



Minutes

Planning Decisions Committee

6.30pm, Tuesday 2 May 2023

Richmond Town Hall

1. Appointment of Chair

Cr Jolly nominated Cr Wade as chair.

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

Cr Wade assumed the chair.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

3. Attendance and apologies

Attendance

Councillors

Cr Edward Crossland (substitute for Cr Landes)

Cr Stephen Jolly

Cr Sophie Wade

Council officers

Michelle King (Acting Co-ordinator Statutory Planning)

John Theodosakis (Principal Planner)

Cindi Johnston (Governance Officer)

Apology

Cr Herschel Landes

4. Declarations of conflict of interest

No declarations were made.

5. Confirmation of Minutes

RESOLUTION

Moved: Cr Jolly **Seconded:** Cr Crossland

1. That the minutes of the meeting of the Planning Decisions Committee held on Tuesday 28 February 2023 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN22/0679 - 10 - 32 Duke Street, Abbotsford - Buildings and works associated with the construction three buildings (up to eight storeys plus roof plant) for the purpose of office and food and drink premises (cafés) and a reduction in car parking requirement of the Yarra Planning Scheme.	4	16

6.1 **PLN22/0679 - 10 - 32 Duke Street, Abbotsford - Buildings and works associated with the construction three buildings (up to eight storeys plus roof plant) for the purpose of office and food and drink premises (cafés) and a reduction in car parking requirement of the Yarra Planning Scheme.**

Reference D23/95441
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 PLN22/0679 for Buildings and works associated with the construction three buildings (up to eight storeys plus roof plant) for the purpose of office and food and drink premises (cafés) and a reduction in car parking requirement of the Yarra Planning Scheme at No. 10 – 32 Duke Street, Abbotsford subject to the following conditions:

1. Before the development commences (excluding demolition, bulk excavation and site preparation work), 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 BKK Architects and dated 05 and 06 October 2022 but modified to show:
 - (a) The northern elevation of the Lot A Building, the southern elevation of the Lot B Building and the southern elevation of the Lot C and D Building, treated with a varied colour scheme and/or engraved pattern;
 - (b) The deletion of on-boundary windows to the north of the Lot A Building;
 - (c) The provision of convex mirrors at the development vehicle entrances;
 - (d) The headroom clearances at the vehicle entrances dimensioned;
 - (e) The floor to ceiling heights and pit depths of the car parking areas dimensioned ;
 - (f) Details of the car stacker model type and the specifications of the vehicle clearance heights of each stacker level;
 - (g) Dimensions of the motorcycle spaces;
 - (h) Swept path diagrams for a 6.41m long waste collection vehicle entering and exiting the development entrances via Duke Street.
 - (i) Provision of horizontal bicycle parking in accordance with the requirements of the Australian Standard.

Reports and Plans

- (j) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 6) (where relevant to show on plans);
- (k) Any requirement of the endorsed Landscape Plan (condition 8) (where relevant to show on plans);
- (l) Any requirement of the endorsed Sustainable Management Plan (condition 10) (where relevant to show on plans);

- (m) Any requirement of the endorsed Wind Tunnel Report (condition 13) (where relevant to show on plans);
 - (n) Any requirement of the endorsed Public Lighting Plan (condition 15) (where relevant to show on plans);
 - (o) Any requirement of the endorsed Waste Management Plan (condition 17) (where relevant to show on plans);
 - (p) Any requirement of the endorsed Green Travel Plan (condition 19) (where relevant to show on plans);
 - (q) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (condition 21) (where relevant to show on plans).
2. In conjunction with the amended plans and reports required at Condition 1 and its requirements, a Staging Plan must be submitted to and be approved to the satisfaction of the Responsible Authority. The Staging Plan must include, but not limited to:
- (a) plans clearly detailing the staging of buildings;
 - (b) information detailing the timing and delivery of all public realm works as part of each stage;
 - (c) proposed temporary treatment of the vacant land;
 - (d) Details of securing the various stages.
- The development must proceed in order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.
3. 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.

