segment 200 to 223 Gipps Street, 81 and 81A Victoria Crescent & Main Yarra Trail, Abbotsford - Buildings and works for the construction of a ramp and stair and the removal of vegetation.

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**Reference** D21/194683  
**Author** Laura Condon - Senior Statutory Planner  
**Authoriser** Senior Coordinator Statutory Planning

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#### **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Planning Development Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN21/0208 for buildings and works for the construction of a ramp and stair and the removal of vegetation subject to the following conditions:

1. Before the commencement of the development, 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 plan prepared by Hansen, plan no's LDD-001, 101, 102, 201, 202(part 1&2), 401, 402, 403, 404, 501, 601, 602, 801, 802, 803, 804, 805, & 901 all Rev A dated 08/11/2021 but modified to show:
  - (a) Proposed stair redesigned to ensure it is not positioned over the existing main brick drain on the embankment and its associated bluestone channel,
  - (b) Notation indicating the maintenance works to the drainage infrastructure in accordance with Condition 24(g);
  - (c) Detail of a concrete edge strip at the interface of the Gipps Street road reserve and the embankment, providing foundations for the fence posts and detail of new fencing proposed along this interface,
  - (d) Include annotation indicating all service infrastructure within the Gipps Street road reserve will be adjusted to suit any proposed changes to the surface levels,
  - (e) Indicate whether the works within the road pavement require re-sheeting or reconstruction,
  - (f) Confirm whether the eastern section of Gipps Street road reserve (footpath area) is to be excavated/cut,
  - (g) Deletion of the northern lawn area and associated tree, bench and bluestone kerb within the Gipps Street extent of works area,
  - (h) Extension of the cyclists' bluestone access ramp within the Gipps Street extent of works area by a minimum of 1.5m to the north of the existing streetlight pole,
  - (i) Detail of signage and different textured and coloured paving treatments (or alternative similar method) to be used within the Gipps Street extent of works area to reduce cyclists' speeds traversing this area,

- (j) Only one rubbish bin to be provided and to be located within (along the edge of) the proposed south-western or south-eastern garden beds,
  - (k) The proposed 'Cyclist Slow Down' pavement markings be replaced with 'Share the Path' or a similar more positive/sympathetic message,
  - (l) The proposed tactiles on footpaths must be the Yarra standard tactile (light grey -dulux 'Tranquil retreat' polymer-concrete) or similar,
  - (m) Further detail of any tactiles proposed to the stair and ramp demonstrating the following:
    - (i) Confirmation of whether tactiles are required on the proposed surfaces in order to achieve DDA compliance with relevant standard references provided,
    - (ii) Detail the material of any proposed tactiles on these surfaces demonstrating they are not a pedestrians and cyclist slip hazard when wet.
  - (n) Notate a graffiti proof finish will be applied to support columns, and
  - (o) Any relevant changes to the plans required by conditions 20, 21, 22, 24 and 29.
2. The development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

#### **Melbourne Water Conditions (Conditions 3-9)**

- 3. The layout of the design and location of shared pathway including the gabion wall height of 700mm must not be altered without prior written consent from Melbourne Water.
- 4. Prior to a Building Permit being issued, a legal Share Pathway Agreement for the pathway works adjacent to the Yarra River must be entered into and approved with Melbourne Water.
- 5. Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:
  - (a) Silt fencing
  - (b) Access tracks
  - (c) Spoil stockpiling
  - (d) Trenching locations
  - (e) Machinery/Plan Locations
- 6. Prior to the commencement of construction, a Works Method Statement and a Task Risk Assessment must be produced and adopted on site. The statement must address the following:
  - (a) OH & S measures in place to reduce risk
  - (b) Safe work practices
  - (c) Process for machinery access to the creek

- (d) diversion of flows for low and high flows
  - (e) evacuation procedure during times of high flows and fire danger periods
7. Prior to the commencement of works, a Flood Response Plan for the pathway must be submitted to the Responsible Authority and Melbourne Water by an accredited risk management professional for further review and approval.
  8. Prior to the completion of works, signage alerting users to the potential for flooding and depth markers showing the 1 in 100 flood level, must be installed at the entrance of Gipps Street and along the pathway to the satisfaction of Melbourne Water.
  9. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water.

**Department of Environment, Land, Water & Planning Conditions (conditions 10-19)**

10. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
11. The total area of native vegetation proposed to be removed totals 0.090 hectares, comprised of 1 large scattered tree and 1 small scattered tree.
12. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.026 general habitat units:
  - (a) located within the Port Phillip and Westernport Catchment Management boundary or Yarra Council municipal area;
  - (b) with a minimum strategic biodiversity score of at least 0.208; and
  - (c) The offset(s) secured must also protect 1 large tree.
13. Before any native vegetation is removed evidence that the required offset by this permit has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
  - (a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
  - (b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
14. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.
15. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
16. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.

