



Minutes

Planning Decisions Committee

6.30pm, Tuesday 20 December 2022

Richmond Town Hall

1. Appointment of Chair

Cr Nguyen nominated Cr O'Brien as chair.

There being no other nominations, Cr O'Brien was elected chair.

Cr O'Brien 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 O'Brien

Cr Nguyen (for Cr Crossland to 8.00pm)

Cr Crossland (from 8.08pm)

Apology

Cr Mohamud

Council officers

Ally Huynh (Senior Co-ordinator Statutory Planning)

Julian Larkins (Acting Senior Co-ordinator Statutory Planning)

Gary O'Reilly (Senior Statutory Planner)

Rhys Thomas (Senior Governance Advisor)

4. Declarations of conflict of interest

No declarations were made.

5. Confirmation of Minutes

RESOLUTION

Moved: Cr O'Brien **Seconded:** Cr Nguyen

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 29 November 2022 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN21/0816 - 300-306 Bridge Road, Richmond - Demolition of the existing buildings and construction of a six-storey mixed use building (plus basements) for a residential hotel (permit required for the use), restaurant cafe/bar (no permit required for uses) and a reduction in the car parking requirements	4	16
6.2	PLN22/0306 - 484 - 490 Swan Street, Richmond	18	35
6.3	PLN21/0569 - 69 Smith Street, Fitzroy	36	43
6.4	PLN22/0445 - 193A Lennox St Richmond - Full demolition of the existing buildings and construction of a six-storey building (including basement levels), with a reduction in the car parking requirements associated with the use of the land for as-of-right food and drink premises and office	44	53
6.5	PLN22/0454 - 116-130 Cremorne Street and 15 Gough Street, Cremorne	63	77
6.6	PLN22/0043 – 27 Rose Street Richmond	92	93
6.7	PLN20/0740 - 1 - 3D Little Lesney Street & 5 - 9 Wiltshire Street Richmond - Confidential Item		
6.8	PLN21/0987 - 393 Bridge Road, Richmond [Confidential Item - VCAT Compulsory Conference Without Prejudice Position]		

6.1 **PLN21/0816 - 300-306 Bridge Road, Richmond - Demolition of the existing buildings and construction of a six-storey mixed use building (plus basements) for a residential hotel (permit required for the use), restaurant cafe/bar (no permit required for uses) and a reduction in the car parking requirements**

Reference D22/322914
Author Gary O'Reilly - Senior Statutory Planner
Authoriser Co-Ordinator Statutory Planning

RECOMMENDATION

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 Skematics Architects AZ005 (Rev 5) dated 8 August 2021, A1003 (Rev 8) dated 30 June 2021, A1003a (Rev 11) dated 29 January 2021, A1004 (Rev 13) dated 29 January 2021, A1005 (Rev 9) dated 29 January 2021, A1006 (Rev 11) dated 3 February 2021, A1007 (Rev 6) dated 29 September 2021, A1008 (Rev 13) dated 29 January 2021, A1009 (Rev 14) dated 29 January 2021, A1010 (Rev 13) dated 29 January 2021, A1011 (Rev 10) dated 16 April 2021, A1019 (Rev 10) dated 15 July 2021 but modified to show:
 - (a) The plinth detail to the restaurant and food and drink premises tenancies to be lowered in height to 500mm above the footpath (or as otherwise agreed), with the modified window arrangements designed to Council's satisfaction.
 - (b) The removal of the metal frames projecting on the parapet to Bridge Road.
 - (c) Introduce single window to rooms within the 'dark red' brick elements of the Level 1 and 2 façade (in lieu of double windows), with a solid to void ratio and framing design to the satisfaction of the responsible authority.
 - (d) Introduce a raised parapet feature measuring 500mm in height above the central earthy brick bay of Level 2.
 - (e) Introduce a central design element (e.g. gable element) atop of the awning to add visual interest and highlight the main entry.
 - (f) Improve the depth of the Bridge Road street wall façade through the following:
 - (i) Inset dark red brick façade elements/bays and windows by a minimum of 200mm.
 - (ii) Inset window frames of the earthy red brick elements/bays by a minimum of 100mm.
 - (g) Change to the external materials of the upper level to have greater durability (e.g. concrete) with rebate detail and off-white finish maintained.
 - (h) The Spencer Place street wall to have a two tone brick finish, with no CFC finishes.
 - (i) A notation that the utility cabinet doors can be latched onto the wall when in service.
 - (j) Update the section drawings to clearly identify the height clearance at all critical points, including where the ground floor slab goes over the ramp and the height clearance above the security gate at the car park entrance.
 - (k) Update the drawings to include a notation that clearly demonstrate the requirements of AS/NZS 2890.6:2009 are satisfied, with respect to headroom clearance above the accessible car space and shared area.
 - (l) A ground clearance assessment to be provided to demonstrate a B99 design vehicle will not scrape along the access ramp.

- (m) A ground clearance assessment of the internal radii for the 1 in 5 grade and 1 in 8 grade curved ramp section on basement 1 using a B99 design vehicle ground clearance template
 - (n) Include on the drawings convex dome mirrors at the top and bottom of the entrance ramp.
 - (o) All surface and finishes floor levels to be consistent amongst all plans.
 - (p) Dimensions of bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority.
 - (q) All resident and/or employee bicycle parking facilities to include a minimum of 20% of ground level (horizontal) spaces.
 - (r) A least four visitor bicycle parking spaces provided in a location easily accessed by visitors to the site at or near the frontage with Bridge Road.
 - (s) At least two visitor bicycle parking spaces provided to comply with decision guidelines and considerations under Clause 52.34 and AS2890.3 to the satisfaction of the Responsible Authority.
 - (t) All staff bicycle parking facilities to be located, at or between Basement 1 and Ground Floor, with reasonable proximity and access to:
 - (i) Building entrances and/or lift shafts.
 - (ii) End of trip facilities, including showers and change rooms.
 - (u) The provision of real time passenger information displays for nearby stops in the hotel lobby.
 - (v) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
 - (w) Employee bicycle storage spaces to be contained within a secure enclosure.
 - (x) Electric bicycle charging points provided for the proposed guest ebike scheme bicycle parking spaces.
 - (y) Any changes required by the amended sustainable management plan required at Condition 4.
 - (z) Any changes required by the amended wind report required at Condition 8.
 - (aa) Any changes required by the amended landscape plan required at Condition 9.
 - (bb) Any changes required by the amended acoustic report required 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.

Façade Strategy and Materials and Finishes Plan

3. 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 materials/colours/finishes of all elevations;
 - (d) Details of construction methodology of the stacked brickwork;
 - (e) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls.
 - (f) Details of any services proposed along Bridge Road and Spencer Place to be integrated into the overall design of the building.
 - (g) Information about how the façade will be maintained, including vegetation.

Sustainable Management Plan

4. 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 28 October 2021, prepared by Low Impact Development Consulting, but updated to include the following:
 - (a) Specify double glazed windows for all habitable rooms throughout.
 - (b) Revise strategy to include external shading for the west facing internal glazing, particularly at upper levels (3-5).
 - (c) Increase rooftop solar PV system size to service more of the buildings energy demand.
 - (d) Confirm whether other rooms (such as gym) will have operable windows.
 - (e) Provide a statement as to the provision of high-quality views. Some concerns regarding single aspect internally facing rooms on levels 1-2.
 - (f) Include calculations of greenhouse gas emissions reductions within JV3 modelling.
 - (g) Clarify the reduction in peak energy demand as a result of the building design (this can be included within the JV3 modelling).
 - (h) Clarify extent of water metering and consider extending to individual hotel rooms to monitor use.
 - (i) Clarify irrigation system type and confirm connection to rainwater tank.
 - (j) Confirm that post-development stormwater flows will not exceed pre-development levels and provide calculations to support.
 - (k) Clarify how the additional 3,000-litres are proposed to be used (and why they're not incorporated into the stormwater management / STORM report).
 - (l) Confirm specific filtration system required to treat balconies and terraces to an acceptable level.
 - (m) Clarify what percentage of overall insulation both glasswool and polyester will make up.
 - (n) Clarify best practice approach to the use of PVC.
 - (o) Clarify provision and use of ground floor area noted as 'hotel Guest Loan e-bikes) (TP-A1004).
 - (p) Clarify the access and use of the DDA compliant WC's on level 1 and 2 for use as an End of Trip facility for staff members, or clarify provision elsewhere in the building.
 - (q) Detail locations of car share services within the Building Users Guide and ensure hotel guests are provided with this information.
 - (r) Clarify whether the basement has 2 EV chargers (across 4 spaces) or EV 4 chargers.
 - (s) Provide a Green Travel Plan that details the strategy and targets around more sustainable transport behaviours.
 - (t) Confirm provision of a Construction Waste Management Plan to guide achievement of this target.
 - (u) Re-issue the Landscape Plans with a detailed plan and cross-section of the ground floor plantings with adequate soil depth / volume to support tree growth as proposed.
 - (v) Clarify building tuning and commissioning strategy.
 - (w) Confirm provision of a BUG.
 - (x) Confirm provision of a Construction Waste Management Plan to guide achievement of this target.
5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

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

Wind Report

8. 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 Pedestrian Wind Assessment prepared by Windtech, dated 2 March 2022, but modified to refer to:
 - (a) Satisfying the sitting criterion in the cafe outdoor areas without local wind break screens
 - (b) Assess the wind conditions on the terraces on level 03 against the pedestrian comfort criteria defined in the Windtech report.
 - (c) The planting around the perimeter of the rooftop terrace to provide effective wind mitigation as intended by Windtech.

Landscape Plan

9. 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 John Patrick, dated 28 October 2021, but modified to show:
 - (a) The substitution of the Phoenix roebellenii plant species with an alternative species.
 - (b) Provision for more seating or break-out areas or small shade tree planting to the roof terrace.
 - (c) Enlarged rooftop planters to enable more diverse planting and possibility of the inclusion of more strategically placed small trees.
 - (d) A maintenance schedule, including task details and frequency; for multi-storey developments and planting, maintenance access will need to be provided for.

to the satisfaction of the Responsible Authority.

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

to the satisfaction of the Responsible Authority.

Residential Hotel Use

11. 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.
 - (e) to the satisfaction of the Responsible Authority.
12. Before the uses commence, a Hotel 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 include or show, but is not limited to, the following:
- (a) Responsibilities of the General or Duty Manager (i.e. will be onsite at all times, providing immediate oversight of security, noise issues, maintenance and actioning of any complaints);
 - (b) Any CCTV surveillance to be provided;
 - (c) If the gym/meeting rooms is restricted to hotel guests only;
 - (d) Reception/concierge operating hours;
 - (e) Staffing/management arrangements;
 - (f) Provision for 'after hours' arrivals and departures;
 - (g) Security arrangements;
 - (h) Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
 - (i) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
 - (j) An outline of all house rules intended to be used to manage residents and guests including:
 - (i) guest behaviour;
 - (ii) noise;
 - (iii) use of private terraces; and
 - (iv) methods of eviction if house rules are broken;
 - (k) Details of eviction process in the event house rules are broken.
13. The provisions, recommendations and requirements of the endorsed Hotel Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

14. In conjunction with the submission of development plans under Condition 1, 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) Potential noise impacts from nearby licensed premises on the proposed hotel rooms.
 - (b) Potential noise impacts from services on Site on the proposed hotel rooms and nearby residential properties.
 - (c) Potential noise impacts from the use of the communal roof terrace to hotel rooms and nearby residential properties.
 - (d) Potential noise impacts from the commercial tenancies to hotel rooms and nearby residential properties.