Hours of Operation

- 4. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may operate between 7.00am to 8.00pm - Monday to Sunday.
- 5. Except with the prior written consent of the Responsible Authority, the retail (food and drinks premises – cafés) use authorised by this permit may operate between 7.00am to 10.00pm - Monday to Sunday.

Façade Strategy and Materials and Finishes Plan

- 6. 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

- 7. As part of the ongoing progress and development of the site, BKK Architects 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

8. 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 Landscape Plan prepared by Jungleyf and Loci Design Collective with revision date 30 August 2022 but modified to show:
- (a) Clarification of soil depth, slab setdown and wall heights and of “deep soil” planters.
 - (b) Provide typical details for the proposed irrigation.
 - (c) Provide typical details of furniture and all materials and surfaces on the ground level.
 - (d) Provide a maintenance schedule, including tasks details and frequency; for multi-storey development and planting, maintenance access will need to be provided for.
 - (e) Load bearing weights for the building structure with regard of the saturated bulk density of soil media, planter box and plant mass being proposed.

Ongoing Landscape Plan

9. Before the buildings are occupied at each stage, 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.

Amended Sustainable Management Plan

10. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the *10-32 Duke Street, Abbotsford, Vic, 3067, Sustainability Management Plan* prepared by Stantec and dated 02 September but modified to include / confirm:
- (a) Clarification for the provision of outdoor air / mechanical ventilation to all areas.
 - (b) Details of eave and façade design, glazing and material selection used to optimise daylight;
 - (c) Daylight modelling to confirm that benchmarks are being met;
 - (d) Information on any modelled GHG Reduction;

- (e) Information on hot water systems, with use of a high-efficiency heat pump;
- (f) Information on any modelled reduction in peak demand;
- (g) Information on HVAC system;
- (h) Confirmation that post-development stormwater flows will not exceed pre-development levels;
- (i) Water tanks to coincide with stormwater notes;
- (j) Clarification of recycled materials (E.g., bricks) or products with post-consumer content (E.g., insulation) are to be used to reduce the environmental impact of the development;
- (k) Whether steel reinforcement and concrete mixes use energy reducing strategies;
- (l) Whether project timber will be from recycled or sustainable sources;
- (m) Information on the approach to building tuning;
- (n) Whether Head Contractor will be accredited
- (o) Whether an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction
- (p) Provision of a small pallet of materials and construction techniques that can assist in disassembly
- (q) Provision of pipes, cabling, flooring that do not contain PVC or meeting best practice guidelines for PVC;
- (r) A landfill diversion target to 90% (as practicable) in line with best practice;
- (s) Benchmarking the landscape approach with the Green Factor Tool;
- (t) Provision of light colour roofing and planter boxes.

Prior to occupation Sustainable Management Plan

11. Prior to the occupation of the development at each stage 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

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

Wind Tunnel Report

13. In conjunction with the submission of development plans under Condition 1, a Wind Tunnel Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Report will be endorsed and will form part of this permit. The Wind Tunnel Report must be generally in accordance with the Wind Impact Assessment prepared by titled 10 – 32 Duke Street, Abbotsford dated 22 July 2022 and letter dated 01 September 2022 prepared by MEL Consultants, but modified to include or verify:
 - (a) Reference to the amended plans required by Condition 1.
 - (b) Wind mitigation measures to the west-facing terraces.
 - (c) Landscaping is not to be used as a wind mitigation measure.

Ongoing Wind Tunnel Report

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

Public Lighting Plan

15. Before the development commences (excluding demolition, bulk excavation and site preparation work), 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 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

16. 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

17. 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 One Mile Grid and dated 02 September 2000 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;
 - (c) The scheduling of bin collections outside of office hours and when the DDA car spaces and shared area associated with the Lots C and D building is not in use and management of this; and
 - (d) Swept path diagrams for a 6.41m long waste collection vehicle entering and exiting the development entrances via Duke Street.

Ongoing Waste Management Plan

18. 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

19. Before the development is occupied at each stage, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the specific design of bicycle storage devices proposed to be used for employee spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces; and
 - (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.
 - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.

