



Minutes

Planning Decisions Committee

6.30pm, Tuesday 1 March 2022

Microsoft Teams

1. Appointment of Chair

Cr Jolly 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

Councillors

Cr Stephen Jolly

Cr Herschel Landes

Cr Amanda Stone

Council officers

Daniel Herrmann (Co-ordinator Statutory Planning)

John Theodosakis (Principal Planner)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

Municipal Monitor

Yehudi Blacher

Municipal Monitor

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 205-211 Queens Parade Fitzroy North 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: Councillor Stone **Seconded:** Councillor Jolly

1. That the minutes of the meeting of the Planning Decisions Committee held on Tuesday 8 February 2022 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN17/0948 - 288-296 Johnston Street, Abbotsford - Construction of a multi-storey (11 storey) building, use of the land for dwellings (permit required) and office and food and drink premises (no permit required), a reduction in the car parking requirements and alterations to a road in a Transport Zone, by removing a crossover to Johnston Street.	5	16
6.2	PLN21/0523 - 205 - 211 Queens Parade, Fitzroy North - Use of the land as a restaurant and function centre, sale and consumption of liquor (on-premises licence), display of business identification signage, a reduction in the statutory car parking and bicycle facility requirements	28	32
6.3	PHRF21/0005 - 1 St Heliers Street Abbotsford - Heritage Victoria Referral P36313	37	37

6.1 **PLN17/0948 - 288-296 Johnston Street, Abbotsford - Construction of a multi-storey (11 storey) building, use of the land for dwellings (permit required) and office and food and drink premises (no permit required), a reduction in the car parking requirements and alterations to a road in a Transport Zone, by removing a crossover to Johnston Street.**

Reference D22/30410
Author Daniel Herrmann - Co-Ordinator Statutory Planning
Authoriser Manager Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for construction of a multi-storey building, use of the land for dwellings (permit required) and office and food and drink premises (no permit required), a reduction in the car parking requirements and alterations to a road in a Transport Zone 2 at 288-296 Johnston Street, Abbotsford subject to the following conditions:

Amended Plans

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, prepared by Plus Architecture (dated 10 June 2021) but modified to show:

- (a) The changes as depicted on the "Sketch" plans prepared by Plus Architecture, received by Council on 8 February 2022:
 - (i) Relocation of communal space to Level 2 with orientation to Johnston Street and subsequent conversion of the former the Level 1 communal space into two (2), two bedroom apartments.
 - (ii) Revised apartment designs for typologies T02, T01E, T16, T18, T20, T21, T25 and T30.
- (b) The ground level café tenancy to be setback 2.5m from Lulie Street to accommodate future outdoor dining opportunities.
- (c) Details of entries to each commercial tenancy;
- (d) Provision and details of operable windows to each commercial tenancy clearly depicted to promote natural ventilation;
- (e) Dimensions of the ground clearance, setback from roadside kerb and horizontal depth for the canopies over Johnston and Lulie Streets;
- (f) The location and details of the fire booster requirements for the Site and its integration with the overall building design;
- (g) Remove reference to windows on / immediately adjacent the eastern boundary at Levels 01 and 02;

- (h) Screening of windows and balconies to the north elevation at levels 1 – 4 to minimise interlooking/overlooking to the 1 – 5 Turner Street.
- (i) The location of the toilet and hand basin for Apartment Typology T02 swapped in order to comply with Standard D17;
- (j) Toilets for staff and patrons of the office and café areas to be shown on the plans in compliance with BSA requirements;
- (k) The width of the development entrance to be dimensioned on the drawings;
- (l) The headroom clearance of the vehicle access to Little Turner Street to be dimensioned on the drawings;
- (m) The columns to be set back from the aisles by 250 mm in order to comply with Clause 52.06-9 - Diagram 1 Clearance to car parking spaces);
- (n) The first 5.0 metres of the basement ramp to be dimensioned inside the property;
- (o) A minimum of four visitor bicycle spaces provided in a location easily accessible to visitors of the site (eg. along Johnston or Lulie Streets). All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
- (p) Dimensions of the layout of ground floor bicycle parking in accordance with relevant product specifications for the two-tier bicycle rack and clearance and access-way requirements of AS2890.3.
- (q) Electrical infrastructure to ensure car parking areas are ‘electric vehicle ready’, including:
 - (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
 - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.
- (r) Depict the location of Solar PV Panel of the roof plan;
- (s) Any changes required by the amended Sustainable Management Plan at Condition 5;
- (t) Any changes required by the amended Waste Management Plan at Condition 7;
- (u) Any changes required by the amended Wind Assessment Report at Condition 10;
- (v) Any changes required by the amended Acoustic Report at Condition 12; and
- (w) Any changes required by the amended Landscape Plan at Condition 14.