The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Authority Publication 1826 and the Environmental Protection Regulations 2021.

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

16. The use must at all times comply 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), as may be amended from time to time.

Car parking

17. 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.
18. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

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.
20. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Environmental Audit

21. Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970* (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
22. If the assessment required by Condition 21 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

23. If the assessment required by Condition 21 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
 - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

If, pursuant to Condition 23, a Statement is issued:

- (a) the:
 - (i) use; and
 - (ii) development,

authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;

- (a) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (development pre-commencement conditions);
- (b) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (use pre-commencement conditions);
- (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (d) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
- (e) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (iii) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Public Lighting

24. Before the use 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 Spencer Place between Hosie Street and the entrance to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (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 and proposed 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) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) A maintenance regime for the lighting scheme within the curtilage of the property.
 - (f) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.

Road Infrastructure

25. 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.
26. Upon the completion of all building works and connections for underground utility services:
- (a) The kerb and channel along the property's Bridge Road frontage must be constructed to Council's satisfaction and at the Permit Holder's cost.
 - (b) The footpath along the property's Bridge Road frontage must be constructed 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.
 - (c) All redundant vehicle crossings associated with the development must be demolished and reinstated with pavement and kerb and channel to Council's satisfaction and at the Permit Holder's cost.
27. 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.
28. 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 Council.

29. 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.
30. 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.
31. 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.
32. 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.

General

33. 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.
34. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
35. 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.
36. 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.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

38. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
39. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Construction Management Plan

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

Development Infrastructure Levy

41. 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.

Time Expiry

42. 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 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:

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

The Site is subject to the Heritage Overlay. A planning permit may be required for any further external work.

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.

Before any surface levels or other changes to Spencer Place are undertaken detailed Civil works plans to the satisfaction of Council must be submitted to Council and approved by Council.

The canopy overhanging the road reserve must have a stormwater drainage system that captures rain and discharges into the building internal stormwater system.

The architectural plans indicates that the floor ground floor level of the building is 70 millimetres higher than the footpath level in Bridge Road. Any ramping required for the ground floor level to meet the footpath must be done inside the property. Footpath surface levels in Bridge Road must be approved by Council prior to any works being undertaken.

Any road works on bridge Rd must be approved by VicRoads and Council prior to works being undertaken.

Submissions

Robbie McKenzie, Ratio Consultants (for the applicant)
Alan Foster
Lyndy U'Ren
Tatum Ambler
Christine Maynard
Robert Hewett
Neil Scott
Heidi Groen
Alexandra Askey
Joe Feng
Jeffrey Lowinger
Sam Aylett
Steven Vaughan, Let's Enhance Gleadell Street
Harry Williams
Helen Williams
Chris Mawer
Dennis Crooks

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Nguyen

That having considered all objections and relevant planning policies and provisions, the Committee resolves to issue a Notice of Refusal to Grant Planning Permit PLN21/0816 - 300-306 Bridge Road, Richmond - Demolition of the existing buildings and construction of a six-storey mixed use building (plus basements) for a residential hotel (permit required for the use), restaurant and café/bar (no permit required for uses) and a reduction in the car parking requirements on the following grounds:

1. The proposed rear setbacks are contrary to the Design and Development Overlay (Schedule 21).
2. The massing and design of the building will visually dominate the heritage place, which is contrary to the purpose of the heritage overlay at clause 43.01 and fails to comply with clauses 21.05-1 and 22.02 of the Yarra Planning Scheme.

CARRIED

Call for a division

For: Crs O'Brien and Nguyen

Against: Nil

Meeting adjourned at 8.00pm
Cr Nguyen left the meeting

Meeting resumed at 8.08pm
Cr Crossland arrived at 8.08pm

Reference	D22/329042
Author	John Theodosakis - Principal Planner
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN22/0306 for development of the land with a multi-level building (comprising office and retail - non-permit required uses) with a reduction in the car parking requirement and alterations to a road in a Transport Zone (Schedule 2) of the Yarra Planning Scheme at No. 484 – 490 Swan Street, Richmond subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Cox Architecture and dated 21 June 2022 but modified to show:
 - (a) The key changes depicted in the Landscape Concept Plans received by Council 28 October 2022 to:
 - (i) Exclude the tables and chairs previously shown;
 - (ii) Exclude the awnings that extended into the canopy of the street trees across the Swan Street Section;
 - (iii) Exclude a garden bed along the Swan Street footpath;
 - (iv) Show a standard City of Yarra tree pit cut-out;
 - (v) Show the pedestrian refuge in accordance with the architectural plans in the north-west corner;
 - (vi) Include seating along the Swan Street footpath and positioned to face the entrance to the laneway;
 - (vii) Include wall lights in the laneway and the central link shown;
 - (viii) Include wall mounted benches with backrests and armrests in the northern section of the internal pedestrian laneway; and
 - (ix) Modified to show the areas for waste.
 - (b) Four existing street trees along Swan Street now shown to be retained and protected;
 - (c) The key changes depicted on the Ground Floor Plan received by Council 28 October 2022 that shows:
 - (i) a 1.8m x 1m box around the bicycle hoops to demonstrate adequate space around each hoop;
 - (ii) doors that are not impacted by columns;
 - (iii) existing conditions of surrounding side to the east of the ROW with a further note identifying the ROW with bluestone paving;
 - (iv) the planter at the south-east corner of the site relocated 1.5m north from the southern laneway; and

- (v) asphalt for the southern footpath outside the property frontage to Swan Street, with levels and materials that are consistent with the adjoining development (under construction) at No. 462 - 482 Swan Street;
- (d) Both landscape and architectural plans modified to show a 1.2m minimum deep soil depth to the planting areas.
- (e) A minimum 2.2m headroom clearance along the main accessway to the car parking areas; and
- (f) The waste management plan and associated architectural plans modified to have a larger bin storage area.
- (g) Clarification of the structure at the north-east corner of the site.
- (h) The deletion of the pergola structure above the Level 10 terrace in the north-east corner;
- (i) The deletion of any reference to the removal of the wing wall associated with the development (under construction) to the west;
- (j) All works, including planters, shown to be constructed within the title boundaries;
- (k) The dimension of the headroom clearance within the ramped accessway;
- (l) A vehicle crossing ground clearance check for the new vehicle crossing by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (as per '*Engineering Advice for Design Items to be Addressed by the Applicant*' section).
- (m) Dimensions of bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3.
- (n) The proposed visitor bicycle parking spaces annotated to be installed as per Yarra Standard Drawing (YSD) 1050a 'Bike Hoop – in ground'.
- (o) Provision for wayfinding signs to be installed at the site to direct both employees and visitors to bicycle parking areas, in accordance with AS 2890.3.
- (p) Provision of electrical wiring of all car parking areas to be 'EV ready' with a 40A single phase electrical sub circuit installed to these areas for this purpose.
- (q) Confirmation of the provision of electric bicycle charging points.

Reports and Plans

- (r) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 3) (where relevant to show on plans);
- (s) Any requirement of the endorsed Landscape Plan (condition 5) (where relevant to show on plans);
- (t) Any requirement of the endorsed Tree Protection Arborist Report (condition 7) (where relevant to show on plans);
- (u) Any requirement of the endorsed Sustainable Management Plan (condition 14) (where relevant to show on plans);
- (v) Any requirement of the endorsed Wind Impact Assessment Report (condition 17) (where relevant to show on plans);
- (w) Any requirement of the endorsed Acoustic Report (condition 19) (where relevant to show on plans);
- (x) Any requirement of the endorsed Public Lighting Plan (condition 22) (where relevant to show on plans);
- (y) Any requirement of the endorsed Waste Management Plan (condition 24) (where relevant to show on plans);

- (z) Any requirement of the endorsed Green Travel Plan (condition 26) (where relevant to show on plans);
 - (aa) Any requirement of as a consequence of the Department of Transport's conditions (28 – 46) (where relevant to show on plans);
 - (bb) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (condition 47) (where relevant to show on plans).
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Façade Strategy and Materials and Finishes Plan

3. 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 approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this document. This must detail:
- (a) Elevations at a scale of 1:20 or 1:50 illustrating typical entries and doors;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) Information about how the façade will be maintained; and
 - (d) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and measures to limit (to the extent possible) graffiti adhesion on walls to the street, including doors, perforations and upper levels (where necessary).

Ongoing architect involvement

4. As part of the ongoing progress and development of the site, Cox Architecture or another 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

5. In conjunction with the submission of development plans under Condition 1, an amended 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 be generally in accordance with the Concept Design - Landscape Town Planning Report prepared and authored by Tract with revision date 2nd May 2022 but further to show:
- (a) The changes outlined under Condition 1 (as relevant to Concept Design - Landscape Town Planning Report prepared and authored by Tract with revision date 14 October 2022);
 - (b) A plant schedule with the proposed plant species (botanical and common name), installation size, width and height at maturity, and plant numbers for all planted areas.
 - (c) Planting plan(s) showing the location, numbers and species of proposed plants, as well as a legend containing key features, materials and surfaces.
 - (d) Soil depth, slab setdown and wall heights and of "deep soil" planters.
 - (e) Provide typical details for the proposed irrigation.
 - (f) Provide typical details of timber furniture and all materials and surfaces on the ground level.

- (g) Provide a maintenance schedule, including task details and frequency - for multi-storey development and planting, maintenance access will need to be provided for.
- (h) Load bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed.

Ongoing Landscape Plan Requirement

- 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.

Tree Protection Arborist Report

- 7. In conjunction with the submission of development plans under Condition 1, an amended Arborist Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Arborist Report will be endorsed and will form part of this permit. The amended Arborist Report must be generally in accordance with the Arborist Report prepared and authored by Treelogic dated 28 March 2022 but modified to:
 - (a) Make reference to the amended plans required by Condition 1.
- 8. All tree protection measures must be carried out in accordance with the endorsed arborist report to the satisfaction of the Responsible Authority.

Tree Protection Fencing

- 9. Prior to the commencement of any buildings and/or works approved by this permit, temporary fencing must be erected around any tree shown for retention on the endorsed plans to define a Tree Protection Zone (TPZ) that is to the satisfaction of the Responsible Authority and must:
 - (a) Exclude access and construction activity within the TPZs, as assessed in the Arborist Report Treelogic, 28/03/2022.
 - (b) Have a minimum height of 1.8 metres and comply with Australian Standard AS 4687 *Temporary fencing and hoardings*
 - (c) Fencing within roadside reserves and/or nature strip areas must not prevent the use of a road or footpath
 - (d) Remain in place until all buildings and/or works are completed, unless with the prior written consent of the Responsible Authority.
 - (e) Fencing must be modified in line with the footprint of the approved works only.

Street Tree Protection

- 10. The retained street trees must not be removed or damaged to the satisfaction of the Responsible Authority.

11. Before the development starts, the permit holder must provide a security bond of \$5,000 for the 4 street trees to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

The bond is not to be released until Council's Arborist has inspected the trees at the completion of the development.

Tree Protection and Management Plan

12. Prior to the commencement of any building and/or works, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The TPMP must be prepared to the satisfaction of the Responsible Authority by an arborist with a minimum AQF level 5 qualification and must detail tree protection and management actions prior to, during, and post works (including demolition). The TPMP is required:
- (a) To maintain and protect the condition of all retained trees
 - (b) To comply with AS 4970–2009 *Protection of trees on a development sites* (Australian Standard AS 4970–2009).
13. The TPMP must include all tree related requirements conditioned in this permit. All works in the TPMP affecting trees must be implemented and/or monitored by an arborist with a minimum AQF level 5 qualification to the satisfaction of the Responsible Authority. The TPMP must be certified as complete by the Project Arborist and this certification must be submitted to the Responsible Authority at the completion of works.