17. A suitably qualified wildlife handler or zoologist is to be present when felling any trees and removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
18. Except with the written consent of the responsible authority, within the area of all native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
  - (a) Any vehicle or pedestrian access, trenching or soil excavation, and
  - (b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
  - (c) Entry or exit pits for underground services, and
  - (d) Any other actions or activities that may result in adverse impacts to retained native vegetation.
19. That a Construction Environment Management Plan is provided to the satisfaction of the responsible authority, the relevant floodplain management authority and any public authority acquiring any portion of the land reserved for a public purpose. This plan should include (but may not be confined to):
  - (a) measures to address Conditions 10, 17 and 18.
  - (b) measures to address all application requirements under Clause 42.03 Schedule 1 (4.0) and Clause 43.02 Schedule 1 (5.0) for a landscaping plan.
  - (c) measures to protect any sites required to be protected under the Aboriginal Heritage Act 2006.
  - (d) any other measures required by the relevant floodplain management authority and any public authority acquiring any portion of the land reserved for a public purpose.

### **Fauna Assessment and Vegetation Management Plan**

20. Prior to the commencement of the development a Fauna Assessment and Vegetation Management Plan to the satisfaction of the Responsible Authority must be prepared by an ecological consultant or other suitably qualified person and must be submitted to and approved by the Responsible Authority.

The Fauna Assessment and Vegetation Management Plan must provide relevant detail to address the following and must also satisfy the requirements of the security agreement required by condition 13 and include relevant methodology management plans/processes for conditions 20c&d):

- (a) Confirm the vegetation offsets required by Department of Environment, Land, Water & Planning Conditions 11-16 will occur on the Salvation Army river embankment (81 & 81A Victoria Crescent, Abbotsford),
- (b) All tree species, shrubs, ground cover and climbers that are classified as noxious and/or environmental weeds in the *Catchment and Land Protection Act 1994 (CALP Act)* and on the *Advisory List for Environmental Weeds, DELWP, 2018* are to be removed (apart from those required to be retained by condition 20c&d) as a part of the Yarra River embankment habitat reinstatement works,

- (c) All Pepper Tree (*Schinus molle* var *areira*), Desert Ash (*Fraxinus angustifolia*), Canary Island Date Palm (*Phoenix canariensis*), London Planetree (*Platanus x acerifolia*) and Blueberry Ash (*Elaeocarpus reticulatus*) of sufficient size within the extent of works (EOW) boundary are to be audited for the presence of native wildlife, and the following action is to occur:
    - (i) trees that are deemed to provide no existing habitat value or do not meet the size criteria required to provide wildlife habitat, are to be removed and if not logistically and financially feasible, killed and left in situ.
    - (ii) trees that are deemed to be providing habitat, are killed in situ in a staged approach to minimise disruption to native fauna; and
    - (iii) trees that are identified as a roost site for threatened species such as the Powerful Owl (*Ninox strenua*) to be left in situ.
  - (d) All noxious and environmental weeds, other than trees, within the extent of works boundary, are audited for use as habitat by native fauna and the following action is to occur:
    - (i) weeds that provide habitat, or are likely to provide habitat are initially retained, then are replaced on a staged approach with local indigenous vegetation that satisfies the Volcanic Plains Bioregion Floodplain Riparian Woodland Ecological Vegetation Class (EVC) species benchmark, to provide similar structure and protection; and
    - (ii) weeds that provide no habitat are controlled and removed.
  - (e) All at the permit holder's cost and to the satisfaction of the Responsible Authority.
21. Before the development commences, the planting plan at plan number LDD-601 Revision A dated 06/11/2021 must be reviewed and re-submitted to the Responsible Authority for approval once the full extent of vegetation removal is confirmed in accordance with condition 20b,c&d) with the local indigenous plant (including ground covers, creepers and shrubby species) and trees (including sub-canopy and canopy trees) selection to align with the Volcanic Plains Bioregion Ecological Vegetation Class (EVC) is EVC 56 – Floodplain Riparian Woodland, to the satisfaction of the Responsible Authority.

### **Landscaping Plan**

22. 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 amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Hansen dated 08/11/2021 plan No LDD-601, 602, 804 & 901 all Revision A but modified to show the following in relation to the landscaping works outside the Salvation Army embankment area:
- (a) Deletion of the northern lawn area and associated tree, bench and bluestone kerb within the Gipps Street extent of works area,
  - (b) Deletion of the proposed lawn areas to the proposed south-eastern and south-western within the Gipps Street extent of works area and their replacement with planters (or similar) with the local indigenous plant (including ground covers, creepers and shrubby species) and canopy trees selection to align with the Volcanic Plains Bioregion Ecological Vegetation Class (EVC) is EVC 56 – Floodplain Riparian Woodland,



- (c) The planting areas described in condition 22b) to be provided with a bench seat as follows:
  - (i) Demonstrate the benches will be easily accessible to pedestrians,
  - (ii) The benches to face/address the Yarra River corridor,
  - (iii) The benches to be designed in accordance with City of Yarra Technical Note 3.1.1 (Street Furniture),
- (d) A plant schedule with the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (e) show the materiality of the proposed surfaces and fencing;
- (f) provide a specification of works to be undertaken prior to planting;
- (g) detail plant/planting maintenance schedules and requirements for an initial period of maintenance for two year for all planting;
- (h) Specify that maintenance responsibility within the Gipps Street road reserve will be handed over to Council after the initial maintenance period of two years and specify a maintenance handover meeting conducted relevant Council staff; and
- (i) Any relevant changes as a result of condition 1 requirements.