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.

3 As part of the ongoing progress and development of the site, Plus Architecture 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.

Façade Strategy and Materials and Finishes Plan

- 4 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) Elevations at a scale of 1:20 or 1:50 illustrating typical street wall and upper level details, entries and doors;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) Details of the entries into the commercial tenancies and residential lobby;
 - (d) Details of any services proposed along Johnston, Lulie and Little Turner Street to be integrated into the overall design of the building;
 - (e) Information about how the façade will be maintained, including vegetation; and
 - (f) A materials schedule and coloured drawings and renders outlining colours, materials (brick) and finishes and graffiti proofing of walls.

Sustainable Management Plan

- 5 In conjunction with the submission of development plans under Condition 1, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan dated 9 June 2021, prepared by ADP Consulting Engineers, but updated to include the following:
- (a) Revise external shading strategy, ensuring adequate shading for all living areas and bedrooms on the east, north and west, and provide detailed cross-sections to illustrate design.
 - (b) Correctly reference the provision of bicycle spaces indicated on plans.
 - (c) State the exact system size (13kW) and Solar PV panel locations.
 - (d) Incorporate more context and details around the proposed electric vehicle charging infrastructure approach in the SMP (i.e. can any apartment owners purchase an EV charge socket for use in the building, or only those allocated those parks?), and provide day-1 charging facilities in basement 01 for office/non-residential use.
- 6 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

- 7 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 SUHO and dated 11 May 2021, but modified to include:
- (a) Suitable hard waste storage and collection management that does not rely on Council.

- 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.
- 9 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Wind Report

- 10 Before the development commences, an amended Wind Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Incorporated Document. The Wind Assessment Report must be generally in accordance with the Wind Impact Assessment prepared by VIPAC, dated 3 May 2021, but modified to refer to:
 - (a) Revised plans required by Condition 1 requirements; and
 - (b) A wind tunnel model study of the environmental wind conditions which must explore the wind conditions of the terraces and whether additional mitigation treatments are required to satisfy the relevant criteria.
- 11 The provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

- 12 In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this permit. The Report must be generally in accordance the acoustic report prepared by Acoustic Logic, dated 2 July 2021, but modified to include
 - (a) Reference to revised location of the communal space required by Condition 1;
 - (b) All road traffic noise, not just vehicles on Hoddle Street, to be assessed to both:
 - (i) 40 dBA Leq,16h in habitable rooms and 35dBA Leq,8h, in bedrooms and
 - (ii) Loudest hour of road traffic noise not to exceed 45 dBA Leq,1h in habitable rooms from 7 am to 10 pm, and 40 dBA Leq,1h in bedrooms from 10 pm to 7 am.
 - (c) The Noise Protocol zoning levels be used in the assessment of noise from the subject site to 1-3 Turner Street and the rear of 300 Johnston Street, rather than noise limit based on background noise levels classified as 'high'.
 - (d) A further review of the design of the substation and its associated ventilation be conducted by the acoustical consultant during the planning stage of the development, to ensure that the necessary acoustic works will be able to be accommodated. If details of the substation are not available at this time, it would be appropriate to assume worst case, and ensure that the architectural drawings allow for sufficient space for both additional internal (e.g. ceiling and potentially wall) treatments and acoustically treated ventilation. The review should allow for a 20 dB indoor to outdoor correction for commercial noise, as required under the Noise Protocol, and for a correction for tonality if the noise is audible in habitable rooms.

- (e) A statement requiring the external component of the first floor communal area not to be used at night and that doors to this area be kept closed from 10 pm nightly.

Once endorsed, the Report must not be modified except with the written consent of the Responsible Authority.