Ongoing Green Travel Plan

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

Public Realm Plan(s) / Works / Road Infrastructure

21. Within six months of commencement of the development (excluding demolition, bulk excavation and site preparation work) or by such later date as is approved by the Responsible Authority, Detailed Design plans (Civil and Landscape) for the Duke Street frontage must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must reference Appendix 1 of the referral advice provided by Council's Urban Design Unit dated 13 December 2022, but not be limited to, the following:
- (a) The location of all existing, proposed and/or relocated infrastructure, such as, drainage pits, light/electrical poles, street signs, parking meters, parking bays, kerb/channel, trees, street furniture, bins, bike hoops etc.
 - (b) All existing and proposed levels and surface grading.
 - (c) Proposed civil/drainage design to accommodate any design elements that will alter the conditions of the existing stormwater drainage (such as kerb outstands/footpath extensions).

- (d) All proposed parallel parking bays, including dimensions as per the following:
 - (v) Parking lane minimum width – 2.1m
 - (vi) Parking bay enclosed/obstructed on both ends – 6.0m length
 - (vii) Parking bay enclosed/obstructed on one end – 5.5m length
 - (viii) Parking bay open on both ends – 5.0m length
 - (e) Dimensions (length and width) of proposed kerb outstands, tree squares, and footpath width.
 - (f) The reinstatement of the Duke Street footpath and (outside the property's frontage) kerb and channel and reinstatement of any portion of damaged road outside the property's frontage;
 - (g) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (h) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (i) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
 - (j) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
 - (k) Signage & line marking plan;
 - (l) All surfaces must be designed in accordance with DDA requirements;
 - (m) Distinct delineation between public and private land along all interfaces;
 - (n) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and
 - (o) 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.
22. Before each 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 21 must be carried out at the permit holder's cost and completed to the satisfaction of the Responsible Authority.
23. Before the development starts, the permit holder must provide a monetary contribution of \$11,240 (inclusive of GST and subject to annual CPI increase) for the provision of 8 new street trees to the Responsible Authority.
24. Before each 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.
25. Before each 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.

26. Before each 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.
27. Before each 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.
28. Before each 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

29. Before the Stage 1 development (Lot A and B Buildings), 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 21.
 - (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 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;
 - (d) Be in accordance with Council's engineering standards and requirements.
 - (e) Be DDA compliant to the satisfaction of Council.
 - (f) 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.
 - (g) Surface material finishes shown and specified to the satisfaction of the responsible authority;
 - (h) Provide street lighting in accordance with Council standards.

Civil work and drainage design plans

30. Before the Stage 2 (Lot C and D Building) 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:
 - (i) Be consistent with the public realm plan required under Condition ###.
 - (j) 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;
 - (k) 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;

- (l) Be in accordance with Council's engineering standards and requirements.
 - (m) Be DDA compliant to the satisfaction of Council.
 - (n) 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.
 - (o) Surface material finishes shown and specified to the satisfaction of the responsible authority;
 - (p) Provide street lighting in accordance with Council standards.
31. Before each building 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

32. Before each 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.
33. Before the development commences (excluding demolition, bulk excavation and site preparation work), 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.
34. 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.
35. Before each 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.

General

36. 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.
37. 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.
38. 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.
39. 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).
40. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
41. Before each 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.
42. Before each 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.
43. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
44. 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.
45. Before each 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

46. 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

47. Before the development of each stage commences, a Construction Management Plan for each relevant stage must be submitted to and approved by the Responsible Authority. When approved, the plans 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

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

Construction Times

49. 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

50. This permit will expire if one of the following circumstances applies:
- (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 five years of the date of this permit.

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

Notes:

A building permit 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.