Amended Sustainable Management Plan

14. 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 *Sustainability Management Plan* (SMP) prepared and authored by ACOR Consultants (VIC) Pty. Ltd. and revision dated 2 May 2022 but modified to include:
- (a) Daylight modelling that indicates (min) 40% of the floor area achieves the daylight outcomes required by Green Star Buildings.
 - (i) If available, provide additional calculations to illustrate reduction in GHG emissions against a reference building.
 - (ii) If available, provide additional calculations to illustrate how these elements have reduced peak energy demand against a reference building.
 - (b) Detailed cross-section(s) that provide(s) more detail of shading elements (e.g. depth, and extent throughout design).
 - (c) Update rooftop plans to clearly articulate specified amount of rooftop solar proposed (e.g. at least 126.4 kW).
 - (d) A MUSIC model to support the endorsement of plans.
 - (e) Rainwater tank capacity and indicate size and location on plans.
 - (f) Confirm if any additional treatment is required to re-use or discharge stormwater.
 - (g) A statement as to how the project will achieve a (min) 10% reduction in embodied carbon against a reference building.

- (h) Written confirmation that timber used will be FSC /PEFC certified.
- (i) A written statement as to how the development will achieve a best practice approach to PVC.
- (j) Confirmation that 3 showers within the EOT are gender neutral.
- (k) Clarify the separate management of glass recycling.
- (l) Confirm achievement of credits within the GS Nature category.
- (m) Provision of operable windows on levels 5-7 and 9 to allow for natural ventilation.
- (n) Confirmation of the total area for stormwater catchment and raingardens prior to discharge.
- (o) Consider a suite of materials and assembly methods that assist with adaptive reuse at end of life.
- (p) An assessment of the landscape proposal using the Green Factor tool www.greenfactor.com.au.

Prior to occupation Sustainable Management Plan Requirement

15. 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

16. 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

17. 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 Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared and authored by MEL Consultants titled Environmental Wind Speed Measurements on a Wind Tunnel Model of the 484 Swan Street Development, Richmond dated April 2022, but modified to:
 - (a) Assess the proposal as amended pursuant to Condition 1 and make further recommendation to ameliorate any impacts on the Level 10 terrace as a consequence of the deletion of the pergola structure.
 - (b) Landscaping is not to be used as a wind mitigation measure.

Ongoing Wind Assessment Requirement

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

Amended Acoustic Report

19. Before the development commences, an amended 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 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 Acoustic Logic dated 3rd May 2022 and assess the following:

- (a) Assess the proposal as amended under Condition 1 and provide noise attenuation techniques to enhance the amenity of the building from external noise sources.
20. 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.

Ongoing Acoustic Report Requirement

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

Public Lighting Plan Required

22. 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 the curtilage of the building and the entrances and the internal pedestrian laneway within the site. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) all pedestrian access to the proposed development must be lit by public lighting installations as specified in the Australian Standard AS 1158.3.1:2020 *Lighting for roads and public spaces*.
 - (b) new poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
 - (c) consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
 - (d) light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 - 2019 *Control of the obtrusive effects of outdoor lighting*;
 - (e) the locations of any new light poles must not obstruct vehicular access into private properties; and
 - (f) 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.
 - (g) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (h) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible

Ongoing Public Lighting Plan Requirement

23. 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.

Amended Waste Management Plan

24. 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 Impact Traffic Engineering and dated 28 April 2022 but modified to:

- (a) Assess the proposal as amended under Condition 1 and its requirements.
- (b) Include details of the size of the bin storage areas and the total footprint of the proposed bins in each M2; and
- (c) Methods and regard to a fourth waste stream and how this will be managed in future if separation is required (i.e. Glass separation)

Ongoing Waste Management Plan Requirement

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

Amended Green Travel Plan

26. In conjunction with the submission of development plans under Condition 1, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering and dated 28 April 2022 but modified to:

- (a) Assess the proposal as amended pursuant to Condition 1;
- (b) Include details on the operation of the secure bicycle parking facility for end users
- (c) Include reference to electric bicycle charging spaces.
- (d) Include details of the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space.

Ongoing Green Travel Plan Requirement

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

Department of Transport's conditions 28 - 46

28. Prior to the commencement of the development of the building, a road safety audit must be submitted to and approved to the satisfaction of the Responsible Authority in consultation with the Head, Transport for Victoria at no cost to the Responsible Authority and the Head, Transport for Victoria. The road safety audit must be undertaken by a suitably qualified and independent road safety auditor, and must include the following:

- (a) any deficiencies in the proposed left in and left out access arrangement, including but not limited to:
 - (i) sight line issues;
 - (ii) impact of parked vehicles;

- (iii) proximity to the adjoining vehicle crossover immediately west at 462-482 Swan Street with due consideration of vehicular movements and land use traffic generation;
- (iv) any other considerations including lighting, signs, line marking, roadside furniture etc.

VicTrack Pedestrian Path

29. Before the development commences, the permit holder must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of and approved by the Responsible Authority and VicTrack, showing interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending to the east terminating at Stawell Street).
30. Before the building is occupied, all works associated with the VicTrack pedestrian path detailed design plan as shown on the endorsed plans must be completed by the permit holder at their full cost to the satisfaction of the Responsible Authority and VicTrack.
31. Before the development commences, unless otherwise agreed in writing with the Head Transport for Victoria, the permit holder must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of the Head, Transport for Victoria (TfV), Vic Track and the Rail Operator (RO) showing the development interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending to the east terminating at Stawell Street) being 'public realm works' on railway land. The plans must:
 - (i) Show lighting, landscaping, footpaths, bicycle parking, street furniture and associated infrastructure;
 - (ii) Meet Rail Operator specifications and standards; and
 - (iii) Demonstrate that the works are compliant with the Disability Standard for Accessible Public Transport 2002.
 - (iv) A construction control agreement must be in place between the Permit Holder and RO prior to commencement of the Public Realm Works on Rail Land.
 - (v) The Public Realm Works outlined in the plans must be completed by the permit holder at their full cost and to the satisfaction of TfV, VicTrack & the RO.
32. Prior to the commencement of work on site (excluding demolition) detailed construction / engineering plans and computations for construction works abutting railway land, railway operations, and railway infrastructure assets must be submitted and approved by VicTrack, TfV and the Rail Operator (RO). The Plans must detail all excavation design and controls of the site adjacent to the railway corridor. The Design Plans must ensure compliance regarding:
 - (a) building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) Regulations;
 - (b) design loadings for the building include for:
 - (i) compliance with AS5100 Parts 1 and 2 for collision protection and impact loads from derailed trains,
 - (ii) compliance with AS1170 Part 4 - Earthquake Actions in Australia.
 - (c) working adjacent to overhead power to the satisfaction of the RO;
 - (d) demonstrate compliance with air, light and fire requirements without reliance on railway land; and

- (e) demonstrate a design plan, and a maintenance and operations strategy for balconies and windows that will eliminate any risk of debris falling or being thrown onto railway land.

- 33. Unless otherwise agreed in writing with TfV, before the commencement of works (including demolition), a Construction Management Plan must be submitted to TfV and Vic Track for approval. The Construction Management Plan must designate operating hours and include details of (but not be limited to) management proposals and actions to protect Vic Track assets, rail infrastructure and the operation of the public transport network during construction and must set out objectives, performance and monitoring requirements to the satisfaction of Vic Track & TfV.
- 34. Unless otherwise agreed in writing with the TfV, before the commencement of works (including demolition), a Traffic Management Plan must be submitted to TfV which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport, including trains and trams. The Traffic Management Plan must be prepared and implemented to the satisfaction of TfV. All traffic management and mitigation costs will be at the full cost of the permit holder.
- 35. Unless otherwise agreed in writing with TfV, prior to construction commencing including demolition, a construction control and indemnity agreement as required by TfV must be in place to the satisfaction of TfV at the full cost to the permit holder. Any costs required to review documents for the construction control and indemnity agreement must be met by the permit holder.
- 36. Unless otherwise agreed in writing with TfV, prior to the commencement of works (excluding demolition), the permit holder must prepare a report, to the satisfaction of TfV & the RO, by a suitable qualified consultant, which demonstrates that all building materials (including glass / window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety. The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.
- 37. Unless otherwise agreed in writing with TfV and VicTrack, windows, doors and balconies must not be placed on the title boundary with Railway Land and no windows or doors are permitted to open beyond the Railway Land title boundary to the satisfaction of TfV and VicTrack.
- 38. Prior to the occupation of the development, all works outlined on the endorsed plans for the left in left out access must be completed with associated signs, to the satisfaction of TfV at the full cost to the permit holder.
- 39. The boundary wall must be treated with a graffiti proof finish and any graffiti that appears on the wall must be removed as soon as practicable to the satisfaction of VicTrack and the Rail Operator. Removal of graffiti must be undertaken at no cost to VicTrack or the Rail Operator.
- 40. Unless otherwise agreed in writing, permanent or temporary soil anchors must not be installed on railway land.
- 41. Prior to commencement of works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
- 42. Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the permit holder.

43. Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of TfV, at the full cost of the permit holder.
44. The permit holder must take all reasonable steps to ensure that disruptions to train and tram operation are kept to a minimum during the construction of the development, and in compliance with the Rail and Tram Safety and Environmental requirements.
45. No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers, to the satisfaction of the Rail Operator.
46. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

Public Realm Plan(s) / Works / Road Infrastructure

47. Within six months of commencement of the development or by such later date as is approved by the Responsible Authority and the City of Yarra, Detailed Design plans (Civil and Landscape) for the Swan Street and eastern laneway outside the site's property frontages must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
 - (a) Detailed layout plan indicating all existing and proposed features and surface levels;
 - (b) The reinstatement of the Swan Street footpath and (outside the property's frontage) kerb and channel and reinstatement of any portion of damaged road outside the property's frontage (inclusive of the laneway to the east extending to Stawell Street);
 - (c) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (d) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (e) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
 - (f) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
 - (g) Signage & line marking plan;
 - (h) All surfaces must be designed in accordance with DDA requirements;
 - (i) Distinct delineation between public and private land along all interfaces, including access connectivity for the laneway at the south eastern corner of the site;
 - (j) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and
 - (k) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
48. 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(s) / Works / Road Infrastructure Plan required by Condition 43 must be carried out at the permit holders cost and completed to the satisfaction of the Responsible Authority.

49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority and the City of Yarra, any damage to public infrastructure (footpath, kerb and channel, etc) caused by connection works for underground utility services, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. 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.
51. 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.
52. 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.
53. 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.

Civil work and drainage design plans

54. Before the development commences, Civil Work and Drainage Design Plans prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once the plan is approved, it will be endorsed and will then form part of the permit. The Civil Work and Drainage Design Plans must provide:
 - (a) Be consistent with the public realm plan required under Condition 43.
 - (b) Provide for all civil and drainage works that are required to the abutting road frontages, as part of the development and proposed public realm works;
 - (c) Include underground drainage to the north of Swan Street and east along the laneway;
 - (d) Include a stormwater and flooding analysis and catchment plan as it relates to the development, proposed public realm works and drainage scheme to ensure no 'ponding' or retention of water in the roadways;
 - (e) Be in accordance with Council's engineering standards and requirements.
 - (f) Be DDA compliant to the satisfaction of Council.
 - (g) Show all existing and proposed street fixtures and furniture including but not limited to service authority assets, street lighting, signs and line-marking abutting the development.
 - (h) Surface material finishes shown and specified to the satisfaction of the responsible authority;
 - (i) Provide street lighting in accordance with Council standards.