- 13 The recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

- 14 In conjunction with the submission of development plans under Condition 1, an updated landscape plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must be generally in accordance with the landscape concept plans, prepared by Tract, but modified to show:

- (a) Consistency with the revised plans required by Condition 1;
- (b) Depict the removal of the existing street tree along Lulie Street and a total of eight (8) new street tree plantings along Johnston and Lulie Street;
- (c) Provide a plant schedule and detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants, ensuring none listed on the DELWP list of advisory weeds species;
- (d) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
- (e) provide details of the *proposed method for irrigation and drainage*;
- (f) detail the *maintenance (duration, regime and irrigation)*;
- (g) show the materiality of the proposed spaces;
- (h) provide a specification of works to be undertaken prior to planting; and
- (i) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

- 15 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

Car parking

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

- (a) constructed and available for use in accordance with the endorsed plans;

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

to the satisfaction of the Responsible Authority.

17 Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the number and location of car parking spaces allocated to each tenancy and dwelling;
- (b) the management of visitor car parking spaces and security arrangements for occupants and employees of the development, including details on how residential visitors are to access car parking;
- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) The number and allocation of storage spaces;
- (e) policing arrangements and formal agreements;
- (f) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc; and
- (g) details regarding the management of loading and unloading of goods and materials.

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

Loading and Unloading

19 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.

Street Trees

20 Before the development commences, the permit holder must make a one off contribution of \$7,150 to the Responsible Authority to be used for the removal of the existing street tree along Lulie Street and planting of eight (8) new street trees along Johnston and Lulie Street frontages that is required by the development.

General

21 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.

- 22 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 23 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.
- 24 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 25 Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
- 26 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 27 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.

Road Infrastructure / Streetscape Improvement Plan

- 28 Within 6 months of the development commencing, or by such later date as approved in The channel along the south channel along the site's Little Turner Street frontage must be constructed to Council's satisfaction and at the Permit Holder's cost.
 - (a) The channel along the south channel along the site's Little Turner Street frontage must be constructed to Council's satisfaction and at the Permit Holder's cost.
 - (b) The road pavement of Little Turner Street directly outside the property's frontage, must be profiled (grinded to a depth of around 50 mm) re-sheeted to Council's satisfaction and at the Permit Holder's cost.
 - (c) The footpath along the property's Lulie Street and Johnston Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
 - (d) All redundant vehicle crossings surrounding the site must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.
 - (e) With the reinstatement of the redundant vehicle crossing in Johnston Street, the existing parking restriction sign on the north side of Johnston Street (just east of the redundant vehicle crossing) must be relocated to a new position further west to Council's satisfaction.
 - (f) The existing upstand fire hydrants are to be converted to in-ground hydrants.

- 29 Before the building is occupied, all works to the public realm as shown in the plans approved under conditions 27 and 28, must be fully constructed and completed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 30 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
- 31 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.
- 32 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 outside the building's frontage must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) 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 isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
- (a) at developer's cost;
 - (b) the satisfaction of any other relevant authority; and
 - (c) 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 relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the developer's cost; and
 - (b) to the satisfaction of the responsible authority.
- 35 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 developer's cost; and
 - (b) to the satisfaction of the responsible authority.

- 36 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 developer 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 developer.

Construction Management Plan

- 37 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;
- (j) materials and waste;
- (k) dust;
- (l) stormwater contamination from run-off and wash-waters;
- (m) sediment from the land on roads;
- (n) washing of concrete trucks and other vehicles and machinery; and
- (o) spillage from refuelling cranes and other vehicles and machinery;
- (p) the construction program;
- (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (r) parking facilities for construction workers;
- (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (u) 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;
- (v) 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;
- (w) 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;

During the construction:

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

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

- 38 The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 39 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Infrastructure Levy

- 40 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 Development Infrastructure Levy within a time specified in the agreement.

Community Infrastructure Levy

- 41 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.

Transport for Victoria

- 42 The permit holder must take all reasonable steps to ensure that disruption to bus operation along Johnston Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria (Department of Transport) eight (8) weeks prior by emailing customerservice@ptv.vic.gov.au.

Time Expiry

- 43 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;
 - (c) the use of the land is not commenced 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:

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

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

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

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.