Submissions

Phil Gleeson, Urbis (for the applicant)

Navid Morshedi

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Cr Crossland

Seconded: Cr Wade

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN22/0679 for Buildings and works associated with the construction three buildings (up to eight storeys plus roof plant) for the purpose of office and food and drink premises (cafés) and a reduction in car parking requirement of the Yarra Planning Scheme at No. 10 – 32 Duke Street, Abbotsford subject to the following conditions:

1. Before the development commences (excluding demolition, bulk excavation and site preparation work), 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 BKK Architects and dated 05 and 06 October 2022 but modified to show:
 - (a) The ground floor setback a minimum of 1.5m from the western title boundary to allow for the widening of the Duke Street footpath with no structures/columns in this setback;
 - (b) The stairwells of each building designed in an unenclosed manner to common areas and if not possible, the walls and doors to common areas to be glazed (unless evidence is provided that glazing would not be supportable);
 - (c) The northern elevation of the Lot A Building, the southern elevation of the Lot B Building and the southern elevation of the Lot C and D Building, treated with a varied colour scheme and/or engraved pattern;
 - (d) The eastern masonry on-boundary walls treated with a varied application and patterning of masonry.
 - (e) The deletion of on-boundary windows to the north of the Lot A Building;
 - (f) The provision of convex mirrors at the development vehicle entrances;
 - (g) The headroom clearances at the vehicle entrances dimensioned;
 - (h) The floor to ceiling heights and pit depths of the car parking areas dimensioned ;
 - (i) Details of the car stacker model type and the specifications of the vehicle clearance heights of each stacker level;
 - (j) Dimensions of the motorcycle spaces;
 - (k) Swept path diagrams for a 6.41m long waste collection vehicle entering and exiting the development entrances via Duke Street.
 - (l) At least 50% of the total bicycle parking provision to be horizontal bicycle parking.
 - (m) Bicycle spaces provided at the ground floor, with direct access to the street and include bicycle parking for a broader range of bicycle typologies, including cargo bikes and bikes with trailers.
 - (n) The bathroom corridor / circulation space to the toilet cubicles within the Lot A Building, at Levels 1 – 7 fully enclosed from the remainder of the office floor area.
 - (o) The bathroom corridor / circulation space to the toilet cubicles within the Lot B Building, at Levels 1 – 7, widened to ensure DDA compliance.

Reports and Plans

- (p) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 6) (where relevant to show on plans);
- (q) Any requirement of the endorsed Landscape Plan (condition 8) (where relevant to show on plans);
- (r) Any requirement of the endorsed Sustainable Management Plan (condition 10) (where relevant to show on plans);
- (s) Any requirement of the endorsed Wind Tunnel Report (condition 13) (where relevant to show on plans);
- (t) Any requirement of the endorsed Public Lighting Plan (condition 15) (where relevant to show on plans);

- (u) Any requirement of the endorsed Waste Management Plan (condition 17) (where relevant to show on plans);
 - (v) Any requirement of the endorsed Green Travel Plan (condition 19) (where relevant to show on plans);
 - (w) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (condition 21) (where relevant to show on plans).
2. In conjunction with the amended plans and reports required at Condition 1 and its requirements, a Staging Plan must be submitted to and be approved to the satisfaction of the Responsible Authority. The Staging Plan must include, but not limited to:
- (a) plans clearly detailing the staging of buildings;
 - (b) information detailing the timing and delivery of all public realm works as part of each stage;
 - (c) proposed temporary treatment of the vacant land;
 - (d) Details of securing the various stages.
- The development must proceed in order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.
3. 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.

Hours of Operation

- 4. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may operate between 7.00am to 8.00pm - Monday to Sunday.
- 5. Except with the prior written consent of the Responsible Authority, the retail (food and drinks premises – cafés) use authorised by this permit may operate between 7.00am to 10.00pm - Monday to Sunday.