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

### **Engineering Design Plan**

24. Prior to the commencement of works, a detailed Civil Engineering Design to the satisfaction of the Responsible Authority must be prepared by a Civil/Structural engineer or other suitably qualified person and must be submitted to and approved by the Responsible Authority. The Civil Engineering Design must provide relevant detail to address but not limited to, the following:
- (a) Detail of any works proposed within the Gipps Street road reserve including existing and proposed levels and layout as follows:
    - (i) Minimal adjustment to the existing surface levels,
    - (ii) Surface levels at the interface at the adjoining property must not be altered
    - (iii) proposed surface levels must show the intention for controlling/managing overland flow, and
    - (iv) Indicate the existing (EL) and proposed (PL) surface levels (expected format – *EL/PL*) at consistent intervals within the road reserve, particularly along the interface with existing features.
  - (b) Layout and levels of existing drainage infrastructure including the outfall drain discharging to the Yarra River and the existing side entry pit and bluestone channel in Gipps Street, including:
    - (i) Indicate on drawings the exact position and extent of the main drain including the pipe alignment and dimensions (from Gipps St), invert of the pipe at the outlet, the end wall structure, full length of bluestone channel and any peripheral drainage entering (inverts and dimensions),

- (ii) Indicate any existing drainage within the road reserve and embankment including pits and connecting pipe alignments. Also include the housed maintenance structure positioned within the embankment.
- (c) Details and relevant levels of any proposed drainage infrastructure including alterations to existing pits, pipes, channels, retaining structures, etc.
- (d) Clarify the proposed foundations and footings for the staircase and ramp indicating the extent of any piles and/or capping structures, as applicable.
- (e) Provide relevant engineering detail of the proposed replacement Gipps Street side entry pit and to demonstrate the following:
  - (i) how surface storm water will be managed from a 1% AEP rain event with no overland stormwater from the Gipps Street road reserve permitted to flow over the embankment toward the Yarra River or onto private land. and
  - (ii) Demonstrate the replacement ground surface associated with the replacement of this drain within the Gipps Street extent of works area will be appropriately designed to accommodate cyclists and wheelchair users.
- (f) Demonstrate all proposed structures including ramps, staircases and associated components will be offset appropriately from Collins Bridge and the main drain outlet on the embankment and must not impose additional loading, structurally compromise, encroach on or restrict access to these assets.
- (g) Detail of methodology for maintenance works to the main drain on the embankment including re-lining the existing main brick drain and relaying (where/if relaying is required) and repointing of the existing bluestone channel.
- (h) All associated works undertaken at the permit holder's cost and to the satisfaction of the Responsible Authority.
- (i) Detail any relevant changes required by condition 1 of the permit.

### **Disability Discrimination Act (DDA)**

25. All proposed road infrastructure related pedestrian facilities must be designed and constructed to meet obligations under the Disability Discrimination Act (DDA). Including, but not limited to:
- (a) Asphalt footpaths must have a maximum cross fall grade of 1 in 33;
  - (b) Longitudinal grades of ramps must comply with maximum steepness requirements;
  - (c) Circulation and manoeuvring space requirements;
  - (d) All associated works undertaken at the permit holder's cost and to the satisfaction of the Responsible Authority.

### **Protection of Existing Infrastructure**

26. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated including a CCTV report demonstrating no damage sustained to the existing drainage from Gipps St side entry pit through to the extent of the brick drain.
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### **Main Drain Access Management Plan**

27. Prior to the commencement of works, a detailed Main Drain Access Management Plan to the satisfaction of the Responsible Authority must be prepared by suitably qualified person and must be submitted to and approved by the Responsible Authority. The Main Drain Access Management Plan must provide relevant detail to address, the following:
- (a) outlining how safe access will be provided to the main drain on the river embankment,
  - (b) the proposal must include adequate security infrastructure to prevent public access and maintain safety at all times.
  - (c) To the satisfaction of the Responsible Authority.
28. The provisions, recommendations and requirements of the endorsed Main Drain Access Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Traffic Report**

