



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

**held on Wednesday 19 April 2017 at 6.30pm  
in Meeting Room 3 at the Richmond Town Hall**

**I. ATTENDANCE**

Councillor Amanda Stone  
Councillor Jackie Fristacky  
Councillor Mi Lin Chen Yi Mei

Nikolas Muhllechner (Principal Planner)  
Amy Hodgen (Co-ordinator Statutory Planning)  
Cindi Johnston (Governance Officer)

**II. APOLOGIES AND LEAVE OF ABSENCE**

**III. DECLARATIONS OF CONFLICT OF INTEREST (councillors and staff)**

**IV. CONFIRMATION OF MINUTES**

**Internal Development Approvals Committee Resolution:**

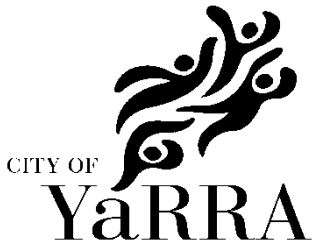
**Moved:** Councillor Fristacky **Seconded:** Councillor Chen Yi Mei

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 29 March 2017 be confirmed.

**CARRIED**

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



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

### **POLICY**

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

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

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

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

**Governance Branch  
2008**

Councillor Fristacky nominated Councillor Stone as Chair.

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

Councillor Stone assumed the Chair.

## 1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	178-182 Johnston Street, Fitzroy VIC 3065 - Planning Permit Application No. PLN16/0563 – Demolition of the existing buildings, the construction of a seven storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops.	6	12
1.2	PLN15/0800 - 359 St Georges Road, Fitzroy North	19	24

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**1.1 178-182 Johnston Street, Fitzroy VIC 3065 - Planning Permit Application No. PLN16/0563 – Demolition of the existing buildings, the construction of a seven storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops.**

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Trim Record Number: D17/33745

Responsible Officer: Principal Planner

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN16/0563 for the demolition of the existing buildings, the construction of a seven storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops at 178-182 Johnston Street, Fitzroy, subject to the following conditions:

### **Amended Plans**

1. Before the use and 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 amended plans prepared by Ola Architecture Studio and dated 4 April 2017, but modified to show:
  - (a) The finish of the metal cladding (M1) and metal screen (SC2) depicted on the colour and material schedule specified as a dark grey.
  - (b) The proposed awnings set back a minimum of 750mm from the kerb.
  - (c) The proposed awning extended for the full width of the Johnston Street frontage.
  - (d) Overlooking measures to ensure no unreasonable overlooking in accordance with the objective of Clause 55.04-6 of the Yarra Planning Scheme from:
    - (i) The west facing kitchen window and south facing bedroom window of Dwelling 202.
    - (ii) The south facing kitchen window of Dwelling 201.
  - (e) Overlooking measures to ensure no unreasonable overlooking between habitable rooms within the light courts in accordance with the objective of Clause 55.04-6 of the Yarra Planning Scheme.
  - (f) The precast concrete panels (PC1) on the western elevation modified to incorporate a pattern above the podium height.
  - (g) The light courts finished in a light reflective colour with a minimum light reflectivity of 50 per cent.
  - (h) A window in each habitable room that is openable clearly shown on the plans/elevations.
  - (i) A minimum of 20 per cent of bicycle parking spaces must be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops.
  - (j) The installation of convex mirrors to assist motorists viewing pedestrians along the west footpath of Rochester Street.
  - (k) Swept path diagrams using the B99 design vehicle for vehicles entering and exiting the two car lifts via Rochester Street. The parallel on-street car parking along Rochester Street must be accurately shown on the diagrams.
  - (l) A 1 in 20 scale cross sectional drawing of the new vehicle crossing and the existing road pavement of Rochester Street and demonstrate by way of a ground clearance check that the B99 design vehicle can enter and exit the property via Rochester Street without scraping or bottoming out.
  - (m) Any changes from the sustainable management plan required by condition 13 of this planning permit.

- (n) Any changes recommended in the amended acoustic report required by condition 15 of this planning permit.
- (o) Any changes from the amended waste management plan required by condition 17 of this planning permit.

### **General**

- 2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 3. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 5. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the use, including through:
  - (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) The presence of vermin.
- 6. 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 basement car park and pedestrian walkway entrances must be 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.
- 7. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 8. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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.

