

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

**held on Wednesday 28 June 2017 at 6.30pm**  
**in Meeting Room 3 at the Richmond Town Hall**

**Adjourned to Friday 30 June 2017 at 8.30am at the Richmond Town Hall**

**I. ATTENDANCE**

Councillor Stephen Jolly  
Councillor Mike McEvoy  
Councillor Daniel Nguyen (substitute for Cr Searle) – 30 June 2017 only

Sarah Thomas (Principal Planner & Advocate)  
Mary Osman (Manager Statutory Planning)  
Cindi Johnston (Governance Officer)  
Rhys Thomas (Senior Governance Advisor)

**II. APOLOGIES AND LEAVE OF ABSENCE**

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

**IV. CONFIRMATION OF MINUTES**

**Internal Development Approvals Committee Resolution:**

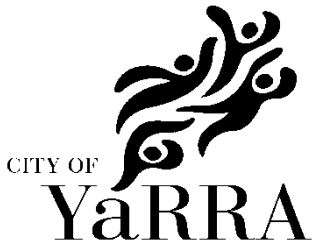
**Moved:** Councillor Jolly **Seconded:** Councillor McEvoy

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 14 June 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 Jolly nominated Councillor McEvoy as Chair.

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

Councillor McEvoy assumed the Chair.

#### Order of Items

Item 1.2 was heard first.

Item 1.3 was heard second.

Item 1.1 was heard third.

Item 1.4 was heard fourth.

Item 1.5 was heard fifth.

Item 1.6 was heard last.

## 1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN15/0191 - 314-320 Swan Street and 236 Coppin Street Richmond - Development of the land for the construction of a 10 storey building (plus 4 basement levels), use of the land as a residential hotel and a place of assembly (conference centre), with alteration of access to a road in a road zone, category 1	6	14
1.2	43 Canterbury Street, Richmond - PLN16/0969 - Development of the land for the construction of two triple-storey dwellings.	23	25
1.3	1 Delbridge Street and common property of No. 270 Queens Parade (as shown on Plan of Subdivision PS622744F), Fitzroy North - PLN16/0934	29	30
1.4	PLN16/0925 - 59 - 77 Victoria Parade and 5 - 7 Brunswick Street (plus Council ROW) and 20 - 32 Fitzroy Street Fitzroy - Development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site.	31	46
1.5	PLN16/0926 - 93 - 99 Victoria Parade Fitzroy - Use and development of the land for part demolition, alterations and a three storey addition to the existing car park.	47	51
1.6	PLN15/1176 - 2 Gough Street Cremorne - Development of the land for buildings and works, including the construction of three buildings, up to 15 storeys in height (plus 4 basement levels), use of the land as accommodation, function centre, shop and restaurant, food and drinks premises (café), reduction in the car parking requirements, utilisation of 40 car parking spaces as shown in stage 1 of 2 Gough Street, Cremorne, and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B9 and B8)	52	68

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**1.1 PLN15/0191 - 314-320 Swan Street and 236 Coppin Street Richmond - Development of the land for the construction of a 10 storey building (plus 4 basement levels), use of the land as a residential hotel and a place of assembly (conference centre), with alteration of access to a road in a road zone, category 1**

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Trim Record Number: D17/76230

Responsible Officer: Manager Statutory Planning

**RECOMMENDATION**

That the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN15/0191) for 314-320 Swan Street and 236 Coppin Street, Richmond VIC 3121 for the development of the land for the construction of a building (plus basement levels), use of the land as a residential hotel and a place of assembly (conference centre), with alteration of access to a road in a road zone, category 1 in accordance with the advertised plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the advertised plans (TP-100B to TP-114B, TP-400B-TP-403B and TP450A received by Council 2 March 2017, prepared by Elwert Leaf) but modified to show:
  - (a) deletion of the top 3 levels;
  - (b) the second floor and above setback a minimum 4.5m from the north title boundary, except for walls on boundaries;
  - (c) the north elevation generally as per the sketch plans received by Council on 20 March and 7 June 2017;
  - (d) from level 1 and above, the west and south boundary setbacks (excluding portion on the south boundary) setback a minimum 4.5m;
  - (e) details of screening between terraces. Screens must be a minimum 1.7m high fixed and a minimum 25 % transparent or constructed of opaque glazing;
  - (f) where bedrooms, living areas, kitchens or balconies/terraces could provide views into private open space areas or habitable room windows of the dwellings to the west (within a 9m radius and 45 degree arc), the windows/balconies/terraces must be treated in one of the following ways:
    - (i) minimum 1.7m sill heights;
    - (ii) minimum 1.7m high opaque glazing; or
    - (iii) minimum 1.7m high, fixed screens with a maximum transparency of 25%.
  - (g) a convex mirror at the Coppin Street vehicular exit;
  - (h) column depths and setbacks from aisles as per diagram 1 of clause 52.06-8 of the Yarra Planning Scheme;
  - (i) a notation confirming all access points from the development to the road reserve will be DDA compliant;
  - (j) 1 in 20 scale cross sectional drawings of the developments vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profiles of Swan and Coppin Streets (from the kerb line to the centre line of the road) and the accessways inside the property must be accurately drawn. The cross section must demonstrate that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out, using a B99 design vehicle;
  - (k) the location of pits and metres;
  - (l) a schedule of colours and materials, including samples (where relevant);
  - (m) change room(s) and shower(s) as per clause 52.34-3 of the Yarra Planning Scheme;