29. Before the development commences, an amended Traffic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority including the consent of Council's Traffic Engineering Unit. When approved, the amended Traffic Report will be endorsed and will form part of this permit. The amended Traffic Report must be generally in accordance with the Traffic Report prepared by WSP Australia PTY LTD dated 24/03/2021 plan reference PS 122231-TPD-LTR-001 Rev A but modified to show the following:
- (a) Any changes to the plans required as result of relevant condition 1 requirements,
  - (b) Detail if any traffic control signs will be repositioned as a result of relevant condition 1 requirements.
30. The provisions, recommendations and requirements of the endorsed Traffic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Construction Management Plan**

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

- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
  - (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;
  - (iv) stormwater contamination from run-off and wash-waters;
  - (v) sediment from the land on roads;
  - (vi) washing of concrete trucks and other vehicles and machinery; and
  - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (r) 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;

- (s) vehicle borne material must not accumulate on the roads abutting the land;
  - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
32. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**General**

33. The works detailed in condition 24e) & g) must be finalised within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, at the permit holder's cost and to the satisfaction of the Responsible Authority.
34. The works in the Gipps Street extent of works area must be finalised within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, at the permit holder's cost and to the satisfaction of the Responsible Authority.
35. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, the new bluestone cycling crossing ramp within the Gipps Street extent of works area must be constructed:
- (a) in accordance with any requirements or conditions including condition 1h) imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
36. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
37. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
38. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out: Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
- (a) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (b) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
39. 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 5555 to confirm.

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 5555 to confirm.

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

Any on-street parking or line-markings reinstated as a result of development works must be approved by Council's parking management unit.

Submissions made online during the meeting

Damian Iles, Hansen Partnership Pty Ltd (for the applicant)  
Graham Schaffer

**PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Cr de Vietri

**Seconded:** Cr O'Brien

That having considered all objections and relevant planning policies, the Planning Development Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN21/0208 for buildings and works for the construction of a ramp and stair and the removal of vegetation subject to the following conditions:

1. Before the commencement of the development, 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 plan prepared by Hansen, plan no's LDD-001, 101, 102, 201, 202(part 1&2), 401, 402, 403, 404, 501, 601, 602, 801, 802, 803, 804, 805, & 901 all Rev A dated 08/11/2021 but modified to show:
  - (a) Proposed stair redesigned to ensure it is not positioned over the existing main brick drain on the embankment and its associated bluestone channel,
  - (b) Notation indicating the maintenance works to the drainage infrastructure in accordance with Condition 24(g);
  - (c) Detail of a concrete edge strip at the interface of the Gipps Street road reserve and the embankment, providing foundations for the fence posts and detail of new fencing proposed along this interface,

- (d) Include annotation indicating all service infrastructure within the Gipps Street road reserve will be adjusted to suit any proposed changes to the surface levels,
- (e) Indicate whether the works within the road pavement require re-sheeting or reconstruction,
- (f) Confirm whether the eastern section of Gipps Street road reserve (footpath area) is to be excavated/cut,
- (g) Deletion of the northern lawn area and associated tree, bench and bluestone kerb within the Gipps Street extent of works area,
- (h) Extension of the cyclists' bluestone access ramp within the Gipps Street extent of works area by a minimum of 1.5m to the north of the existing streetlight pole,
- (i) Detail of signage and different textured and coloured paving treatments (or alternative similar method) to be used within the Gipps Street extent of works area to reduce cyclists' speeds traversing this area,
- (j) Only one rubbish bin to be provided and to be located within (along the edge of) the proposed south-western or south-eastern garden beds,
- (k) The proposed 'Cyclist Slow Down' pavement markings be replaced with 'Share the Path' or a similar more positive/sympathetic message,
- (l) The proposed tactiles on footpaths must be the Yarra standard tactile (light grey - dulux 'Tranquil retreat' polymer-concrete) or similar,
- (m) Further detail of any tactiles proposed to the stair and ramp demonstrating the following:
  - (i) Confirmation of whether tactiles are required on the proposed surfaces in order to achieve DDA compliance with relevant standard references provided,
  - (ii) Detail the material of any proposed tactiles on these surfaces demonstrating they are not a pedestrians and cyclist slip hazard when wet.
- (n) Notate a graffiti proof finish will be applied to support columns, and
- (o) Any relevant changes to the plans required by conditions 20, 21, 22, 24 and 29.

2. The development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

### **Melbourne Water Conditions (Conditions 3-9)**

- 3. The layout of the design and location of shared pathway including the gabion wall height of 700mm must not be altered without prior written consent from Melbourne Water.
- 4. Prior to a Building Permit being issued, a legal Share Pathway Agreement for the pathway works adjacent to the Yarra River must be entered into and approved with Melbourne Water.
- 5. Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:

- (a) Silt fencing
  - (b) Access tracks
  - (c) Spoil stockpiling
  - (d) Trenching locations
  - (e) Machinery/Plan Locations
6. Prior to the commencement of construction, a Works Method Statement and a Task Risk Assessment must be produced and adopted on site. The statement must address the following:
- (a) OH & S measures in place to reduce risk
  - (b) Safe work practices
  - (c) Process for machinery access to the creek
  - (d) diversion of flows for low and high flows
  - (e) evacuation procedure during times of high flows and fire danger periods
7. Prior to the commencement of works, a Flood Response Plan for the pathway must be submitted to the Responsible Authority and Melbourne Water by an accredited risk management professional for further review and approval.
8. Prior to the completion of works, signage alerting users to the potential for flooding and depth markers showing the 1 in 100 flood level, must be installed at the entrance of Gipps Street and along the pathway to the satisfaction of Melbourne Water.
9. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water.