### **Sustainable Management Plan**

13. Prior to the endorsement of plans, a sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the sustainable management plan will be endorsed and will form part of this permit. The sustainable management plan must be generally in accordance with the sustainable design assessment prepared by Connor Pincus Group and dated June 2016, but modified to include or show:
  - (a) The minimum NCC requirements for energy efficiency exceeded by a minimum 10 per cent above minimum NCC standard, demonstrated through sample energy ratings that this standard can be achieved.
  - (b) Additional shading to north and east facing glazing exposed to summer sun angles with exterior shading such as blinds, shutters, louvers, fins, etc.
  - (c) Either gas boosted solar hot water, centralised heat pump or gas hot water system with 80 per cent efficiency or 6 Star instantaneous gas hot water.
  - (d) Allocation of bicycle parking spaces to employees of the shops.
  - (e) Ensure that dual chutes are provided, or that recycling system is just as convenient to use as the general waste system.
14. The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Acoustic Report**

15. Prior to the endorsement of plans, an amended acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended acoustic report will be endorsed and will form part of this permit. The amended acoustic report must be generally in accordance with the acoustic report prepared by Acoustic Logic and dated 7 June 2016, but modified to include (or show, or address):
  - (a) A traffic noise assessment that provides sufficient sound attenuation to living rooms to achieve 40 dBA during the 15 hour day average or 45 dBA during the loudest hour.
  - (b) Maximum noise levels at 1 metre from any car park doors or car lifts such that not more than 60 dBA is achieved outside any habitable room window.
  - (c) Compliance with BCA requirements between dwellings with windows onto the central light court.
16. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

17. Prior to the endorsement of plans, 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 Leigh Design and dated 22 June 2016, but modified to include:
  - (a) Collection arrangements must be such that Rochester Street must not be blocked off by collection vehicles during collections.
  - (b) Plan of collection arrangements showing full width of roadway, with full details, including dimensions, path of access to collection, existing conditions, car parking spots, obstructions such as parking signs, location of collection vehicle, etc.
  - (c) Any car parking restrictions to allow for the collection of waste.
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.

#### **Car Parking**



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, to the satisfaction of the Responsible Authority, 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.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car lifts must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

### **Infrastructure**

21. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) 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.
22. Before the buildings 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.
23. Before the buildings 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 by the re-sheeting of the entire Johnston Street and Rochester Street footpaths for the width of the property frontage if required by the Responsible Authority):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

### **Construction Management Plan**

25. Before the use and/or 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; and
  - (v) other relevant considerations.
- (q) Any site-specific requirements.

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.

26. 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.
27. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
28. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.

- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Permit Expiry**

29. 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; or
- (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 5095 to confirm.

A vehicle crossing permit is required for the construction of any vehicle crossing(s). Please contact Council's construction management branch on 9205 5585 for further information.

A local law permit (e.g. asset protection permit, road occupation permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5585 for further information.

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.

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

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

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

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

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

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

*The Applicant, Mr Shayne Linke addressed the Committee.*

*The following people also addressed the Committee:*

*Mr James Livingston;*

*Mr Colin Bell; and*

*Mr Jeremy Reynolds.*

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Chen Yi Mei

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN16/0563 for the demolition of the existing buildings, the construction of a six storey building plus two basement levels, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement associated with shops at 178-182 Johnston Street, Fitzroy, subject to the following conditions:

### **Amended Plans**

1. Before the use and 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 amended plans prepared by Ola Architecture Studio and dated 4 April 2017, but modified to show:
  - (a) The deletion of level 5.
  - (b) The finish of the metal cladding (M1) and metal screen (SC2) depicted on the colour and material schedule specified as a dark grey.
  - (c) The proposed awnings set back a minimum of 750mm from the kerb.
  - (d) The proposed awning extended for the full width of the Johnston Street frontage.
  - (e) Overlooking measures to ensure no unreasonable overlooking in accordance with the objective of Clause 55.04-6 of the Yarra Planning Scheme from:
    - (i) The west facing kitchen window and south facing bedroom window of Dwelling 202.
    - (ii) The south facing kitchen window of Dwelling 201.
    - (iii) Screening to the south-facing bedroom windows of Dwellings 401 and 501, with a maximum 25% transparency.
  - (f) Overlooking measures to ensure no unreasonable overlooking between habitable rooms within the light courts in accordance with the objective of Clause 55.04-6 of the Yarra Planning Scheme.
  - (g) The precast concrete panels (PC1) on the western elevation modified to incorporate a pattern above the podium height.
  - (h) The light courts finished in a light reflective colour with a minimum light reflectivity of 50 per cent.
  - (i) A window in each habitable room that is openable clearly shown on the plans/elevations.
  - (j) A minimum of 20 per cent of bicycle parking spaces must be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops.
  - (k) The installation of convex mirrors to assist motorists viewing pedestrians along the west footpath of Rochester Street.