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.

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

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.

Submissions made online during the meeting

Marco Negri, Contour Consultants (for the applicant)
Kristen Walker
Dale Jobson (read by Rhys Thomas)
Rachel New
Sara Sunners

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for construction of a multi-storey building, use of the land for dwellings (permit required) and office and food and drink premises (no permit required), a reduction in the car parking requirements and alterations to a road in a Transport Zone 2 at 288-296 Johnston Street, Abbotsford subject to the following conditions:

Amended Plans

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, prepared by Plus Architecture (dated 10 June 2021) but modified to show:

- (a) The changes as depicted on the "Sketch" plans prepared by Plus Architecture, received by Council on 8 February 2022:
 - (i) Relocation of communal space to Level 2 with orientation to Johnston Street and subsequent conversion of the former the Level 1 communal space into two (2), two bedroom apartments.

- (ii) Revised apartment designs for typologies T02, T01E, T16, T18, T20, T21, T25 and T30.
- (b) A reduction of the overall building height by 1.1 metres (with a maximum building height no greater than 34 metres);
 - (c) A reduction of the Johnston Street and Lulie Street, street walls to a maximum height of 15 metres;
 - (d) A reduction of the Little Turner Street, street wall to a maximum height of 11 metres;
 - (e) Increase the Johnston Street setback of Level 08 to 11 metres and associated reconfiguration of Level 09 terraces with a minimum setback of 12.5 metres from Johnston Street;
 - (f) The ground level café tenancy to be setback 2.5m from Lulie Street to accommodate future outdoor dining opportunities;
 - (g) Details of entries to each commercial tenancy;
 - (h) Provision and details of operable windows to each commercial tenancy clearly depicted to promote natural ventilation;
 - (i) Dimensions of the ground clearance, setback from roadside kerb and horizontal depth for the canopies over Johnston and Lulie Streets;
 - (j) The location and details of the fire booster requirements for the Site and its integration with the overall building design;
 - (k) Remove reference to windows on / immediately adjacent the eastern boundary at Levels 01 and 02;
 - (l) Screening of windows and balconies to the north elevation at levels 1 – 4 to minimise interlooking/overlooking to the 1 – 5 Turner Street.
 - (m) The location of the toilet and hand basin for Apartment Typology T02 swapped in order to comply with Standard D17;
 - (n) Toilets for staff and patrons of the office and café areas to be shown on the plans in compliance with BSA requirements;
 - (o) The width of the development entrance to be dimensioned on the drawings;
 - (p) The headroom clearance of the vehicle access to Little Turner Street to be dimensioned on the drawings;
 - (q) The columns to be set back from the aisles by 250 mm in order to comply with Clause 52.06-9 - Diagram 1 Clearance to car parking spaces);
 - (r) The first 5.0 metres of the basement ramp to be dimensioned inside the property;
 - (s) A minimum of four visitor bicycle spaces provided in a location easily accessible to visitors of the site (eg. along Johnston or Lulie Streets). All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
 - (t) Dimensions of the layout of ground floor bicycle parking in accordance with relevant product specifications for the two-tier bicycle rack and clearance and access-way requirements of AS2890.3.
 - (u) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
 - (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
 - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.
 - (v) Depict the location of Solar PV Panel of the roof plan;

- (w) Any changes required by the amended Sustainable Management Plan at Condition 5;
 - (x) Any changes required by the amended Waste Management Plan at Condition 7;
 - (y) Any changes required by the amended Wind Assessment Report at Condition 10;
 - (z) Any changes required by the amended Acoustic Report at Condition 12; and
 - (aa) Any changes required by the amended Landscape Plan at Condition 14.
- 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.
- 3 As part of the ongoing progress and development of the site, Plus Architecture 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.

Façade Strategy and Materials and Finishes Plan

- 4 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) Elevations at a scale of 1:20 or 1:50 illustrating typical street wall and upper level details, entries and doors;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) Details of the entries into the commercial tenancies and residential lobby;
 - (d) Details of any services proposed along Johnston, Lulie and Little Turner Street to be integrated into the overall design of the building;
 - (e) Information about how the façade will be maintained, including vegetation; and
 - (f) A materials schedule and coloured drawings and renders outlining colours, materials (brick) and finishes and graffiti proofing of walls.