**Department of Environment, Land, Water & Planning Conditions (conditions 10-19)**

10. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
11. The total area of native vegetation proposed to be removed totals 0.090 hectares, comprised of 1 large scattered tree and 1 small scattered tree.
12. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.026 general habitat units:
- (a) located within the Port Phillip and Westernport Catchment Management boundary or Yarra Council municipal area;
  - (b) with a minimum strategic biodiversity score of at least 0.208; and
  - (c) The offset(s) secured must also protect 1 large tree.



13. Before any native vegetation is removed evidence that the required offset by this permit has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
  - (a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
  - (b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
14. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.
15. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
16. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
17. A suitably qualified wildlife handler or zoologist is to be present when felling any trees and removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
18. Except with the written consent of the responsible authority, within the area of all native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
  - (a) Any vehicle or pedestrian access, trenching or soil excavation, and
  - (b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
  - (c) Entry or exit pits for underground services, and
  - (d) Any other actions or activities that may result in adverse impacts to retained native vegetation.
19. That a Construction Environment Management Plan is provided to the satisfaction of the responsible authority, the relevant floodplain management authority and any public authority acquiring any portion of the land reserved for a public purpose. This plan should include (but may not be confined to):
  - (a) measures to address Conditions 10, 17 and 18.
  - (b) measures to address all application requirements under Clause 42.03 Schedule 1 (4.0) and Clause 43.02 Schedule 1 (5.0) for a landscaping plan.
  - (c) measures to protect any sites required to be protected under the Aboriginal Heritage Act 2006.

- (d) any other measures required by the relevant floodplain management authority and any public authority acquiring any portion of the land reserved for a public purpose.

### **Fauna Assessment and Vegetation Management Plan**

- 20. Prior to the commencement of the development a Fauna Assessment and Vegetation Management Plan to the satisfaction of the Responsible Authority must be prepared by an ecological consultant or other suitably qualified person and must be submitted to and approved by the Responsible Authority.

The Fauna Assessment and Vegetation Management Plan must provide relevant detail to address the following and must also satisfy the requirements of the security agreement required by condition 13 and include relevant methodology management plans/processes for conditions 20c&d):

- (a) Confirm the vegetation offsets required by Department of Environment, Land, Water & Planning Conditions 11-16 will occur on the Salvation Army river embankment (81 & 81A Victoria Crescent, Abbotsford),
- (b) All tree species, shrubs, ground cover and climbers that are classified as noxious and/or environmental weeds in the *Catchment and Land Protection Act 1994 (CALP Act)* and on the *Advisory List for Environmental Weeds, DELWP, 2018* are to be removed (apart from those required to be retained by condition 20c&d) as a part of the Yarra River embankment habitat reinstatement works,
- (c) All Pepper Tree (*Schinus molle* var *areira*), Desert Ash (*Fraxinus angustifolia*), Canary Island Date Palm (*Phoenix canariensis*), London Planetree (*Platanus x acerifolia*) and Blueberry Ash (*Elaeocarpus reticulatus*) of sufficient size within the extent of works (EOW) boundary are to be audited for the presence of native wildlife, and the following action is to occur:
  - (i) trees that are deemed to provide no existing habitat value or do not meet the size criteria required to provide wildlife habitat, are to be removed and if not logistically and financially feasible, killed and left in situ.
  - (ii) trees that are deemed to be providing habitat, are killed in situ in a staged approach to minimise disruption to native fauna; and
  - (iii) trees that are identified as a roost site for threatened species such as the Powerful Owl (*Ninox strenua*) to be left in situ.
- (d) All noxious and environmental weeds, other than trees, within the extent of works boundary, are audited for use as habitat by native fauna and the following action is to occur:
  - (i) weeds that provide habitat, or are likely to provide habitat are initially retained, then are replaced on a staged approach with local indigenous vegetation that satisfies the Volcanic Plains Bioregion Floodplain Riparian Woodland Ecological Vegetation Class (EVC) species benchmark, to provide similar structure and protection; and
  - (ii) weeds that provide no habitat are controlled and removed.
- (e) All at the permit holder's cost and to the satisfaction of the Responsible Authority.