- (l) Swept path diagrams using the B99 design vehicle for vehicles entering and exiting the two car lifts via Rochester Street. The parallel on-street car parking along Rochester Street must be accurately shown on the diagrams.
- (m) A 1 in 20 scale cross sectional drawing of the new vehicle crossing and the existing road pavement of Rochester Street and demonstrate by way of a ground clearance check that the B99 design vehicle can enter and exit the property via Rochester Street without scraping or bottoming out.
- (n) Any changes from the sustainable management plan required by condition 13 of this planning permit.
- (o) Any changes recommended in the amended acoustic report required by condition 15 of this planning permit.
- (p) Any changes from the amended waste management plan required by condition 17 of this planning permit.

### General

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
5. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the use, including through:
  - (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) The presence of vermin.
6. 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 basement car park and pedestrian walkway entrances must be 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.
7. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
8. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
9. 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.

10. 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.
11. 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.
12. 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.

#### **Sustainable Management Plan**

13. Prior to the endorsement of plans, a sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the sustainable management plan will be endorsed and will form part of this permit. The sustainable management plan must be generally in accordance with the sustainable design assessment prepared by Connor Pincus Group and dated June 2016, but modified to include or show:
  - (a) The minimum NCC requirements for energy efficiency exceeded by a minimum 10 per cent above minimum NCC standard, demonstrated through sample energy ratings that this standard can be achieved.
  - (b) Additional shading to north and east facing glazing exposed to summer sun angles with exterior shading such as blinds, shutters, louvers, fins, etc.
  - (c) Either gas boosted solar hot water, centralised heat pump or gas hot water system with 80 per cent efficiency or 6 Star instantaneous gas hot water.
  - (d) Allocation of bicycle parking spaces to employees of the shops.
  - (e) Ensure that dual chutes are provided, or that recycling system is just as convenient to use as the general waste system.
14. The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Acoustic Report**

15. Prior to the endorsement of plans, an amended acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended acoustic report will be endorsed and will form part of this permit. The amended acoustic report must be generally in accordance with the acoustic report prepared by Acoustic Logic and dated 7 June 2016, but modified to include (or show, or address):
  - (a) A traffic noise assessment that provides sufficient sound attenuation to living rooms to achieve 40 dBA during the 15 hour day average or 45 dBA during the loudest hour.
  - (b) Maximum noise levels at 1 metre from any car park doors or car lifts such that not more than 60 dBA is achieved outside any habitable room window.
  - (c) Compliance with BCA requirements between dwellings with windows onto the central light court.
16. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

17. Prior to the endorsement of plans, 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 Leigh Design and dated 22 June 2016, but modified to include:
  - (a) Collection arrangements must be such that Rochester Street must not be blocked off by collection vehicles during collections.

- (b) Plan of collection arrangements showing full width of roadway, with full details, including dimensions, path of access to collection, existing conditions, car parking spots, obstructions such as parking signs, location of collection vehicle, etc.
  - (c) Any car parking restrictions to allow for the collection of waste.
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.

### **Car Parking**

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, to the satisfaction of the Responsible Authority, 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.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car lifts must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

### **Infrastructure**

21. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) 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.
22. Before the buildings 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.
23. Before the buildings 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 by the re-sheeting of the entire Johnston Street and Rochester Street footpaths for the width of the property frontage if required by the Responsible Authority):
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

### **Construction Management Plan**

25. Before the use and/or 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; and
  - (v) other relevant considerations.
- (q) Any site-specific requirements.

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.

26. 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.
- 27. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 28. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Permit Expiry**

29. 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; or
  - (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 5095 to confirm.

A vehicle crossing permit is required for the construction of any vehicle crossing(s). Please contact Council's construction management branch on 9205 5585 for further information.

A local law permit (e.g. asset protection permit, road occupation permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5585 for further information.

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.