Façade Strategy and Materials and Finishes Plan

6. 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

7. As part of the ongoing progress and development of the site, BKK Architects 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

- 8. 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 Landscape Plan prepared by Junglify and Loci Design Collective with revision date 30 August 2022 but modified to show:
 - (a) Clarification of soil depth, slab setdown and wall heights and of “deep soil” planters.
 - (b) Provide typical details for the proposed irrigation.
 - (c) Provide typical details of furniture and all materials and surfaces on the ground level.
 - (d) Provide a maintenance schedule, including tasks details and frequency; for multi-storey development and planting, maintenance access will need to be provided for.
 - (e) Load bearing weights for the building structure with regard of the saturated bulk density of soil media, planter box and plant mass being proposed.
 - (f) Additional landscaping within the eastern setbacks of each building.
 - (g) Greater provision of creepers to the upper levels on east and west frontages which may include supporting structures, including the provision for creepers to the east recessed area of Lot B, as per Lot C + D.

Ongoing Landscape Plan

- 9. Before the buildings are occupied at each stage, 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.

Amended Sustainable Management Plan

- 10. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the *10-32 Duke Street, Abbotsford, Vic, 3067, Sustainability Management Plan* prepared by Stantec and dated 02 September but modified to include / confirm:
 - (a) Clarification for the provision of outdoor air / mechanical ventilation to all areas.

- (b) Details of eave and façade design, glazing and material selection used to optimise daylight;
- (c) Daylight modelling to confirm that benchmarks are being met;
- (d) Information on any modelled GHG Reduction;
- (e) Information on hot water systems, with use of a high-efficiency heat pump;
- (f) Information on any modelled reduction in peak demand;
- (g) Information on HVAC system;
- (h) Confirmation that post-development stormwater flows will not exceed pre-development levels;
- (i) Water tanks to coincide with stormwater notes;
- (j) Clarification of recycled materials (E.g., bricks) or products with post-consumer content (E.g., insulation) are to be used to reduce the environmental impact of the development;
- (k) Whether steel reinforcement and concrete mixes use energy reducing strategies;
- (l) Whether project timber will be from recycled or sustainable sources;
- (m) Information on the approach to building tuning;
- (n) Whether Head Contractor will be accredited
- (o) Whether an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction
- (p) Provision of a small pallet of materials and construction techniques that can assist in disassembly
- (q) Provision of pipes, cabling, flooring that do not contain PVC or meeting best practice guidelines for PVC;
- (r) A landfill diversion target to 90% (as practicable) in line with best practice;
- (s) Benchmarking the landscape approach with the Green Factor Tool;
- (t) Provision of light colour roofing and planter boxes.

Prior to occupation Sustainable Management Plan

11. Prior to the occupation of the development at each stage 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

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

Wind Tunnel Report

13. In conjunction with the submission of development plans under Condition 1, a Wind Tunnel Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Report will be endorsed and will form part of this permit. The Wind Tunnel Report must be generally in accordance with the Wind Impact Assessment prepared by titled 10 – 32 Duke Street, Abbotsford dated 22 July 2022 and letter dated 01 September 2022 prepared by MEL Consultants, but modified to include or verify:
 - (a) Reference to the amended plans required by Condition 1.
 - (b) Wind mitigation measures to the west-facing terraces.
 - (c) Landscaping is not to be used as a wind mitigation measure.

Ongoing Wind Tunnel Report

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

Public Lighting Plan

15. Before the development commences (excluding demolition, bulk excavation and site preparation work), 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 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 luminaries and/or solar lighting technologies to reduce carbon emission if possible

Ongoing Public Lighting Plan

16. 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

17. 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 One Mile Grid and dated 02 September 2000 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;

- (c) The scheduling of bin collections outside of office hours and when the DDA car spaces and shared area associated with the Lots C and D building is not in use and management of this; and
- (d) Swept path diagrams for a 6.41m long waste collection vehicle entering and exiting the development entrances via Duke Street.

Ongoing Waste Management Plan

18. 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

19. Before the development is occupied at each stage, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the specific design of bicycle storage devices proposed to be used for employee spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces; and
 - (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.
 - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.