21. Before the development commences, the planting plan at plan number LDD-601 Revision A dated 06/11/2021 must be reviewed and re-submitted to the Responsible Authority for approval once the full extent of vegetation removal is confirmed in accordance with condition 20b,c&d) with the local indigenous plant (including ground covers, creepers and shrubby species) and trees (including sub-canopy and canopy trees) selection to align with the Volcanic Plains Bioregion Ecological Vegetation Class (EVC) is EVC 56 – Floodplain Riparian Woodland, to the satisfaction of the Responsible Authority.

## Landscaping Plan

22. 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 amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Hansen dated 08/11/2021 plan No LDD-601, 602, 804 & 901 all Revision A but modified to show the following in relation to the landscaping works outside the Salvation Army embankment area:
  - (a) Deletion of the northern lawn area and associated tree, bench and bluestone kerb within the Gipps Street extent of works area,
  - (b) Deletion of the proposed lawn areas to the proposed south-eastern and south-western within the Gipps Street extent of works area and their replacement with planters (or similar) with the local indigenous plant (including ground covers, creepers and shrubby species) and canopy trees selection to align with the Volcanic Plains Bioregion Ecological Vegetation Class (EVC) is EVC 56 – Floodplain Riparian Woodland,
  - (c) The planting areas described in condition 22b) to be provided with a bench seat as follows:
    - (i) Demonstrate the benches will be easily accessible to pedestrians,
    - (ii) The benches to face/address the Yarra River corridor,
    - (iii) The benches to be designed in accordance with City of Yarra Technical Note 3.1.1 (Street Furniture),
  - (d) A plant schedule with the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (e) show the materiality of the proposed surfaces and fencing;
  - (f) provide a specification of works to be undertaken prior to planting;
  - (g) detail plant/planting maintenance schedules and requirements for an initial period of maintenance for two year for all planting;
  - (h) Specify that maintenance responsibility within the Gipps Street road reserve will be handed over to Council after the initial maintenance period of two years and specify a maintenance handover meeting conducted relevant Council staff; and
  - (i) Any relevant changes as a result of condition 1 requirements.

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

### **Engineering Design Plan**

24. Prior to the commencement of works, a detailed Civil Engineering Design to the satisfaction of the Responsible Authority must be prepared by a Civil/Structural engineer or other suitably qualified person and must be submitted to and approved by the Responsible Authority. The Civil Engineering Design must provide relevant detail to address but not limited to, the following:
- (a) Detail of any works proposed within the Gipps Street road reserve including existing and proposed levels and layout as follows:
    - (i) Minimal adjustment to the existing surface levels,
    - (ii) Surface levels at the interface at the adjoining property must not be altered
    - (iii) proposed surface levels must show the intention for controlling/managing overland flow, and
    - (iv) Indicate the existing (EL) and proposed (PL) surface levels (expected format – *EL/PL*) at consistent intervals within the road reserve, particularly along the interface with existing features.
  - (b) Layout and levels of existing drainage infrastructure including the outfall drain discharging to the Yarra River and the existing side entry pit and bluestone channel in Gipps Street, including:
    - (i) Indicate on drawings the exact position and extent of the main drain including the pipe alignment and dimensions (from Gipps St), invert of the pipe at the outlet, the end wall structure, full length of bluestone channel and any peripheral drainage entering (inverts and dimensions),
    - (ii) Indicate any existing drainage within the road reserve and embankment including pits and connecting pipe alignments. Also include the housed maintenance structure positioned within the embankment.
  - (c) Details and relevant levels of any proposed drainage infrastructure including alterations to existing pits, pipes, channels, retaining structures, etc.
  - (d) Clarify the proposed foundations and footings for the staircase and ramp indicating the extent of any piles and/or capping structures, as applicable.
  - (e) Provide relevant engineering detail of the proposed replacement Gipps Street side entry pit and to demonstrate the following:
    - (i) how surface storm water will be managed from a 1% AEP rain event with no overland stormwater from the Gipps Street road reserve permitted to flow over the embankment toward the Yarra River or onto private land. and
    - (ii) Demonstrate the replacement ground surface associated with the replacement of this drain within the Gipps Street extent of works area will be appropriately designed to accommodate cyclists and wheelchair users.
  - (f) Demonstrate all proposed structures including ramps, staircases and associated components will be offset appropriately from Collins Bridge and the main drain outlet on the embankment and must not impose additional loading, structurally compromise, encroach on or restrict access to these assets.
  - (g) submission of a suitably qualified engineering report to the satisfaction of the Council, assessing:
    - (i) the existing conditions of the main brick drain;

- (ii) the existing condition of the bluestone channel beneath the main brick drain; and
- (iii) the methodology of how the works of the project will be constructed to avoid damage to the brick main drain and the bluestone channel.
- (iv) this report shall include (amongst other required technical inputs):
  - 1.1 an analysis of the anticipated vibration during the works near the main brick drain and blue stone channel (through an onsite vibration management and monitoring plan), and
  - 1.2 a requirement for a pre and post works CCTV and laser profile scan of the brick drain in order to understand the potential impact of the works on the structural integrity of the drain and the bluestone channel.
- (h) Post the works and in the event that the CCTV and laser profile scan of the brick drain identifies damage caused by the works, the applicant shall submit to the satisfaction of Council the methodology of how any damage shall be repaired by the applicant to the brick main drain, including any relining of the drain if required (and extent thereof), to ensure its longevity and performance as an outfall drain.
- (i) All associated works as outlined (g) above are to be undertaken at the permit holder's cost and to the satisfaction of the Responsible Authority.
- (j) Detail any relevant changes required by condition 1 of the permit.