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

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

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

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

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

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

**CARRIED UNANIMOUSLY**

## 1.2 PLN15/0800 - 359 St Georges Road, Fitzroy North

Trim Record Number: D17/38501

Responsible Officer: Coordinator Statutory Planning

### RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN15/0800) for 359 St Georges Road, Fitzroy North for the full demolition and development of the land for the construction of a 4 storey building, with a reduction in the car parking requirements associated with a shop and dwellings, waiver of the loading bay requirement and reduction in the bicycle parking requirement in accordance with the decision plans (TP-04, TP-05, TP-06, revision E, dated Nov 16 and the colour schedule received by Council 23 January 2017, prepared by Ikonomidis Reid) and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (TP-04, TP-05, TP-06, revision E, dated Nov 16 and the colour schedule received by Council 23 January 2017, prepared by Ikonomidis Reid) but modified to show:
  - (a) the front awing to align with the north and south title boundaries (not extend perpendicular to the roadway);
  - (b) the front awning to be a minimum setback of 600mm from the back of the kerb;
  - (c) screening to habitable room windows and balconies where internal or external views into habitable room windows or private open space areas within a 9m radius and 45 degree arc could be provided in the form of:
    - (i) minimum 1.7m high, maximum 25% transparent, fixed; or
    - (ii) minimum 1.7m high, fixed obscure glazing; or
    - (iii) as otherwise appropriate to the satisfaction of the Responsible Authority.
  - (d) the northern screens to the dwelling 1 and 4 northern balconies to be fixed obscure glazing, to a minimum height of 1.7m and a maximum transparency of 25%;
  - (e) no roof above the dwelling 4 northern terrace;
  - (f) the northern stairwell wall to be finished in a light colour (not dark grey);
  - (g) a stall riser to the same height as that at 361-363 St Georges Rd;
  - (h) deletion of car parking space 3, with space 1 being a minimum 2.9m wide and space 2 being a minimum 2.6m wide. The additional area must be used for scooter, motorcycle and/or bicycle parking;
  - (i) provision of a roof plan, showing the solar hot water thermal collector panels and the solar PV array;
  - (j) retractable clothes drying racks fixed to balconies;
  - (k) a minimum 6m<sup>3</sup> of storage per dwelling;
  - (l) the location and treatment of services and metres;
  - (m) that the bicycle parking spaces can provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars;
  - (n) cross sections demonstrating the finished floor level of the garage slab will provide satisfactory access and egress for a B85 design vehicle via the Right of Way; and
  - (o) schedule of colours and materials (including samples, where relevant).

### General

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. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
4. 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 basement car park, pedestrian walkway and dwelling entrances must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
5. 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.
6. 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.
7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
8. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

9. 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 Keystone Alliance and dated December 2016, but modified to include or show:
  - (a) deletion of reference to a retractable shopfront shading device;
  - (b) the size and capacity of the solar PV system, confirming the system would generate adequate to power a lift and lighting to common areas; and
  - (c) confirmation of a proposed average NatHERS rating 6.5.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic Report

11. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) the impact of trams and surrounding commercial properties (including plant and equipment) on the proposed dwellings; and
  - (b) the noise from the proposed development (including plant and equipment and the roller door) on the proposed and nearby dwellings.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

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

#### Waste Management Plan

13. 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. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Car parking and bicycle parking

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas 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.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a minimum of 3 bike racks must be installed along the St Georges Road footpath:
  - (a) at the permit holder's cost; and
  - (b) in a location and manner,to the satisfaction of the Responsible Authority.

#### Construction

17. Within three months of commencement of the development, the owner of the site must submit Detailed Engineering Documentation to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the Detailed Engineering Documentation will be endorsed and will then form part of this permit. The Detailed Engineering Documentation must be drawn to scale with dimensions, and three copies must be provided. The Detailed Engineering Documentation must showing the following, to be provided to the satisfaction of the Responsible Authority and at the expense of the Permit Holder:
  - (a) any isolated areas of pavement failure along the Right of Way between Barkly Street and Holden Street will require full depth road pavement reconstruction; and
  - (b) the footpath immediately outside the property's St Georges Road street frontage must be stripped and re-sheeted. The footpath must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.

18. The details and requirements of the endorsed Detailed Engineering Documentation must be implemented and complied with to the satisfaction of the Responsible Authority, at the expense of the Permit Holder.
19. Unless with the prior written consent of the Responsible Authority, all development referenced in condition 17 must be completed to the satisfaction of the Responsible Authority prior to occupation of the development.
20. 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.
21. 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.
22. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
23. 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.
24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

#### Expiry

25. 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.
- 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 local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