- (j) Ensure co-ordination with public realm works of the adjoining development to the west.

55. Before the development is completed or at a later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Stormwater Analysis, Catchment and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the Responsible Authority.

Car Parking

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

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

all to the satisfaction of the Responsible Authority.

57. Before the 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, including DDA spaces;
- (b) the management of car parking spaces and security arrangements for employees of the development;
- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) policing arrangements and formal agreements;
- (e) 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;
- (f) details regarding the management of loading and unloading of goods and materials; and
- (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.

58. 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.

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

Detailed Design Plan (Through-link between Swan Street and land to the south and laneway to the east)

60. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a detailed design plan for the through-link, between Swan Street and the land to the south (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north, including the link to the laneway to the east) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed design plan will be endorsed and will form part of this permit and must then be maintained to the satisfaction of the Responsible Authority.

The detailed design plan must include details of the proposed materials, landscaping, lighting and safety measures to provide unfettered 24 hour public access for the through-link, between Swan Street and the land to the south (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north).

Section 173 Agreement (Through-link between Swan Street and land to the south and laneway to the east)

61. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the ground floor, north-south through-link from Swan Street to the pedestrian path to the south and the laneway to the east;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 51 (a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 51 (a).
62. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

General

63. 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.
64. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the responsible authority.

65. 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.
66. 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).
67. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
68. 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.
69. 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.
70. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
71. 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.
72. 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;
 - (d) Of appropriate intensity; and
 - (e) to the satisfaction of the Responsible Authority.

Development Contributions

73. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) 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.

Construction Management Plan

74. 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

75. 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

76. 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

77. 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:

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, 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.

Department of Transport's Notes

As the planning application relates to a site that is within approximately 400 metres of the Richmond stack, it may impact on or be impacted by, the City Link stack plume dispersal. The stack emits exhaust from the City Link tunnels into the atmosphere, and is licensed by the Environment Protection Authority.

Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport 2 Zone (Swan Street). Please contact Head, Transport for Victoria prior to commencing any works.

Submissions

Will Pearce, Human Habitats (for the applicant)
Adam Agosta, Swan Street Holding Trust (for the applicant)
Simon Haussegger, Cox Architecture (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor O'Brien

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for the development of the land with a multi-level building (comprising office and retail - non-permit required uses) with a reduction in the car parking requirement and alterations to a road in a Transport Zone (Schedule 2) of the Yarra Planning Scheme at No. 484 – 490 Swan Street, Richmond based on the following grounds:

1. The scale, mass, height and setbacks of the proposed development do not respond to the site context and fail to comply with the provisions at Clause 15 (Built Environment and Heritage), and the requirements within Schedule 28 of the Design and Development Overlay at Clause 43.02 of the Yarra Planning Scheme.

CARRIED

Reference	D22/221149
Author	Laura Condon - Senior Statutory Planner
Authoriser	Coordinator Statutory Planning

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN21/0569 be issued for partial demolition, alterations, construction of a multi storey building and a reduction in the statutory car parking requirement of the Yarra Planning Scheme at 69 Smith Street, Fitzroy, generally in accordance with the “decision plans” and subject to the following conditions:

Development Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Context Design Group, dated 14.10.2021 (TP101 (Rev B), 201 (Rev F), 202 (Rev F), 203 (Rev F), 204 (Rev F), 205 (Rev F), 206 (Rev F), 301 (Rev F) and 302 (Rev but modified to show the following:
 - (a) Notations stating the following:
 - (i) All external glazed doors and windows will be double glazed,
 - (ii) External lights will be provided to the dwelling pedestrian entries,
 - (iii) All windows to be clear glazed,
 - (iv) Clarify the materials and finish of the balustrades, office entry gate, entry doors and garage doors,
 - (v) The splayed entrance tilling to the shop to be retained,
 - (vi) Low southern balustrades to be provided to the office stair including the southern walls abutting the stair at first and second floor and along with the office stair risers to be open,
 - (vii) All habitable rooms will be provided with operable windows, and
 - (viii) The dwellings and offices to be provided with a letter box and intercom.
 - (b) Details at a scale of 1:20 of the proposed reconstruction works to the front window demonstrating materials and details will be appropriate to the period of the building,
 - (c) Provision of a compliant STORM report with detail of stormwater treatment systems noted on plans,
 - (d) Vehicle crossing profiles to demonstrate that a B85 design vehicle as identified in Australian Standard AS/NZS2890.1-2004 can enter and leave the property without bottoming-out, with vehicle traverse lines shown on the vehicle crossing cross-sections, in accordance with condition 10b);
 - (e) Any changes required by the amended Sustainable Development Assessment at Condition 3,
 - (f) Details of the type of hook proposed for the bicycle spaces, and
 - (g) Any changes as required by the Waste Management Plan at Condition 8.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Design Assessment

3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by prepared by Green Rate, dated 26 October 2021, but modified to include or show:
 - (a) a 7-star NatHERS rating for both dwellings,
 - (b) Include a Food and Garden Organics management/composting strategy,
 - (c) Low VOC and formaldehyde specifications to be removed from the innovation section of the BESS report,
 - (d) The provision of vegetation (2% of site area),
 - (e) Clarify extent of 'no gas connection' in the BESS report to confirm all electric for all building services (cooking, heating, HWS etc.),
 - (f) Confirm the depth of window shade 'hoods',
 - (g) Amend rooftop plan with annotations to confirm rooftop solar PV system size (per dwelling) and number of panels,
 - (h) Provide a statement as to how the development will respond to and mitigate the urban heat island effects, and
 - (i) Consideration of designing for disassembly to reduce end-of-life or renovation waste.
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.

Contamination

5. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

6. If the assessment required by condition 5 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. If the assessment required by condition 5 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
 - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
 - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),and the Certificate or Statement must be provided to the Responsible Authority.

If, pursuant to condition 3, a Statement is issued:

- (c) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
- (d) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
- (e) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
- (g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Waste Management

8. Before the development commences, 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.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Road Infrastructure

10. Before the development completed, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be 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;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpaths along the property's street frontages must be reconstructed (including kerb and channel):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (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.
13. 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 (including trenching and excavation for utility service connections) must be reinstated:
 - (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.
14. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
15. 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.
16. 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;
 - (b) to the satisfaction of the Responsible Authority.

General

17. 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.

18. 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.
19. The floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
20. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
21. The amenity of the area must not be detrimentally affected by the 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.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
23. 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. The development must at all times comply 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), as may be amended from time to time.

Development Infrastructure Levy

25. 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

26. 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 Management Plan

27. 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.

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.

- (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.
- 28. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 29. 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.
- 30. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

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

A local law permit (e.g., Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 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 reinstated as a result of development works must be approved by Council's Parking Management unit.

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.

Submissions

Troy Gration, Context Design Group (for the applicant)
Lucia Clarke
Helen McDonald
Anna Radonic

Meeting adjourned at 8.52pm

Meeting resumed at 8.57pm

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Crossland

That this item be deferred to the Planning Decisions Committee Meeting on 31 January 2023 and that submissions be heard in accordance with the Yarra City Council Governance Rules.

CARRIED UNANIMOUSLY

6.4 **PLN22/0445 - 193A Lennox St Richmond - Full demolition of the existing buildings and construction of a six-storey building (including basement levels), with a reduction in the car parking requirements associated with the use of the land for as-of-right food and drink premises and office**

Reference D22/331356
Author Nish Goonetilleke - Senior Statutory Planner
Authoriser Principal Planner

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN22/0445 be issued for the full demolition of the existing buildings and construction of a multi-storey building (including basement levels), with a reduction in the car parking requirements associated with the use of the land for as-of-right food and drink premises and office at 193A Lennox Street Richmond VIC 3121, generally in accordance with the “decision plans” and subject to the following conditions:

Development Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Jackson Clements Burrows Architects, dated 16.08.2022 (Rev B: TP0:102, 103, 104, TP1:101, 102, 103, 104, 105, 106, 107, 108, 109, TP2: 101, 102, 103, 104, TP3: 101, 102, TP4: 101, 102, 103, 104, TP9: 101 and 102) but modified to show the following:
 - (a) Western elevation to show an overall maximum height of 21m above NGL;
 - (b) The doors of the north-western most service cabinet to be designed to minimise impacts to the lobby entry, pedestrian traffic along the Lennox Street footpath and the abutting site to the north;
 - (c) Annotations to show the footpath in front of the development reconstructed to provide a footpath crossfall that is DDA compliant;
 - (d) Annotations to show the surface level inside the lobby at the building line to match the existing footpath surface level, or where the footpath is to be reconstructed, a footpath level approved by Council;
 - (e) Existing and proposed footpath levels at the vehicle crossing to be consistently shown on all plans;
 - (f) Vehicle crossing profiles to demonstrate that a B99 design vehicle as identified in Australian Standard AS/NZS2890.1-2004 can enter and leave the property without bottoming-out, with vehicle traverse lines shown on the vehicle crossing cross-sections;
 - (g) Swept path diagrams for a B99 design vehicle to demonstrate the turning movements into and out of the accessible car space;
 - (h) A notation confirming the installation of a hold line for the signalling system on Basement 02;
 - (i) Notation confirming the redundant vehicle crossing is to be removed and both the footpath and kerb and channel are to be reinstated to the satisfaction of Council;
 - (j) Dimensions of a standard 1.5m x 1.5m tree square cut-out in a roadway;
 - (k) Increase the number of employee bicycle spaces on-site from 28 to 34;
 - (l) The provision of four bicycle parking spaces at a horizontal rail on the Lennox Street frontage, in compliance with AS2890.3 or to the satisfaction of the Responsible Authority;
 - (m) Annotate the exact number of employee and visitor spaces provided on-site;

- (n) At least 20% of employee bicycle parking to be provided as an on-ground horizontal bicycle parking space, in compliance with AS2890.3;
 - (o) At least two electric bicycle charging points provided immediately adjacent to at least three spaces suitable for electric bicycles to use (i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – ‘cargo bicycle’ and Section 2.2.8);
 - (p) Any changes required by the amended Sustainable Development Assessment at Condition 5;
 - (q) Any changes required by the amended Landscape Plan at Condition 7;
 - (r) Any changes required by the amended Green Travel Plan at Condition 11;
 - (s) All recommendations required by the Wind Assessment Report at Condition 13.
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. 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) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample plan and coloured drawings outlining colours, materials and finishes.
 4. As part of the ongoing consultant team, Jackson Clements Burrows Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Sustainable Management Plan

5. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by prepared by Ark Resources, dated 01 August 2022, but modified to include or show:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Details of NABERS modelling confirming a 5.5. star NABERS energy rating achieved will be achieved;
 - (c) Revised WSUD strategy confirming the development attains the best practice guidelines for stormwater quality;
 - (d) Clarify proposed hot water system;
 - (e) Provide a cross-section of indicative north and west façade with vertical fin depths and any additional shading treatments;
 - (f) Provide more details regarding the buildings heating and cooling system/s;
 - (g) Clarify approach to reducing the embodied carbon impacts of concrete (e.g. SCMs) and steel (reduction and procurement from responsible steel maker);
 - (h) Clarify best-practice approach to the use of PVC;

- (i) Provide way-finding signage to the proposed bicycle parking to ensure frequency of use;
 - (j) Indicate where 4 parking spaces on Lennox Street (as per the GTP) are located;
 - (k) Confirm that EV charging will be available from day 1 of the development's occupancy;
 - (l) Remove FOGO 'opt in' option for offices, provide full service from day 1 and include guidance within the Building Users Guide;
 - (m) Provide a statement as to how the building design has responded to and mitigates the urban heat island effect. Consider increase vegetation and specifying minimum SRI values for external materials and including these on the material palette;
 - (i) Confirm building tuning and commissioning strategy;
 - (ii) Confirm appointment of a ISO 14001 accredited head contractor; and
 - (iii) Clarify development of a project-specific Construction Management Plan.
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.