### **Disability Discrimination Act (DDA)**

25. All proposed road infrastructure related pedestrian facilities must be designed and constructed to meet obligations under the Disability Discrimination Act (DDA). Including, but not limited to:
- (a) Asphalt footpaths must have a maximum cross fall grade of 1 in 33;
  - (b) Longitudinal grades of ramps must comply with maximum steepness requirements;
  - (c) Circulation and manoeuvring space requirements;
  - (d) All associated works undertaken at the permit holder's cost and to the satisfaction of the Responsible Authority.

### **Protection of Existing Infrastructure**

26. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated including a CCTV report demonstrating no damage sustained to the existing drainage from Gipps St side entry pit through to the extent of the brick drain.
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### **Main Drain Access Management Plan**

27. Prior to the commencement of works, a detailed Main Drain Access Management Plan to the satisfaction of the Responsible Authority must be prepared by suitably qualified person and must be submitted to and approved by the Responsible Authority. The Main Drain Access Management Plan must provide relevant detail to address, the following:
- (a) outlining how safe access will be provided to the main drain on the river embankment,

- (b) the proposal must include adequate security infrastructure to prevent public access and maintain safety at all times.
- (c) To the satisfaction of the Responsible Authority.

28. The provisions, recommendations and requirements of the endorsed Main Drain Access Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Traffic Report**

29. Before the development commences, an amended Traffic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority including the consent of Council's Traffic Engineering Unit. When approved, the amended Traffic Report will be endorsed and will form part of this permit. The amended Traffic Report must be generally in accordance with the Traffic Report prepared by WSP Australia PTY LTD dated 24/03/2021 plan reference PS 122231-TPD-LTR-001 Rev A but modified to show the following:

- (a) Any changes to the plans required as result of relevant condition 1 requirements,
- (b) Detail if any traffic control signs will be repositioned as a result of relevant condition 1 requirements.

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

### **Construction Management Plan**

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

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
  - (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;

- (iv) stormwater contamination from run-off and wash-waters;
- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and

During the construction:

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

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

**General**

33. The works detailed in condition 24e) & g) must be finalised within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, at the permit holder's cost and to the satisfaction of the Responsible Authority.
34. The works in the Gipps Street extent of works area must be finalised within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, at the permit holder's cost and to the satisfaction of the Responsible Authority.
35. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, the new bluestone cycling crossing ramp within the Gipps Street extent of works area must be constructed:
  - (a) in accordance with any requirements or conditions including condition 1h) imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
36. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
37. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
38. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out: Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (a) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (b) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
39. 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 5555 to confirm.



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 5555 to confirm.

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

Any on-street parking or line-markings reinstated as a result of development works must be approved by Council's parking management unit.

**CARRIED UNANIMOUSLY**

**Reference** D21/192078  
**Author** Ruby Dawes-Robb - Statutory Planner  
**Authoriser** Co-Ordinator Statutory Planning

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## RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an amended planning permit PLN18/0552.01 *Construction of a mixed-use building (no permit required for dwelling, office/retail uses), reduction in the associated car parking requirement, and alteration of an access to a road in a Road Zone Category 1 (RDZ1)* at 332 Victoria Street, Richmond, generally in accordance with the plans and reports noted previously as the “decision plans” subject to the following changes to the permit conditions (in bold):

Condition 1 to be modified so as to read as follows:

1. **Within 3 months of the date of the amended permit (or as otherwise agreed in writing by the Responsible Authority), 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 the plans prepared by RIOFRIO CARROLL ARCHITECTS, dated 04 June 2021 but modified to show the following:**
  - (a) **The planter box structures to extend to and be fixed to the terrace flooring for their entire length and depth.**

### Submissions made online during the meeting

John Roan (for the applicant)  
Amanda & Bruce Marshall

## PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Cr de Vietri

**Seconded:** Cr Landes

That the Recommendation be adopted.