Sustainable Management Plan

- 5 In conjunction with the submission of development plans under Condition 1, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan dated 9 June 2021, prepared by ADP Consulting Engineers, but updated to include the following:
- (a) Revise external shading strategy, ensuring adequate shading for all living areas and bedrooms on the east, north and west, and provide detailed cross-sections to illustrate design.
 - (b) Correctly reference the provision of bicycle spaces indicated on plans.
 - (c) State the exact system size (13kW) and Solar PV panel locations.
 - (d) Incorporate more context and details around the proposed electric vehicle charging infrastructure approach in the SMP (i.e. can any apartment owners purchase an EV charge socket for use in the building, or only those allocated those parks?), and provide day-1 charging facilities in basement 01 for office/non-residential use.

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

Waste Management Plan

- 7 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 SUHO and dated 11 May 2021, but modified to include:
 - (a) Suitable hard waste storage and collection management that does not rely on Council.
- 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.
- 9 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Wind Report

- 10 Before the development commences, an amended Wind Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Incorporated Document. The Wind Assessment Report must be generally in accordance with the Wind Impact Assessment prepared by VIPAC, dated 3 May 2021, but modified to refer to:
 - (a) Revised plans required by Condition 1 requirements; and
 - (b) A wind tunnel model study of the environmental wind conditions which must explore the wind conditions of the terraces and whether additional mitigation treatments are required to satisfy the relevant criteria.
- 11 The provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

- 12 In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this permit. The Report must be generally in accordance the acoustic report prepared by Acoustic Logic, dated 2 July 2021, but modified to include
 - (a) Reference to revised location of the communal space required by Condition 1;

- (b) All road traffic noise, not just vehicles on Hoddle Street, to be assessed to both:
 - (i) 40 dBA Leq,16h in habitable rooms and 35dBA Leq,8h, in bedrooms and
 - (ii) Loudest hour of road traffic noise not to exceed 45 dBA Leq,1h in habitable rooms from 7 am to 10 pm, and 40 dBA Leq,1h in bedrooms from 10 pm to 7 am.
- (c) The Noise Protocol zoning levels be used in the assessment of noise from the subject site to 1-3 Turner Street and the rear of 300 Johnston Street, rather than noise limit based on background noise levels classified as 'high'.
- (d) A further review of the design of the substation and its associated ventilation be conducted by the acoustical consultant during the planning stage of the development, to ensure that the necessary acoustic works will be able to be accommodated. If details of the substation are not available at this time, it would be appropriate to assume worst case, and ensure that the architectural drawings allow for sufficient space for both additional internal (e.g. ceiling and potentially wall) treatments and acoustically treated ventilation. The review should allow for a 20 dB indoor to outdoor correction for commercial noise, as required under the Noise Protocol, and for a correction for tonality if the noise is audible in habitable rooms.
- (e) A statement requiring the external component of the first floor communal area not to be used at night and that doors to this area be kept closed from 10 pm nightly.

Once endorsed, the Report must not be modified except with the written consent of the Responsible Authority.

- 13 The recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

- 14 In conjunction with the submission of development plans under Condition 1, an updated landscape plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must be generally in accordance with the landscape concept plans, prepared by Tract, but modified to show:

- (a) Consistency with the revised plans required by Condition 1;
- (b) Depict the removal of the existing street tree along Lulie Street and a total of eight (8) new street tree plantings along Johnston and Lulie Street;
- (c) Provide a plant schedule and detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants, ensuring none listed on the DELWP list of advisory weeds species;
- (d) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
- (e) provide details of the *proposed method for irrigation and drainage*;
- (f) detail the *maintenance (duration, regime and irrigation)*;
- (g) show the materiality of the proposed spaces;
- (h) provide a specification of works to be undertaken prior to planting; and
- (i) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

- 15 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

Car parking

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

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

to the satisfaction of the Responsible Authority.

17 Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the number and location of car parking spaces allocated to each tenancy and dwelling;
- (b) the management of visitor car parking spaces and security arrangements for occupants and employees of the development, including details on how residential visitors are to access car parking;
- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) The number and allocation of storage spaces;
- (e) policing arrangements and formal agreements;
- (f) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc; and
- (g) details regarding the management of loading and unloading of goods and materials.