Landscape Plan

7. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by NBLA, dated 21 November 2022, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) An alternative to *Euphorbia characias* listed in the plant schedule.
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.

Waste Management

9. Before the development 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 Traffix Group and dated 11 August 2022, but modified to include:
- (a) Assess the proposal as amended pursuant to Condition 1.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

11. Before the development commences, an amended 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 Traffix Group and dated 11 August 2022, but modified to include or show:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Correctly identify the office net floor area to match the development plans;
 - (c) Inclusion of Figure 11 from the Transport Impact Assessment (page 13), prepared by Traffix Group, dated 11 August 2022, in the Green Travel Plan to show site access arrangements.
12. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment

13. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac Engineers & Scientists and dated July 2022, but modified to include (or show):
 - (a) Assess the proposal as amended pursuant to Condition 1.
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.

Street Tree

15. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$1,210.00 to the Responsible Authority. This fee:
 - (a) Will be used for one (1) new street tree planting along Lennox Street (existing vehicle crossover);
 - (b) Will cover tree sourcing, planting and 2 years of maintenance;
 - (c) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.

Car Parking

16. Before the 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) Assess the proposal as amended pursuant to Condition 1.
 - (b) Correctly identify the office net floor area to match the development plans;
 - (c) the management of car parking spaces and security arrangements for employees of the development;
 - (d) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (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;
 - (g) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition Traffic Group and dated 11 August 2022; and
 - (h) details regarding the management of loading and unloading of goods and materials.
17. 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.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces; to the satisfaction of the Responsible Authority.

Road Infrastructure

20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bike racks must be installed:
- (a) at the permit holder's cost; and
 - (b) in a location and manner,
- to the satisfaction of the Responsible Authority.
21. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Engineering department for approval, and:
- (a) Demonstrate satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle; and
 - (b) Be fully dimensioned with actual reduced levels (to three decimal places) and comply with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the 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.
23. 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 street frontages must be reconstructed (including kerb and channel):

- (a) at the permit holder's cost; and
 - (b) 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, the kerb and channel to the Lennox Street frontage must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpath along the Lennox Street frontage:
- (a) in accordance with Council's Road Materials Policy;
 - (b) the footpaths must have a cross-fall of 1 in 40, or unless specified by the Responsible Authority;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
26. 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 (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.
27. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing along the property's street frontage 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.
29. 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;
 - (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, 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

31. 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.

32. 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.
33. The floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
34. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
35. The amenity of the area must not be detrimentally affected by the 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.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
37. 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.
38. 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.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian and vehicular entrances provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
40. The development must at all times comply 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), as may be amended from time to time.

Development Infrastructure Levy

41. 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.

Construction Management Plan

42. 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.

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.

- (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.

43. During the construction:

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

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

45. 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.

46. This permit will expire if:

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

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

Notes:

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

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

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

A local law permit (e.g., Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The food and drink 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.

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 as a result of development works must be approved by Council's Parking Management unit.

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.

Submissions

Hugh Smyth, Urban Planning Collective (for the applicant)
Cathy Bibby
Asher Klebaner

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor O'Brien

That a Notice of Decision to Grant a Planning Permit PLN22/0445 be issued for the full demolition of the existing buildings and construction of a multi-storey building (including basement levels), with a reduction in the car parking requirements associated with the use of the land for as-of-right food and drink premises and office at 193A Lennox Street Richmond VIC 3121, generally in accordance with the "decision plans" and subject to the following conditions:

Development Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Jackson Clements Burrows Architects, dated 16.08.2022 (Rev B: TP0:102, 103, 104, TP1:101, 102, 103, 104, 105, 106, 107, 108, 109, TP2: 101, 102, 103, 104, TP3: 101, 102, TP4: 101, 102, 103, 104, TP9: 101 and 102) but modified to show the following:
 - (a) Western elevation to show an overall maximum height of 21m above NGL;
 - (b) Stairwell to be redesigned to be unenclosed and / or all walls and doors to be glazed to common areas, is possible;
 - (c) All on boundary walls to be provided with greater articulation of architectural treatment, demonstrating a high degree of depth and texture;
 - (d) The doors of the north-western most service cabinet to be designed to minimise impacts to the lobby entry, pedestrian traffic along the Lennox Street footpath and the abutting site to the north;
 - (e) Annotations to show the footpath in front of the development reconstructed to provide a footpath crossfall that is DDA compliant;

- (f) Annotations to show the surface level inside the lobby at the building line to match the existing footpath surface level, or where the footpath is to be reconstructed, a footpath level approved by Council;
- (g) Existing and proposed footpath levels at the vehicle crossing to be consistently shown on all plans;
- (h) Vehicle crossing profiles to demonstrate that a B99 design vehicle as identified in Australian Standard AS/NZS2890.1-2004 can enter and leave the property without bottoming-out, with vehicle traverse lines shown on the vehicle crossing cross-sections;
- (i) Swept path diagrams for a B99 design vehicle to demonstrate the turning movements into and out of the accessible car space;
- (j) A notation confirming the installation of a hold line for the signalling system on Basement 02;
- (k) Notation confirming the redundant vehicle crossing is to be removed and both the footpath and kerb and channel are to be reinstated to the satisfaction of Council;
- (l) Dimensions of a standard 1.5m x 1.5m tree square cut-out in a roadway;
- (m) Increase the number of employee bicycle spaces on-site from 28 to 34;
- (n) The provision of four bicycle parking spaces at a horizontal rail on the Lennox Street frontage, in compliance with AS2890.3 or to the satisfaction of the Responsible Authority;
- (o) Annotate the exact number of employee and visitor spaces provided on-site;
- (p) At least 50% of employee bicycle parking to be provided as an on-ground horizontal bicycle parking space, in compliance with AS2890.3;
- (q) At least two electric bicycle charging points provided immediately adjacent to at least three spaces suitable for electric bicycles to use (i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – 'cargo bicycle' and Section 2.2.8);
- (r) Provision of bicycle parking for cargo bikes/trailers;
- (s) Overhead services along the Lennox Street frontage to be relocated underground, if possible;
- (t) Any changes required by the amended Sustainable Development Assessment at Condition 5;
- (u) Any changes required by the amended Landscape Plan at Condition 7;
- (v) Any changes required by the amended Green Travel Plan at Condition 11;
- (w) All recommendations required by the Wind Assessment Report at Condition 13.

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. 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) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample plan and coloured drawings outlining colours, materials and finishes.
4. As part of the ongoing consultant team, Jackson Clements Burrows Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and

- (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Sustainable Management Plan

5. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by prepared by Ark Resources, dated 01 August 2022, but modified to include or show:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Details of NABERS modelling confirming a 5.5. star NABERS energy rating achieved will be achieved;
 - (c) Revised WSUD strategy confirming the development attains the best practice guidelines for stormwater quality;
 - (d) Clarify proposed hot water system;
 - (e) Provide a cross-section of indicative north and west façade with vertical fin depths and any additional shading treatments;
 - (f) Provide more details regarding the buildings heating and cooling system/s;
 - (g) Clarify approach to reducing the embodied carbon impacts of concrete (e.g. SCMs) and steel (reduction and procurement from responsible steel maker);
 - (h) Clarify best-practice approach to the use of PVC;
 - (i) Provide way-finding signage to the proposed bicycle parking to ensure frequency of use;
 - (j) Indicate where 4 parking spaces on Lennox Street (as per the GTP) are located;
 - (k) Confirm that EV charging will be available from day 1 of the development's occupancy;
 - (l) Remove FOGO 'opt in' option for offices, provide full service from day 1 and include guidance within the Building Users Guide;
 - (m) Provide a statement as to how the building design has responded to and mitigates the urban heat island effect. Consider increase vegetation and specifying minimum SRI values for external materials and including these on the material palette;
 - (i) Confirm building tuning and commissioning strategy;
 - (ii) Confirm appointment of a ISO 14001 accredited head contractor; and
 - (iii) Clarify development of a project-specific Construction Management Plan.
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.

Landscape Plan

7. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by NBLA, dated 21 November 2022, but modified to include or show:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) An alternative to Euphorbia characias listed in the plant schedule.
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.

Waste Management

9. Before the development 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 Traffix Group and dated 11 August 2022, but modified to include:

- (a) Assess the proposal as amended pursuant to Condition 1.

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

Green Travel Plan

11. Before the development commences, an amended 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 Traffix Group and dated 11 August 2022, but modified to include or show:

- (a) Assess the proposal as amended pursuant to Condition 1.
- (b) Correctly identify the office net floor area to match the development plans;
- (c) Inclusion of Figure 11 from the Transport Impact Assessment (page 13), prepared by Traffix Group, dated 11 August 2022, in the Green Travel Plan to show site access arrangements.

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

Wind Assessment

13. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac Engineers & Scientists and dated July 2022, but modified to include (or show):

- (a) Assess the proposal as amended pursuant to Condition 1.

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.

Street Tree

15. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$1,210.00 to the Responsible Authority. This fee:
- (a) Will be used for one (1) new street tree planting along Lennox Street (existing vehicle crossover);
 - (b) Will cover tree sourcing, planting and 2 years of maintenance;
 - (c) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.

Car Parking

16. Before the 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) Assess the proposal as amended pursuant to Condition 1.
 - (b) Correctly identify the office net floor area to match the development plans;
 - (c) the management of car parking spaces and security arrangements for employees of the development;
 - (d) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (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;
 - (g) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition Traffic Group and dated 11 August 2022; and
 - (h) details regarding the management of loading and unloading of goods and materials.
17. 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.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces; to the satisfaction of the Responsible Authority.

Road Infrastructure

20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bike racks must be installed:

- (a) at the permit holder's cost; and
- (b) in a location and manner,

to the satisfaction of the Responsible Authority.

21. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Engineering department for approval, and:
 - (a) Demonstrate satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle; and
 - (b) Be fully dimensioned with actual reduced levels (to three decimal places) and comply with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the 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.
23. 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 street frontages must be reconstructed (including kerb and channel):
 - (a) at the permit holder's cost; and
 - (b) 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, the kerb and channel to the Lennox Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpath along the Lennox Street frontage:
 - (a) in accordance with Council's Road Materials Policy;
 - (b) the footpaths must have a cross-fall of 1 in 40, or unless specified by the Responsible Authority;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
26. 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 (including trenching and excavation for utility service connections) must be reinstated:
 - (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.

27. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing along the property's street frontage 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.
29. 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;
 - (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, 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

31. 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.
32. 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.
33. The floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
34. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
35. The amenity of the area must not be detrimentally affected by the 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.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
37. 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.

38. 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.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian and vehicular entrances provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
40. The development must at all times comply 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), as may be amended from time to time.

Development Infrastructure Levy

41. 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.

Construction Management Plan

42. 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.

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.

- (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.

43. During the construction:

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

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

45. 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.

46. This permit will expire if:

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

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

Notes:

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

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

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

A local law permit (e.g., Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The food and drink 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.

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 as a result of development works must be approved by Council's Parking Management unit.

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.