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

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

Submission

*The Applicant, Mr Chris McKenzie addressed the Committee.*

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Chen Yi Mei

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN15/0800) for 359 St Georges Road, Fitzroy North for the full demolition and development of the land for the construction of a 4 storey building, with a reduction in the car parking requirements associated with a shop and dwellings, and waiver of the loading bay requirement in accordance with the decision plans (TP-04, TP-05, TP-06, revision E, dated Nov 16 and the colour schedule received by Council 23 January 2017, prepared by Ikonmidis Reid) and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (TP-04, TP-05, TP-06, revision E, dated Nov 16 and the colour schedule received by Council 23 January 2017, prepared by Ikonmidis Reid) but modified to show:
  - (a) the front awing to align with the north and south title boundaries (not extend perpendicular to the roadway);
  - (b) the front awning must be setback a minimum 750mm from the back of the kerb and must have a minimum underside clearance of 3m above the footpath;
  - (c) screening to habitable room windows and balconies where internal or external views into habitable room windows or private open space areas within a 9m radius and 45 degree arc could be provided in the form of:
    - (i) minimum 1.7m high, maximum 25% transparent, fixed; or
    - (ii) minimum 1.7m high, fixed obscure glazing; or
    - (iii) as otherwise appropriate to the satisfaction of the Responsible Authority.
  - (d) the northern screens to the dwelling 1 and 4 northern balconies to be fixed obscure glazing, to a minimum height of 1.7m and a maximum transparency of 25%;
  - (e) no roof above the dwelling 4 northern terrace;
  - (f) the northern stairwell wall to be finished in a light colour (not dark grey);
  - (g) a stall riser to the same height as that at 361-363 St Georges Rd;
  - (h) deletion of car parking space 3, with space 1 being a minimum 2.9m wide and space 2 being a minimum 2.6m wide. The additional area must be used for scooter, motorcycle and/or bicycle parking and also to provide a path for waste collection. The provision of at least 3 additional bicycle parking spaces and charging points for e-bikes.
  - (i) provision of a roof plan, showing the solar hot water thermal collector panels and the solar PV array;
  - (j) retractable clothes drying racks fixed to balconies;
  - (k) a minimum 6m<sup>3</sup> of storage per dwelling;
  - (l) the location and treatment of services, meters and letterboxes.
  - (m) that the bicycle parking spaces can provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars;
  - (n) cross sections demonstrating the finished floor level of the garage slab will provide satisfactory access and egress for a B85 design vehicle via the Right of Way; and
  - (o) schedule of colours and materials (including samples, where relevant).

General



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. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
4. 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 basement car park, pedestrian walkway and dwelling entrances must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
5. 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.
6. 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.
7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
8. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

9. 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 Keystone Alliance and dated December 2016, but modified to include or show:
  - (a) deletion of reference to a retractable shopfront shading device;
  - (b) the size and capacity of the solar PV system, confirming the system would generate adequate to power a lift and lighting to common areas; and
  - (c) confirmation of a proposed average NatHERS rating 6.5.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic Report

11. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:

- (a) the impact of trams and surrounding commercial properties (including plant and equipment) on the proposed dwellings; and
- (b) the noise from the proposed development (including plant and equipment and the roller door) on the proposed and nearby dwellings.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

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

#### Waste Management Plan

- 13. 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. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
- 14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Car parking and bicycle parking

- 15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas 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.
- 16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a minimum of 3 bike racks must be installed along the St Georges Road footpath:
  - (a) at the permit holder's cost; and
  - (b) in a location and manner,
 to the satisfaction of the Responsible Authority.

#### Construction

- 17. Within three months of commencement of the development, the owner of the site must submit Detailed Engineering Documentation to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the Detailed Engineering Documentation will be endorsed and will then form part of this permit. The Detailed Engineering Documentation must be drawn to scale with dimensions, and three copies must be provided. The Detailed Engineering Documentation must showing the following, to be provided to the satisfaction of the Responsible Authority and at the expense of the Permit Holder:
  - (a) any isolated areas of pavement failure along the Right of Way between Barkly Street and Holden Street will require full depth road pavement reconstruction; and

- (b) the footpath immediately outside the property's St Georges Road street frontage must be stripped and re-sheeted. The footpath must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.
18. The details and requirements of the endorsed Detailed Engineering Documentation must be implemented and complied with to the satisfaction of the Responsible Authority, at the expense of the Permit Holder.
  19. Unless with the prior written consent of the Responsible Authority, all development referenced in condition 17 must be completed to the satisfaction of the Responsible Authority prior to occupation of the development.
  20. 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.

21. 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.
22. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
23. 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.
24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

#### Expiry

25. 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.
- 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 local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

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

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

VICROADS NOTE:

Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works (ie. including canopies and verandahs etc) undertaken outside the title boundary within a Road Zone Category 1. Please contact VicRoads prior to commencing any works.

**CARRIED UNANIMOUSLY**

The meeting closed at 8.09pm.

**Confirmed at the meeting held on Wednesday 26 April 2017**

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**Chair**