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

Loading and Unloading

19 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.

Street Trees

- 20 Before the development commences, the permit holder must make a one off contribution of \$7,150 to the Responsible Authority to be used for the removal of the existing street tree along Lulie Street and planting of eight (8) new street trees along Johnston and Lulie Street frontages that is required by the development.

General

- 21 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.

- 22 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 23 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.
- 24 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 25 Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
- 26 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 27 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.

Road Infrastructure / Streetscape Improvement Plan

- 28 Within 6 months of the development commencing, or by such later date as approved in The channel along the south channel along the site's Little Turner Street frontage must be constructed to Council's satisfaction and at the Permit Holder's cost.

- (a) The channel along the south channel along the site's Little Turner Street frontage must be constructed to Council's satisfaction and at the Permit Holder's cost.
- (b) The road pavement of Little Turner Street directly outside the property's frontage, must be profiled (grinded to a depth of around 50 mm) re-sheeted to Council's satisfaction and at the Permit Holder's cost.
- (c) The footpath along the property's Lulie Street and Johnston Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
- (d) All redundant vehicle crossings surrounding the site must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.
- (e) With the reinstatement of the redundant vehicle crossing in Johnston Street, the existing parking restriction sign on the north side of Johnston Street (just east of the redundant vehicle crossing) must be relocated to a new position further west to Council's satisfaction.
- (f) The existing upstand fire hydrants are to be converted to in-ground hydrants.

29 Before the building is occupied, all works to the public realm as shown in the plans approved under conditions 27 and 28, must be fully constructed and completed:

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

30 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

31 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.

32 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 outside the building's frontage must be reconstructed:

- (a) at the permit holder's cost; and
- (b) 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 isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:

- (a) at developer's cost;
- (b) the satisfaction of any other relevant authority; and
- (c) 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 relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the developer's cost; and
 - (b) to the satisfaction of the responsible authority.
- 35 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 developer's cost; and
 - (b) to the satisfaction of the responsible authority.
- 36 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 developer 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 developer.

Construction Management Plan

- 37 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;
 - (j) materials and waste;
 - (k) dust;
 - (l) stormwater contamination from run-off and wash-waters;
 - (m) sediment from the land on roads;
 - (n) washing of concrete trucks and other vehicles and machinery; and
 - (o) spillage from refuelling cranes and other vehicles and machinery;
 - (p) the construction program;
 - (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (r) parking facilities for construction workers;
 - (s) measures to ensure that all work on the land will be carried out in accordance with the

- Construction Management Plan;
- (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (u) 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;
 - (v) 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;
 - (w) 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;

During the construction:

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

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

- 38 The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 39 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Infrastructure Levy

- 40 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 Development Infrastructure Levy within a time specified in the agreement.

Community Infrastructure Levy

- 41 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.

Transport for Victoria

- 42 The permit holder must take all reasonable steps to ensure that disruption to bus operation along Johnston Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria (Department of Transport) eight (8) weeks prior by emailing customerservice@ptv.vic.gov.au.

Time Expiry

- 43 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;
 - (c) the use of the land is not commenced 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:

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

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

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

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.

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.

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

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.

CARRIED UNANIMOUSLY

6.2 **PLN21/0523 - 205 - 211 Queens Parade, Fitzroy North - Use of the land as a restaurant and function centre, sale and consumption of liquor (on-premises licence), display of business identification signage, a reduction in the statutory car parking and bicycle facility requirements**

Reference D22/27749
Author Gary O'Reilly - Senior Statutory Planner
Authoriser Co-Ordinator Statutory Planning

RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a planning permit PLN21/0523 for the use of the land as a restaurant and function centre, sale and consumption of liquor (on-premises licence), display of business identification signage, a reduction in the statutory car parking and bicycle facility requirements at 205-211 Queens Parade, Fitzroy North, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions:

1. Before the uses and/or development commences or sale and consumption of liquor, 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 and documents but modified to show:
 - (a) The installation of five (5) bicycle hoops to Queens Parade (service road) as per the requirements of condition 3.
 - (b) A notation stating that all windows and doors including any bi-fold doors to be closed at all times after 10pm on all days except only to allow patrons in and out of the venue.
 - (c) Any changes required by the amended waste management plan required at Condition 4.
 - (d) Any changes required by the amended acoustic report required at Condition 6.
2. The uses and/or development or 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. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, five (5) bicycle hoops must be installed in accordance with the endorsed plans:
 - (a) At the permit holder’s cost;
 - (b) In a location and manner; and
 - (c) To demonstrate compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the Responsible Authority.