CARRIED UNANIMOUSLY

Reference	D22/304782
Author	Julian Larkins - Coordinator Statutory Planning
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

1. Before the development (excluding bulk excavation, earthworks, piling) 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 sheets D1001-DA1013, DA2014A-DA2015, DA2106A and DA2510 dated 12 August 2022 and sheets DA2014, DA2016-DA2023, DA2500 to DA2503 and DA9100 prepared by Architectus dated 9 June 2022, but modified to show:

Built Form

- (a) Dimension between columns and the building façade.
- (b) Dimension between columns and planters.
- (c) Dimension between planters and the building façade.
- (d) Confirm extent and treatment of brick wall along the 112 Cremorne Street interface.
- (e) Additional door between the back of house / EoT corridor space and the lift lobby.
- (f) Extent of proposed privacy screening to be clearly labelled on each of the relevant floor plans to limit downward views within a 45 degree angle from the proposed office into adjoining secluded private open spaces and habitable room windows within a horizontal distance of 9 metres. The overlooking diagrams (both sections and plans) to clearly demonstrate that there is no overlooking within 9 metres from Level 02 to any habitable rooms to the north or include additional mitigation measures to prevent overlooking.
- (g) All requirements satisfactorily resolved in relation to the amendments to the easements as required by below conditions 14 to 17.

Car Parking, bicycle and services

- (h) Pedestrian sight triangles reposition along the front of the building (back edge of footpath).
- (i) Transition ramp grade lengths are to be dimensioned on the ramp sections and must be no less than 2.5 metres in length.
- (j) Detail of a vehicle crossing ground clearance check is to be undertaken for each new vehicle crossing by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out.
- (k) The vehicle crossing section drawing to include road pavement levels.
- (l) Replace existing three on-street car parking spaces on Cremorne Street with an extended kerb outstand (e.g. vegetation, trading space, bicycle parking).
- (m) Provision of at least 29 visitor bicycle parking spaces, with at least 75% of these on site.
- (n) All visitor bicycle parking spaces must be provided at a horizontal bicycle rail, designed in compliance with AS2890.3.
- (o) At least 40% of employee bicycle parking must be provided at a horizontal bicycle rail, designed in compliance with AS2890.3.
- (p) Dimensions of all relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority.
- (q) All accessways along routes to be used by people with bicycles must be widened and designed in compliance with AS2890.3.

- (r) All details, including measurements, provided of any on-street bicycle parking spaces to demonstrate compliance with AS2890.3.
- (s) A minimum of 145 employee bicycle parking spaces must be provided.
- (t) At least 5% of the total number of employee bicycle parking spaces must be fitted with electric bicycle charging points, adjacent to spaces suitable for electric bicycles to use (i.e horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – ‘cargo bicycle’ and Section 2.2.8).

Reports and Plans

- (u) Any requirement of the endorsed Landscape Plan (condition 18) (where relevant to show on plans).
- (v) Any requirement of the endorsed Sustainable Management Plan (condition 22) (where relevant to show on plans).
- (w) Any requirement of the endorsed Waste Management Plan (condition 26) (where relevant to show on plans).
- (x) Any requirement of the endorsed Wind Assessment Report (condition 30) (where relevant to show on plans).

Façade Strategy

2. In conjunction with the submission of development plans under Condition 1 (excluding bulk excavation, earthworks, piling), 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 podium details, entries and doors, and tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation;
 - (d) a sample board and coloured renders outlining colours, materials and finishes including the following:
 - (i) Glazing materials used on all external walls must be of a type that reasonably limits glare and does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface;
 - (e) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or built model.
3. The use 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.
4. As part of the ongoing progress and development of the site, Architectus Australia Ptd Ltd or an alternate 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.

Use

5. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) use authorised by this permit may only operate between the hours of 6am and 6pm.

6. Except with the prior written consent of the Responsible Authority, there must be a maximum of 140 patrons to the food and drink premises (café) use authorised by this permit.
7. Speakers external to the building must not be erected or used.
8. Unless with the prior written consent of the responsible authority, the provision of music and entertainment on the land must be at a background noise level.
9. 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.
10. 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.

11. Except with the prior written consent of the Responsible Authority, the shop uses (excluding Adult sex product shop, Restricted retail premises and Supermarket) authorised by this permit may only operate between the hours of 8am to 6pm Monday to Saturday and 8am to 3pm Sunday.
12. The use must comply at all times comply 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).
13. 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.

Easements

14. Prior to development (excluding bulk excavation, earthworks, piling) commencing, the drainage easement is to be re-routed and the new easement drain depicted in a plan to provide a drainage connection to the outfall drain in Cremorne Street. Council drainage easements are to be clear of any fixed structures and be accessible enough for any future maintenance works. The new easement drain and the connection of the drain to the outfall drain in Cremorne Street are to be constructed to Council's satisfaction and at the Permit Holder's cost.
15. The development (excluding bulk excavation, earthworks, piling) must not commence until the details and location of the new drainage easement have been approved by the Responsible Authority and appropriately shown on title to the satisfaction of the Responsible Authority.
16. New drainage easement to be appropriately shown on the title to the satisfaction of the Responsible Authority prior to occupation of the development.
17. The development (excluding bulk excavation, earthworks, piling) must not commence until the details of the revised easement of support have been approved by the Responsible Authority and appropriately shown on title to the satisfaction of the Responsible Authority

Landscape Plan

18. In conjunction with the submission of development plans under Condition 1 (excluding bulk excavation, earthworks, piling), an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Arcadia and dated 8 June 2022, but modified to include (or show):
- (a) The sections labelled correctly;
 - (b) The level 3 drawing on the L.A concept to match the architectural drawing;
 - (c) A detailed planting schedule (utilising the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity), which includes proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers;
 - (d) Planting plan(s) showing the location of proposed planting and plant numbers and species, as well as a legend containing key features, materials and surfaces;
 - (e) Detail drawings for planters – showing dimensions, drainage, lining, materials and specifying growing media suitable for elevated planters. Volumes of growing media appear to be adequate for the plant species proposed;
 - (f) Information on proposed irrigation;
 - (g) Maintenance schedule, including task details and frequency; for multi-storey developments and planting and maintenance access;
 - (h) Confirm plant climbing system along pergola; and
 - (i) Load bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed Additional mature trees along northern boundary;
19. Before the buildings 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 unless with the prior written authority of the responsible authority; and replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Trees

20. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$1,695 to the Responsible Authority for the sourcing, installation and 2 year maintenance of street trees within Cremorne Street.
21. Prior to development (excluding bulk excavation, earthworks, piling), an amended Arboricultural Assessment for the neighbouring tree (within 112 Cremorne Street, Richmond) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Arboricultural Assessment will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Arboricultural Assessment prepared by Treelogic, dated 11 August 2022, but must include the following additional details:

- (a) Any drainage or other utilities within the Tree Protection Zone (TPZ) must be bored at a minimum depth of 600mm below existing ground level with entry and exit pits outside the TPZ.
- (b) Any boundary fence within the TPZ must not utilise strip footings. A cantilevered system or isolated/pier footings must be utilised instead. Any footings must be located outside the SRZ at a minimum.
- (c) Footing locations within the TPZ may require inspection by a project arborist to determine the size of any roots that may be impacted and confirm locations that are least likely to impact the tree.
- (d) General tree management recommendations provided in the Arboricultural Assessment, must be implemented for the ongoing viability of the neighbouring tree.

Sustainable Management Plan

22. In conjunction with the submission of development plans under Condition 1 (excluding bulk excavation, earthworks, piling), an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Wrap Consulting Engineering dated 8 June 2022, but modified to include or show:
 - (a) Provide the Green Star registration number for the project.
 - (b) While not relied upon in the modelling, please provide the VLT values for glazing proposed for the development.
 - (c) Provide a Section J Report / JV3 modelling to support claims regarding improvements upon NCC 2019 requirements, thermal performance, GHG emission reductions and peak energy reduction.
 - (d) Provide a copy of the NABERS commitment certificate.
 - (e) Include details of GHG emission reductions within Section J / JV3.
 - (f) Include details of peak energy demand within Section J / JV3.
 - (g) Provide a detailed cross-section of the northern upper façade to illustrate design (location and depth) of external shade fins.
 - (h) Clarify the ventilation strategy for the basement car parking levels.
 - (i) Confirm that post-development stormwater flows will not exceed pre-development levels.
 - (j) Clarify whether any additional stormwater treatment is required before reuse.
 - (k) Confirm sustainable approach to concrete (E.g. reducing portland cement [by 20-30% as per industry standard] and replacing with SCMs such as fly ash or GBFS).
 - (l) Confirm the SRI value of the proposed terrace material.
 - (m) Clarify provision of green roof (and amend landscape plan with detail, noting the terraces are not categorised as such) or remove credit claim from BESS.
 - (n) Confirm head contractor will be ISO 14001 accredited.
23. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
24. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under 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 all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Green Travel Plan

25. The provisions, recommendations and requirements of the endorsed Green Travel Plan prepared by Traffix Group and dated August 2022 must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

26. 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 Traffix and dated 9 June 2022, but modified to include:
- (a) Revision confirming that offices are included in the food organics green organics (FOGO) strategy.
 - (b) Any changes arising from the plans submitted in accordance with Condition 1.
27. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
28. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic Report

29. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:
- (a) Compliance of the mechanical plant, and car park entrance door with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings.

When approved, the Acoustic Report will be endorsed and will then form part of this permit.

Wind Report

30. In conjunction with the submission of development plans under Condition 1 (excluding bulk excavation, earthworks, piling) a Wind Tunnel Study to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Study will be endorsed and will form part of this permit. The Wind Tunnel Study must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants dated 6 June 2022, but modified to include or show:
- (a) Wind Tunnel modelling assessing the proposal as referenced and amended pursuant to Condition 1.
 - (b) Winds within the recommended wind comfort criteria for the ground level including Cremorne Street, the private driveway, rear laneway and building entrances;
 - (c) Vegetation is not to be used as a wind mitigation measure.
31. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Car parking

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

Design Detail Plan

34. Within six (6) months of the development commencing, the owner of the site must submit detailed engineering and landscaping documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner showing the following:
- (a) The design detail plan is to provide details of the following:
 - (i) Clear delineation of the site's title boundaries along Cremorne Street through the use of brass discs or a similar type method;
 - (ii) All drainage and stormwater requirements are resolved;
 - (iii) Show all existing and proposed streetscape infrastructure including but not limited to poles, drains and street signs;
 - (iv) Details of seating / benches along Cremorne Street interface;
 - (v) Details of permanent / fixed planters with integrated irrigation;
 - (vi) Any height differences are resolved through grading of the paving within the private boundary to ensure no steps are required along Cremorne Street;
 - (vii) The Cremorne Street footpath area outside of the subject site's title boundary are to be surfaced in bluestone unit paving, unless otherwise agreed to by the responsible authority;
 - (viii) All customised pavement material and furniture are built within the property boundary;
 - (ix) All street furniture on Cremorne Street to be upgraded and located in accordance with the City of Yarra Public Domain Manual and Yarra Standard Drawings;
 - (x) Additional spot levels;
 - (xi) Show general Grading and Drainage information to ensure the site layout is universally accessible, appropriate and well-designed.

Streetscape Improvement Plan

35. Within six (6) months of the development commencing, or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development's Cremorne Street frontage to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must include, but not be limited to, the following:
- (a) Extent of proposed and existing pavements and any other proposed infrastructure improvements and changes.
 - (b) Any proposed external visitor bike parking.
 - (c) Clearly dimensioned elements including pedestrian paths and parking bays.
 - (d) All existing and proposed levels and surface grades.
 - (e) Any proposed tree and low cover planting.
 - (f) Inclusion of a wombat crossing as a Development Contribution outside the development on Cremorne Street.