**CARRIED**

|                   |                                  |
|-------------------|----------------------------------|
| <b>Reference</b>  | D21/189871                       |
| <b>Author</b>     | Jacob Martin - Statutory Planner |
| <b>Authoriser</b> | Co-Ordinator Statutory Planning  |

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## RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN21/0227 be issued for Use of the land as a food and drinks premises (taproom/cafe) and the sale and consumption of liquor (on and off premises) at 3 Hilton St Clifton Hill VIC 3068 generally in accordance with the plans and reports noted previously as 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 prepared by JMC Design, TP1.01 & TP1.02 dated 21.9.2021 & 24.6.2021 but modified to show:
  - (a) The use of the former car parking area within the front setback shown; and
  - (b) The ground floor entryway and toilet rooms included within the ‘red-line’ area;
  - (c) Any changes as required by the Waste Management Plan at Condition 6; and
  - (d) Any changes as required by the amended Acoustic Report at Condition 10.
2. The use, and sale and consumption of liquor 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. No more than 75 patrons are permitted on the land at any one time.
4. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
  - (a) Wednesday to Sunday 7.00am – 11.00pm
  - (b) Monday to Tuesday 7.00am – 2.00pm
5. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of 12.00pm – 11.00pm, Wednesday to Sunday.

## Waste Management Plan

6. Before the use commences, a 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 be endorsed and will form part of this permit.
7. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

## **Noise and Amenity Action Plan**

8. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

## **Acoustic**

10. Before the use commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics and dated 18 May 2021 but modified to include (or show, or address):
  - (a) A music noise limiting or monitoring device is installed in the venue and calibrated by the acoustic consultant, to ensure that the music levels do not exceed EPA limits; and
  - (b) An acoustic assessment once the venue is operating at capacity. If the identified patron noise limits are exceeded, the venue should keep the roller door closed (or provide further alternative noise controls) when operating at times when an exceedance is shown or predicted to occur.
11. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Prior to the commencement of the use authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
  - (a) be set at a level specified by a qualified acoustic engineer;
  - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement; and
  - (c) be maintained and operated at all times.to the satisfaction of the Responsible Authority.
13. The provision of music and entertainment on the land must be at a background noise level.
14. Speakers external to the building must not be erected or used.

## **Amenity**

15. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
16. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
17. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

18. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

### **Expiry**

19. This permit will expire if:
- (a) the use and sale and consumption of liquor is not commenced within two years from the date of this permit; or
  - (b) The use and sale and consumption of liquor is discontinued for a period of two years.

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

### **Notes**

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

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 5555 to confirm.

### Submissions made online during the meeting

Paddy Muston, Local Brewing Co., Joe Fisher, Human Habitats, (for the applicant)  
Andrew McDougall

### **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Cr de Vietri

**Seconded:** Cr O'Brien

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**

|                   |                                       |
|-------------------|---------------------------------------|
| <b>Reference</b>  | D21/181673                            |
| <b>Author</b>     | Samantha Tham - Statutory Planner     |
| <b>Authoriser</b> | Senior Coordinator Statutory Planning |

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## RECOMMENDATION

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. The plans must be generally in accordance with the decision plans (Drawings WD000 to WD015) prepared by Go Design Pty Ltd dated 18 October 2021 but modified to show:
  - (a) Location and details of external sun shading or 'low-e' glazing to west-facing windows.
  - (b) The title boundaries and title dimensions on all plans and elevations to correspond with lot 4 of Plan of Subdivision 430765R.
  - (c) All works contained within the title boundaries of the site.
  - (d) All details on the proposed northern elevation and floor plan to correspond.
  - (e) Confirm the permeability of paving on the west side of the extension.
  - (f) Details of existing site coverage shown accurately.
  - (g) Materials and finishes schedule with proposed materials and finishes integrated with that of existing and adjoining dwellings within the complex.
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 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
4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
5. 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.
6. 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 Department on 9205 5555 to confirm.

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 9205 5555 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 5555 for further information.

Submission made online during the meeting

Micah Ashley (for the applicant)

**PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Cr O'Brien

**Seconded:** Cr de Vietri

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. The plans must be generally in accordance with the decision plans (Drawings WD000 to WD015) prepared by Go Design Pty Ltd dated 18 October 2021 but modified to show:
  - (a) Location and details of external sun shading or 'low-e' glazing to west-facing windows.
  - (b) The title boundaries and title dimensions on all plans and elevations to correspond with lot 4 of Plan of Subdivision 430765R.
  - (c) All works contained within the title boundaries of the site.
  - (d) All details on the proposed northern elevation and floor plan to correspond.
  - (e) Confirm the permeability of paving on the west side of the extension.
  - (f) Details of existing site coverage shown accurately.
  - (g) Materials and finishes schedule with proposed materials and finishes integrated with that of existing and adjoining dwellings within the complex.
  - (h) Confirmation that the north-facing windows of the living room comply with Clause 54.04-6 (Overlooking Objective) of the Yarra Planning Scheme.
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 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

4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
  
5. 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,;
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6. This permit will expire if:
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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 Department on 9205 5555 to confirm.

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 9205 5555 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 5555 for further information.

**CARRIED UNANIMOUSLY**



The meeting closed at 9.27pm.

**Confirmed at the meeting held on Tuesday 18 January 2022**

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**Chair**