To the satisfaction of the Responsible Authority.

4. Before the function centre use approved by this permit commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 10 September 2021, but modified to include:
 - (a) A statement confirming no hard waste services will be offered by Council.
5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
6. Before the use and/or development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Octave Acoustics and dated 13 September 2021, but modified to include (or show, or address):
 - (a) The changes incorporated in the revised acoustic report (Revision 3) submitted to Council dated 12 January 2022.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
8. No more than 150 patrons are permitted on the land at any one time.
9. No more than 18 staff are permitted on the land at any one time.
10. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Sunday to Thursday 9:00am to 10.00pm.
 - (b) Friday and Saturday 9.00am to 12.00am.
11. A maximum of 14 functions may take place within a one-week period.
12. A maximum of five (5) function centre events per calendar week (Monday-Sunday) may be predominantly standing, with limited seating being provided. All other events must be predominantly seated events.
13. Food to be made available for patrons during all hours of operation of the permitted uses.
14. A log book of all functions must be kept on site and available for inspection by Council officers upon request.
15. 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.

16. 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.
17. Before the use commences, the Permit Operator must install and maintain a Noise Limiter ("the Device"), set at a level by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the requirements of 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, as may be amended from time to time.
18. Within 14 days of commencement of the use 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) Confirm that a Noise Monitor and Limiter ("the Device") is operating and has each and every of the following characteristics which are also operating:
 - (i) The Device limits internal noise levels so as to ensure compliance with the music noise limits according to 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, as may be amended from time to time.
 - (ii) The Device monitors noise levels at frequencies between 50Hz and 100Hz and is wired so as to ensure that the limiter governs all power points potentially accessible for amplification;
 - (iii) The Device controls are in a locked metal case that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the licensee or occupier of the land and notified to the Responsible Authority;
 - (iv) The Device is installed to control all amplification equipment.
 - (b) The report must demonstrate compliance 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, as may be amended from time to time.
19. The provisions, recommendations and requirements of the endorsed post-commencement Acoustic Report (noise limiter) must be implemented and complied with to the satisfaction of the Responsible Authority.
20. Amplified music and vocals are not permitted to be played other than through the Permanently Installed Sound System and when the Device is installed and operating to ensure compliance 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, as may be amended from time to time.
21. Within 3 months a further acoustic report is provided to demonstrate compliance with 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, as may be amended from time to time.
22. All windows and doors including any bi-fold doors to be closed at all times after 10pm on all days except only to allow patrons in and out of the venue.

23. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
24. The uses must comply at all times 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, as may be amended from time to time.
25. Speakers external to the building must not be erected or used.
26. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.
27. 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.
28. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Signage

29. The location and details of the signs, including the supporting structure, 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.
30. The signs must not include any flashing or intermittent light.
31. The signs must not be illuminated by external or internal light.
32. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
33. The signage component of this permit expires 15 years from the date of the permit.
34. This permit will expire if:
 - (a) The use is not commenced within two years from the date of this permit; or
 - (b) the sale and consumption of liquor is not commenced within two years from the date of this permit; or
 - (c) The development is not commenced within two years of the date of this permit; or
 - (d) The sale and consumption of liquor is discontinued for a period of two years; or
 - (e) The use is discontinued for a period of two years; or
 - (f) 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 Ph. 9205 5555 to confirm.

All future business (*whether as owners, lessees/tenants, occupiers*) within the development approved under this permit, will not be permitted to obtain business parking permits.

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.

This application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria.