Timing of works

36. Before the building is occupied, all works to the public realm as required by conditions 34 and 35, must be fully constructed and completed by the owner at their full cost and to the satisfaction of the Responsible Authority.

Section 173 Agreement (pocket park / forecourt)

37. Prior to the occupation of the development, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over that part of the land between the title boundary and the building glass line fronting Cremorne Street that forms part of the widened footpath fronting Cremorne Street;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) All paving must be compliant with Australian Standards for slip resistance and DDA.
 - (d) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and to indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land.
38. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Road Infrastructure

39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be 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 B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) Be fully dimensioned with actual reduced levels (to three decimal places) and comply with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet;
 - (d) at the permit holder's cost; and
 - (e) 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 building works and connections for underground utility services, the footpaths along the property's Cremorne Street frontage must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement of Cremorne Street must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
42. 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 the permit holder's cost;
 - (b) to the satisfaction of any other relevant authority; and
 - (c) to the satisfaction of the Responsible Authority.
43. 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.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing, redundant drain outlets and the existing kerb extension along the property's Cremorne Street frontage 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.
45. 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, including the reinstatement of the kerb and channel and re-sheeting of the footpaths for the entire width of the property:
- (a) in accordance with Council's *Road Materials Policy*;
 - (b) with a cross-fall of 1 in 40 unless otherwise specified;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.

46. 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.
47. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Lighting

48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a public lighting design scheme along the development's road frontages and entrances to the building demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the Responsible Authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the Permit Holder. The Public Lighting Plan must provide for:
- (a) All pedestrian access to the proposed development must be lit by public lighting installations as specified in the Australian Standard AS 1158.3.1:2020 *Lighting for roads and public spaces*.
 - (b) New poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
 - (c) Consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
 - (d) Light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 - 2019 *Control of the obtrusive effects of outdoor lighting*;
 - (e) The locations of any new light poles must not obstruct vehicular access into private properties; and
 - (f) 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.
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity

to the satisfaction of the Responsible Authority.

General

50. 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.

51. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
52. 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.
53. 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.
54. 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).
55. 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.
56. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
57. 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.

Development Infrastructure Levy

58. Prior to the issue of a building permit, 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.

Construction Management Plan

59. 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.
- (q) 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
- (r) any site-specific requirements.

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (t) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (u) vehicle borne material must not accumulate on the roads abutting the land;
 - (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
60. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
61. 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;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

62. 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 has not commenced within two 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.

Prior to development, the finished floor levels of the slab or accessway must be determined by taking into account the relative adjacent road and footpath infrastructure levels, in order to provide satisfactory vertical access (i.e. – vehicle ground clearance) into and out of the site.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 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, boundary traps, valves or meters on Council property will be accepted.

All future employees within the development approved under this permit will not be permitted to obtain business parking permits.

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

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.

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.

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.

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>

The proposed undergrounding of the existing overhead cables is strongly supported and will greatly improve the streetscape and the public realm.

It is recommended that the applicant undertake further investigations and liaising with relevant authorities including but not limited to the following suggested actions;

- Confirm ownership of all overhead cables and other assets connected to the existing poles, including relevant responsible authorities (suggested to contact Citipower as the pole owner to confirm).

Confirm power supply requirements to any adjacent property including properties on the opposite side of the street.

It is preferred if further design investigations are undertaken and further liaison with relevant authorities if there are opportunities to rationalise the electrical pole locations and potentially further reduce the extent of overhead cables required along the subject site frontage.

It is the preference by Council Urban Design unit that the existing light fittings on the timber poles are removed and replaced with high-quality streetlight reflecting the high-density urban setting and the future high-quality building design and other public realm improvements.

Preference for new streetlights to be of similar design to light poles installed at the former Amcor site (Yarrabend, refer image below).

Noting streetlights to satisfy any Citipower requirements.

Kerb outstand design / garden beds reflect and where feasible matched those along 60-88 Cremorne Street (Seek Ltd).

Design to integrate kerb openings as per above site to allow for passive irrigation

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.

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

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

Submissions

Robert Kelderman, Contour Consultants Aust Pty Ltd

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor O'Brien

Construction of a 9-storey (plus two level basement) commercial building with ground floor retail and ground and upper level office, use of land as food and drink premises (café), use of land as a retail premises (shops), variation of an easement (drainage) pursuant to Clause 52.02 of the Yarra Planning Scheme and reduction in car parking requirements

1. Before the development (excluding bulk excavation, earthworks, piling) 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 sheets D1001-DA1013, DA2014A-DA2015, DA2106A and DA2510 dated 12 August 2022 and sheets DA2014, DA2016- DA2023, DA2500 to DA2503 and DA9100 prepared by Architectus dated 9 June 2022, but modified to show:

Built Form

- (a) In alignment with the Cremorne draft Urban Design Framework:
minimum 3m front setback (whole of building to be setback) to Cremorne St, with no built form or structures (including columns) to project into the setback area other than ground floor awning.
- (b) Provide unenclosed stairwells to common areas or confirmation that this is not possible. If not possible, glazed stairwell walls and glazed doors to common areas to be provided.
- (c) Stairwells to be accessible from the same frontage as the lifts in lobbies.
- (d) Clearly show internal access to EoT.
- (e) More direct line of sight and access from Cremorne Street to EoT.
- (f) Dimension between columns and the building façade.
- (g) Dimension between columns and planters.
- (h) Dimension between planters and the building façade.
- (i) Confirm extent and treatment of brick wall along the 112 Cremorne Street interface.
- (j) Additional door between the back of house / EoT corridor space and the lift lobby.
- (k) Extent of proposed privacy screening to be clearly labelled on each of the relevant floor plans to limit downward views within a 45 degree angle from the proposed office into adjoining secluded private open spaces and habitable room windows within a horizontal distance of 9 metres. The overlooking diagrams (both sections and plans) to clearly demonstrate that there is no overlooking within 9 metres from Level 02 to any habitable rooms to the north or include additional mitigation measures to prevent overlooking.

- (l) All requirements satisfactorily resolved in relation to the amendments to the easements as required by below conditions 14 to 17.

Car Parking, bicycle and services

- (m) Remove 14 office car spaces so there is a total of 143 office car spaces.
- (n) Pedestrian sight triangles reposition along the front of the building (back edge of footpath).
- (o) Transition ramp grade lengths are to be dimensioned on the ramp sections and must be no less than 2.5 metres in length.
- (p) Detail of a vehicle crossing ground clearance check is to be undertaken for each new vehicle crossing by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out.
- (q) The vehicle crossing section drawing to include road pavement levels.
- (r) Replace existing three on-street car parking spaces on Cremorne Street with an extended kerb outstand (e.g. vegetation, trading space, bicycle parking).
- (s) Provision of at least 29 visitor bicycle parking spaces, with at least 75% of these on site.
- (t) All visitor bicycle parking spaces must be provided at a horizontal bicycle rail, designed in compliance with AS2890.3.
- (u) At least 40% of employee bicycle parking must be provided at a horizontal bicycle rail, designed in compliance with AS2890.3.
- (v) Dimensions of all relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority.
- (w) All accessways along routes to be used by people with bicycles must be widened and designed in compliance with AS2890.3.
- (x) All details, including measurements, provided of any on-street bicycle parking spaces to demonstrate compliance with AS2890.3.
- (y) A minimum of 145 employee bicycle parking spaces must be provided.
- (z) At least 5% of the total number of employee bicycle parking spaces must be fitted with electric bicycle charging points, adjacent to spaces suitable for electric bicycles to use (i.e horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – 'cargo bicycle' and Section 2.2.8).
- (aa) Provision of bicycle parking for broader range of bicycles including cargo bikes and bikes with trailers.

Reports and Plans

- (bb) Any requirement of the endorsed Landscape Plan (condition 18) (where relevant to show on plans).
- (cc) Any requirement of the endorsed Sustainable Management Plan (condition 22) (where relevant to show on plans).
- (dd) Any requirement of the endorsed Waste Management Plan (condition 26) (where relevant to show on plans).
- (ee) Any requirement of the endorsed Wind Assessment Report (condition 30) (where relevant to show on plans).

Façade Strategy

2. In conjunction with the submission of development plans under Condition 1 (excluding bulk excavation, earthworks, piling), 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 podium details, entries and doors, and tower facade details;
- (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (c) information about how the façade will be maintained, including any vegetation;

- (d) a sample board and coloured renders outlining colours, materials and finishes including the following:
 - (i) Glazing materials used on all external walls must be of a type that reasonably limits glare and does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface;
 - (e) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or built model.
3. The use 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.
4. As part of the ongoing progress and development of the site, Architectus Australia Ptd Ltd or an alternate 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.

Use

5. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) use authorised by this permit may only operate between the hours of 6am and 6pm.
6. Except with the prior written consent of the Responsible Authority, there must be a maximum of 140 patrons to the food and drink premises (café) use authorised by this permit.
7. Speakers external to the building must not be erected or used.
8. Unless with the prior written consent of the responsible authority, the provision of music and entertainment on the land, including from office terraces, must be at a background noise level.
9. 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.
10. 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.
11. Except with the prior written consent of the Responsible Authority, the shop uses (excluding Adult sex product shop, Restricted retail premises and Supermarket) authorised by this permit may only operate between the hours of 8am to 6pm Monday to Saturday and 8am to 3pm Sunday.

12. The use must comply at all times comply 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).
13. 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.

Easements

14. Prior to development (excluding bulk excavation, earthworks, piling) commencing, the drainage easement is to be re-routed and the new easement drain depicted in a plan to provide a drainage connection to the outfall drain in Cremorne Street. Council drainage easements are to be clear of any fixed structures and be accessible enough for any future maintenance works. The new easement drain and the connection of the drain to the outfall drain in Cremorne Street are to be constructed to Council's satisfaction and at the Permit Holder's cost.
15. The development (excluding bulk excavation, earthworks, piling) must not commence until the details and location of the new drainage easement have been approved by the Responsible Authority and appropriately shown on title to the satisfaction of the Responsible Authority.
16. New drainage easement to be appropriately shown on the title to the satisfaction of the Responsible Authority prior to occupation of the development.
17. The development (excluding bulk excavation, earthworks, piling) must not commence until the Permit Holder has provided confirmation to Responsible Authority (in the form of a survey plan) that the support walls within that part of the subject site at 15 Gough Street will be constructed entirely within the existing title boundaries of Easement E-1 on PS 317596V.

Landscape Plan

18. In conjunction with the submission of development plans under Condition 1 (excluding bulk excavation, earthworks, piling), an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Arcadia and dated 8 June 2022, but modified to include (or show):
 - (a) The sections labelled correctly;
 - (b) The level 3 drawing on the L.A concept to match the architectural drawing;
 - (c) A detailed planting schedule (utilising the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity), which includes proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers;
 - (d) Planting plan(s) showing the location of proposed planting and plant numbers and species, as well as a legend containing key features, materials and surfaces;
 - (e) Detail drawings for planters – showing dimensions, drainage, lining, materials and specifying growing media suitable for elevated planters. Volumes of growing media appear to be adequate for the plant species proposed;
 - (f) Information on proposed irrigation;
 - (g) Maintenance schedule, including task details and frequency; for multi-storey developments and planting and maintenance access;
 - (h) Confirm plant climbing system along pergola; and
 - (i) Load bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media,

planter box and plant mass being proposed Additional mature trees along northern boundary;

19. Before the buildings 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 unless with the prior written authority of the responsible authority; and replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Trees

20. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$1,695 to the Responsible Authority for the sourcing, installation and 2 year maintenance of street trees within Cremorne Street.
21. Prior to development (excluding bulk excavation, earthworks, piling), an amended Arboricultural Assessment for the neighbouring tree (within 112 Cremorne Street, Richmond) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Arboricultural Assessment will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Arboricultural Assessment prepared by Treelogic, dated 11 August 2022, but must include the following additional details:
- (a) Any drainage or other utilities within the Tree Protection Zone (TPZ) must be bored at a minimum depth of 600mm below existing ground level with entry and exit pits outside the TPZ.
 - (b) Any boundary fence within the TPZ must not utilise strip footings. A cantilevered system or isolated/pier footings must be utilised instead. Any footings must be located outside the SRZ at a minimum.
 - (c) Footing locations within the TPZ may require inspection by a project arborist to determine the size of any roots that may be impacted and confirm locations that are least likely to impact the tree.
 - (d) General tree management recommendations provided in the Arboricultural Assessment, must be implemented for the ongoing viability of the neighbouring tree.