Ongoing Green Travel Plan

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

Public Realm Plan(s) / Works / Road Infrastructure

21. Within six months of commencement of the development (excluding demolition, bulk excavation and site preparation work) or by such later date as is approved by the Responsible Authority, Detailed Design plans (Civil and Landscape) for the Duke Street frontage must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must reference Appendix 1 of the referral advice provided by Council's Urban Design Unit dated 13 December 2022, but not be limited to, the following:

- (a) The location of all existing, proposed and/or relocated infrastructure, such as, drainage pits, light/electrical poles, street signs, parking meters, parking bays, kerb/channel, trees, street furniture, bins, bike hoops etc.
 - (b) Explore the possibility to underground overhead services along the Duke Street frontage, if possible.
 - (c) All existing and proposed levels and surface grading.
 - (d) Proposed civil/drainage design to accommodate any design elements that will alter the conditions of the existing stormwater drainage (such as kerb outstands/footpath extensions).
 - (e) All proposed parallel parking bays, including dimensions as per the following:
 - (v) Parking lane minimum width – 2.1m
 - (vi) Parking bay enclosed/obstructed on both ends – 6.0m length
 - (vii) Parking bay enclosed/obstructed on one end – 5.5m length
 - (viii) Parking bay open on both ends – 5.0m length
 - (f) Dimensions (length and width) of proposed kerb outstands, tree squares, and footpath width.
 - (g) The reinstatement of the Duke Street footpath and (outside the property's frontage) kerb and channel and reinstatement of any portion of damaged road outside the property's frontage;
 - (h) A different surface material must be provided within the ground level setback to the Duke Street title boundary so that the title boundary is clearly distinguished without creating a tripping hazard;
 - (i) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (j) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (k) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
 - (l) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
 - (m) Signage & line marking plan;
 - (n) All surfaces must be designed in accordance with DDA requirements;
 - (o) Distinct delineation between public and private land along all interfaces;
 - (p) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and
 - (q) 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.
22. Before each 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 21 must be carried out at the permit holder's cost and completed to the satisfaction of the Responsible Authority.
23. Before the development starts, the permit holder must provide a monetary contribution of \$11,240 (inclusive of GST and subject to annual CPI increase) for the provision of 8 new street trees to the Responsible Authority.

24. Before each 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.
25. Before each 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.
26. Before each 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.
27. Before each building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and reinstated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
28. Before each 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

29. Before the Stage 1 development (Lot A and B Buildings), 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 21.
 - (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 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;
 - (d) Be in accordance with Council's engineering standards and requirements.
 - (e) Be DDA compliant to the satisfaction of Council.
 - (f) 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.
 - (g) Surface material finishes shown and specified to the satisfaction of the responsible authority;
 - (h) Provide street lighting in accordance with Council standards.

Civil work and drainage design plans

30. Before the Stage 2 (Lot C and D Building) 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:
- (i) Be consistent with the public realm plan required under Condition ###.
 - (j) 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;
 - (k) 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;
 - (l) Be in accordance with Council's engineering standards and requirements.
 - (m) Be DDA compliant to the satisfaction of Council.
 - (n) 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.
 - (o) Surface material finishes shown and specified to the satisfaction of the responsible authority;
 - (p) Provide street lighting in accordance with Council standards.
31. Before each building 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.

Section 173 Agreement (Duke Street Footpath)

32. 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, which provides for the following:
- (a) The Owner must provide unfettered 24-hour public access over that part of the land to be used for the new footpath to Duke Street; and
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 32(a) at the cost of the owners of the site and to the satisfaction of the Responsible Authority.
33. 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.

Car Parking

34. Before each 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.

35. Before the development commences (excluding demolition, bulk excavation and site preparation work), 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.
36. 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.
37. Before each 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.

General

38. 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.
39. 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.
40. 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).
41. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
42. Before each 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.

43. Before each 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.
44. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
45. 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.
46. Before each 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

47. 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

48. Before the development of each stage commences, a Construction Management Plan for each relevant stage must be submitted to and approved by the Responsible Authority. When approved, the plans 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

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

Construction Times

50. 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

51. This permit will expire if one of the following circumstances applies:
- (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 five years of the date of this permit.

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

Notes:

A building permit 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.

CARRIED

The meeting closed at 7.05pm.

Confirmed at the meeting held on Tuesday 30 May 2023

Chair