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

Phil Gleeson, Urbis (for the applicant)
Lubica Shannon

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a planning permit PLN21/0523 for the use of the land as a restaurant and function centre, sale and consumption of liquor (on-premises licence), display of business identification signage, a reduction in the statutory car parking and bicycle facility requirements at 205-211 Queens Parade, Fitzroy North, generally in accordance with the plans and reports noted previously as the "decision plans" and subject to the following conditions:

1. Before the uses and/or development commences or sale and consumption of liquor, 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 and documents but modified to show:
 - (a) The installation of five (5) bicycle hoops to Queens Parade (service road) as per the requirements of condition 3.
 - (b) A notation stating that all windows and doors including any bi-fold doors to be closed at all times after 10pm on all days except only to allow patrons in and out of the venue.
 - (c) Any changes required by the amended waste management plan required at Condition 4.
 - (d) Any changes required by the amended acoustic report required at Condition 6.
2. The uses and/or development or 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. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, five (5) bicycle hoops must be installed in accordance with the endorsed plans:

- (a) At the permit holder's cost;
- (b) In a location and manner; and
- (c) To demonstrate compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the Responsible Authority.

To the satisfaction of the Responsible Authority.

4. Before the function centre use approved by this permit commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 10 September 2021, but modified to include:
 - (a) A statement confirming no hard waste services will be offered by Council.
5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
6. Before the use and/or development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Octave Acoustics and dated 13 September 2021, but modified to include (or show, or address):
 - (a) The changes incorporated in the revised acoustic report (Revision 3) submitted to Council dated 12 January 2022.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
8. No more than 150 patrons are permitted on the land at any one time.
9. No more than 18 staff are permitted on the land at any one time.
10. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Sunday to Thursday 9:00am to 10.00pm.
 - (b) Friday and Saturday 9.00am to 12.00am.
11. A maximum of 14 functions may take place within a one-week period.
12. A maximum of five (5) function centre events per calendar week (Monday-Sunday) may be predominantly standing, with limited seating being provided. All other events must be predominantly seated events.
13. Food to be made available for patrons during all hours of operation of the permitted uses.
14. A log book of all functions must be kept on site and available for inspection by Council officers upon request.
15. 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.

16. 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.
17. Before the use commences, the Permit Operator must install and maintain a Noise Limiter ("the Device"), set at a level by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the requirements of 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, as may be amended from time to time.
18. Within 14 days of commencement of the use an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to 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) Confirm that a Noise Monitor and Limiter ("the Device") is operating and has each and every of the following characteristics which are also operating:
 - (i) The Device limits internal noise levels so as to ensure compliance with the music noise limits according to 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, as may be amended from time to time.
 - (ii) The Device monitors noise levels at frequencies between 50Hz and 100Hz and is wired so as to ensure that the limiter governs all power points potentially accessible for amplification;
 - (iii) The Device controls are in a locked metal case that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the licensee or occupier of the land and notified to the Responsible Authority;
 - (iv) The Device is installed to control all amplification equipment.
 - (b) The report must demonstrate compliance 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, as may be amended from time to time.
19. The provisions, recommendations and requirements of the endorsed post-commencement Acoustic Report (noise limiter) must be implemented and complied with to the satisfaction of the Responsible Authority.
20. Amplified music and vocals are not permitted to be played other than through the Permanently Installed Sound System and when the Device is installed and operating to ensure compliance 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, as may be amended from time to time.

21. Within 3 months a further acoustic report is provided to demonstrate compliance with 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, as may be amended from time to time.
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CARRIED UNANIMOUSLY

6.3 PHRF21/0005 - 1 St Heliers Street Abbotsford - Heritage Victoria Referral P36313

Reference D22/44090
Author Madeleine Moloney - Statutory Planner
Authoriser Senior Coordinator Statutory Planning

RECOMMENDATION

It is recommended that Council respond to Heritage Victoria advising that it has no objection to the proposal on heritage grounds.

No Submissions were made online during the meeting

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Landes

That Council advises Heritage Victoria that it has received independent heritage advice which proposes no objection to the proposal on heritage grounds.

However it expresses concern at the lack of strategic documentation to guide this position and:

- (a) strongly advocates for inclusion of the Collingwood Children's Farm into the Abbotsford Convent Master Plan; and
- (b) requests the preparation of a landscape plan for the Collingwood Children's farm.

CARRIED

The meeting closed at 8.11pm.

Confirmed at the meeting held on Tuesday 22 March 2022

Chair