Sustainable Management Plan

22. In conjunction with the submission of development plans under Condition 1 (excluding bulk excavation, earthworks, piling), an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Wrap Consulting Engineering dated 8 June 2022, but modified to include or show:
- (a) Provide the Green Star registration number for the project.
 - (b) While not relied upon in the modelling, please provide the VLT values for glazing proposed for the development.
 - (c) Provide a Section J Report / JV3 modelling to support claims regarding improvements

upon NCC 2019 requirements, thermal performance, GHG emission reductions and peak energy reduction.

- (d) Provide a copy of the NABERS commitment certificate.
- (e) Include details of GHG emission reductions within Section J / JV3.
- (f) Include details of peak energy demand within Section J / JV3.
- (g) Provide a detailed cross-section of the northern upper façade to illustrate design (location and depth) of external shade fins.
- (h) Clarify the ventilation strategy for the basement car parking levels.
- (i) Confirm that post-development stormwater flows will not exceed pre-development levels.
- (j) Clarify whether any additional stormwater treatment is required before reuse.
- (k) Confirm sustainable approach to concrete (E.g. reducing portland cement [by 20-30% as per industry standard] and replacing with SCMs such as fly ash or GBFS).
- (l) Confirm the SRI value of the proposed terrace material.
- (m) Clarify provision of green roof (and amend landscape plan with detail, noting the terraces are not categorised as such) or remove credit claim from BESS.
- (n) Confirm head contractor will be ISO 14001 accredited.

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

24. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under 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 all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Green Travel Plan

25. The provisions, recommendations and requirements of the endorsed Green Travel Plan prepared by Traffix Group and dated August 2022 must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

26. 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 Traffix and dated 9 June 2022, but modified to include:

- (a) Revision confirming that offices are included in the food organics green organics (FOGO) strategy.
- (b) Any changes arising from the plans submitted in accordance with Condition 1.

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

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

Acoustic Report

29. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:
- (a) Compliance of the mechanical plant, and car park entrance door with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings.

When approved, the Acoustic Report will be endorsed and will then form part of this permit.

Wind Report

30. In conjunction with the submission of development plans under Condition 1 (excluding bulk excavation, earthworks, piling) a Wind Tunnel Study to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Study will be endorsed and will form part of this permit. The Wind Tunnel Study must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants dated 6 June 2022, but modified to include or show:
- (a) Wind Tunnel modelling assessing the proposal as referenced and amended pursuant to Condition 1.
 - (b) Winds within the recommended wind comfort criteria for the ground level including Cremorne Street, the private driveway, rear laneway and building entrances;
 - (c) Vegetation is not to be used as a wind mitigation measure.
31. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Car parking

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

Design Detail Plan

34. Within six (6) months of the development commencing, the owner of the site must submit detailed engineering and landscaping documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner showing the following:
- (a) The design detail plan is to provide details of the following:
 - (i) Clear delineation of the site's title boundaries along Cremorne Street through the use of brass discs or a similar type method;
 - (ii) All drainage and stormwater requirements are resolved;
 - (iii) Show all existing and proposed streetscape infrastructure including but not limited to poles, drains and street signs;
 - (iv) Details of seating / benches along Cremorne Street interface;
 - (v) Details of permanent / fixed planters with integrated irrigation;
 - (vi) Any height differences are resolved through grading of the paving within the private boundary to ensure no steps are required along Cremorne Street;
 - (vii) The Cremorne Street footpath area outside of the subject site's title boundary are to be surfaced in bluestone unit paving, unless otherwise agreed to by the responsible authority;
 - (viii) All customised pavement material and furniture are built within the property boundary;
 - (ix) All street furniture on Cremorne Street to be upgraded and located in accordance with the City of Yarra Public Domain Manual and Yarra Standard Drawings;
 - (x) Additional spot levels;
 - (xi) Show general Grading and Drainage information to ensure the site layout is universally accessible, appropriate and well-designed.

Streetscape Improvement Plan

35. Within six (6) months of the development commencing, or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development's Cremorne Street frontage to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must include, but not be limited to, the following:
- (a) Extent of proposed and existing pavements and any other proposed infrastructure improvements and changes.
 - (b) Any proposed external visitor bike parking.
 - (c) Clearly dimensioned elements including pedestrian paths and parking bays.
 - (d) All existing and proposed levels and surface grades.
 - (e) Any proposed tree and low cover planting.
 - (f) Inclusion of a wombat crossing as a Development Contribution outside the development on Cremorne Street.

Timing of works

36. Before the building is occupied, all works to the public realm as required by conditions 34 and 35, must be fully constructed and completed by the owner at their full cost and to the satisfaction of the Responsible Authority.

Section 173 Agreement (pocket park / forecourt)

37. Prior to the occupation of the development, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over that part of the land between the title boundary and the building glass line fronting Cremorne Street that forms part of the widened footpath fronting Cremorne Street;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) All paving must be compliant with Australian Standards for slip resistance and DDA.
 - (d) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and to indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land.
38. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Road Infrastructure

39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be 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 B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) Be fully dimensioned with actual reduced levels (to three decimal places) and comply with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet;
 - (d) at the permit holder's cost; and
 - (e) 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 building works and connections for underground utility services, the footpaths along the property's Cremorne Street frontage must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement of Cremorne Street must be profiled and re-sheeted:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
42. 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 the permit holder's cost;
 - (b) to the satisfaction of any other relevant authority; and
 - (c) to the satisfaction of the Responsible Authority.
43. 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.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing, redundant drain outlets and the existing kerb extension along the property's Cremorne Street frontage 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.
45. 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, including the reinstatement of the kerb and channel and re-sheeting of the footpaths for the entire width of the property:
 - (a) in accordance with Council's *Road Materials Policy*;
 - (b) with a cross-fall of 1 in 40 unless otherwise specified;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
46. 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.
47. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Lighting

48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a public lighting design scheme along the development's road frontages and entrances to the building demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the Responsible Authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the Permit Holder. The Public Lighting Plan must provide for:

- (a) All pedestrian access to the proposed development must be lit by public lighting installations as specified in the Australian Standard AS 1158.3.1:2020 *Lighting for roads and public spaces*.
- (b) New poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
- (c) Consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
- (d) Light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 - 2019 *Control of the obtrusive effects of outdoor lighting*;
- (e) The locations of any new light poles must not obstruct vehicular access into private properties; and
- (f) 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.

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

to the satisfaction of the Responsible Authority.

General

50. 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.

51. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
52. 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.
53. 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.
54. 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).

55. 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.
56. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
57. 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.

Development Infrastructure Levy

58. Prior to the issue of a building permit, 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.

Construction Management Plan

59. 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.
- (q) 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
- (r) any site-specific requirements.

During the construction:

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

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

61. 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;
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

62. 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 has not commenced within two 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.

Prior to development, the finished floor levels of the slab or accessway must be determined by taking into account the relative adjacent road and footpath infrastructure levels, in order to provide satisfactory vertical access (i.e. – vehicle ground clearance) into and out of the site.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 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, boundary traps, valves or meters on Council property will be accepted.

All future employees within the development approved under this permit will not be permitted to obtain business parking permits.

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

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.

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.

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.

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>

The proposed undergrounding of the existing overhead cables is strongly supported and will greatly improve the streetscape and the public realm.

It is recommended that the applicant undertake further investigations and liaising with relevant authorities including but not limited to the following suggested actions;

- Confirm ownership of all overhead cables and other assets connected to the existing poles, including relevant responsible authorities (suggested to contact Citipower as the pole owner to confirm).

Confirm power supply requirements to any adjacent property including properties on the opposite side of the street.

It is preferred if further design investigations are undertaken and further liaison with relevant authorities if there are opportunities to rationalise the electrical pole locations and potentially further reduce the extent of overhead cables required along the subject site frontage.

It is the preference by Council Urban Design unit that the existing light fittings on the timber poles are removed and replaced with high-quality streetlight reflecting the high-density urban setting and the future high-quality building design and other public realm improvements.

Preference for new streetlights to be of similar design to light poles installed at the former Amcor site (Yarrabend, refer image below).

Noting streetlights to satisfy any Citipower requirements.

Kerb outstand design / garden beds reflect and where feasible matched those along 60-88 Cremorne Street (Seek Ltd).

Design to integrate kerb openings as per above site to allow for passive irrigation

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.

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

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

CARRIED UNANIMOUSLY

Reference	D22/326206
Author	Simon Scott - Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

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, and must be generally in accordance with the decision plans prepared by Honto Architecture , Rev TP03, dated 20 July 2022 but modified to show:
 - (a) The proposed development entirely contained within title boundaries;
 - (b) The proposed eastern wall of the second floor, where opposite the adjacent deck, to be set back 1m from the eastern boundary;
 - (c) Northern views from the rooftop terrace demonstrated to comply with the objective of Clause 54.04-6 (Standard A15 - Overlooking);
 - (d) Details of the northern privacy screen/balustrade to the deck at the first floor;
 - (e) Lightweight batten cladding (EF1) to be constructed to the second-floor western wall for a length of 2.35m from the Rose Street title boundary;
 - (f) First-floor plan updated to confirm that decking beyond new glass balustrade will continue to be non-trafficable;
 - (g) Schedule of Materials and Finishes updated to delete EF2.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
4. 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.
5. 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,;
 - Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - 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.

Submissions

Virginia Jackson, Harlock Jackson Pty Ltd (for the applicant)
Ian Wight

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor O'Brien

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 must be generally in accordance with the decision plans prepared by Honto Architecture , Rev TP03, dated 20 July 2022 but modified to show:
 - (a) Second floor southern wall reconfigured to be of a flush configuration (i.e. including proposed ensuite southern wall) and set back from the Rose Street title boundary by 1.5m. Any associated internal reconfigurations are allowed;
 - (b) The proposed development entirely contained within title boundaries;
 - (c) The proposed eastern wall of the second floor, where opposite the adjacent deck, to be set back 1m from the eastern boundary;
 - (d) Northern views from the rooftop terrace demonstrated to comply with the objective of Clause 54.04-6 (Standard A15 - Overlooking);
 - (e) Details of the northern privacy screen/balustrade to the deck at the first floor;
 - (f) Lightweight batten cladding (EF1) to be constructed to the second-floor western wall for a length of 2.35m from the Rose Street title boundary;
 - (g) First-floor plan updated to confirm that decking beyond new glass balustrade will continue to be non-trafficable;
 - (h) Schedule of Materials and Finishes updated to delete EF2.
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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 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.

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

Closure of Meeting

Moved: Cr O'Brien

Seconded: Cr Crossland

That the meeting be closed to members of the public other than parties to the application, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information.

CARRIED

The meeting closed at 10.07pm.

Confirmed at the meeting held on Tuesday 31 January 2023

Chair