- (n) a swept path diagram, for a B99 vehicle, for the 90 degree turn on the Ground Floor, or if this swept path cannot be met then a redesign (which may include deletion or modification of parking spaces and related access aisles) of the relevant section of the parking area on the Ground floor to ensure that all vehicles can only exit in a forward direction onto Coppin Street;
  - (o) line marking within the car park to ensure that all vehicles can only exit on to Coppin Street;
  - (p) bicycle parking provision and signage as per clause 52.34 of the Yarra Planning Scheme;
  - (q) details of operable glazing;
  - (r) rainwater tank location shown on plans;
  - (s) all changes as relevant to show as per the Sustainable Management Plan, Acoustic Report and Waste Management Plan.
2. The development and uses 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. The place of assembly (conference centre) may only operate between 7.00 am and 9.00 pm on any day.
  4. No more than 65 place of assembly (conference centre) patrons are permitted on the land at any one time.
  5. 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.
  6. 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).
  7. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
  8. Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
    - (a) a description of previous land uses and activities on the land;
    - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
    - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
    - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act* 1970 (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

9. If the assessment required by condition 8 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
10. If the assessment required by condition 8 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
  - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),and the Certificate or Statement must be provided to the Responsible Authority.
11. If, pursuant to condition 10, a Statement is issued:
  - (a) the:
    - (i) use; and
    - (ii) development,authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**development pre-commencement conditions**);
  - (c) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (**use pre-commencement conditions**);
  - (d) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (e) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
  - (f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
12. Prior to the commencement of the use, a residential hotel management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail the following:



- (a) procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood.
  - (b) measures to be taken by permit holder to ensure that residential hotel guests and visitors do not cause nuisance or annoyance to persons beyond the land;
  - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
  - (d) an outline of all house rules intended to be used to manage residents and guests including:
    - (i) guest behaviour;
    - (ii) noise;
    - (iii) alcohol consumption; and
    - (iv) methods of eviction if house rules are broken;
  - (e) details of eviction process in the event house rules are broken;
  - (f) standards for property maintenance, health and cleanliness; and
  - (g) security against thefts and break-ins, including security of guests' belongings,
13. The residential hotel use must be managed in accordance with the endorsed Resident Management Plan.
  14. 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.
  15. Before the development 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.
  16. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
  17. Before the development 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.
  18. 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.
  19. Before the plans are endorsed, an amended Acoustic Report prepared to the satisfaction of the Responsible Authority by a suitably qualified acoustic engineer 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 Marshall Day Acoustics (dated 1 February 2016), but modified to include (or show, or address):
    - (a) façade noise levels used in the design of façade upgrade treatments to bedrooms and living rooms;
    - (b) an assessment of road traffic noise from Coppin Street to the eastern façade;
    - (c) road traffic noise from Coppin Street must be considered (including any necessary façade upgrade advice);
    - (d) measurements of rail traffic noise at a location that allows appropriate corrections to the subject site to be determined. The assessment must include a minimum of 20 train passbys, including maximum noise levels and an Leq,1 hour level (as a minimum). Peak hour measurements must be undertaken to ensure that worst case train noise levels are captured;

- (e) acoustic attenuation to deal with any noise from the take away food premises to the north and the offices at 225 Mary Street; and
  - (f) details of plant and equipment and the impact on the proposed residential hotel occupants and nearby dwellings.
20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.
21. 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. The plan must be generally as per the advertised Sustainable Management Plan, but modified to reflect the decision plans. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
22. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.
23. 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.
24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and all ongoing obligations must be complied with to the satisfaction of the Responsible Authority.
25. Before the development is occupied, 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) how residential hotel visitors/guest drop-offs /pick/-ups will be managed;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and
  - (d) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan.
26. 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.
27. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;

- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to:
    - (i) contaminated soil;
    - (j) materials and waste;
    - (k) dust;
    - (l) stormwater contamination from run-off and wash-waters;
    - (m) sediment from the land on roads;
    - (n) washing of concrete trucks and other vehicles and machinery; and
    - (o) spillage from refuelling cranes and other vehicles and machinery;
  - (p) the construction program;
  - (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (r) parking facilities for construction workers;
  - (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (u) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (v) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
  - (w) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    - (x) using lower noise work practice and equipment;
    - (y) the suitability of the land for the use of an electric crane;
    - (z) silencing all mechanical plant by the best practical means using current technology;
    - (aa) fitting pneumatic tools with an effective silencer;
    - (bb) other relevant considerations; and
    - (cc) if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
    - (dd) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
    - (ee) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
28. During the construction of the approved development:
- (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.
29. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
30. Council and other Authority assets must not be altered in any way except with the prior written consent of the Responsible Authority.
31. Any services poles, structures, or pits that interfere with the proposal must be adjusted, removed or relocated at the owners expense after seeking approval from the relevant authority.
32. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be carried out, at the permit holder's expense and to the satisfaction of the Responsible Authority:
- (a) the re-sheeting of the Coppin Street footpath.
33. Before the development 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.
34. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
35. Before the development 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, nature strip, and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
36. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
37. Before the development 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 dwelling entrances must be provided. Lighting must be:
- (a) located;
  - (b) directed;

- (c) shielded; and
  - (d) of limited intensity,
- all to the satisfaction of the Responsible Authority.

PTV Condition (condition 37)

38. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Swan Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to YarraTrams and Public Transport Victoria fourteen days (14) prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

VicRoads Condition (condition 38)

39. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads (the Roads Corporation) prior to the occupation of the building hereby approved.

Expiry

40. 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; or
  - (c) the use is 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:**

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.

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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

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.

**VicRoads Notes:**

Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. Swan Street). Please contact VicRoads prior to commencing any works.

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

### Submissions

No Applicant was present.

The following people addressed the Committee:

Stephanie;  
Ms Ruth Clements; and  
Ms Judith Smart.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor McEvoy

That the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN15/0191) for 314-320 Swan Street and 236 Coppin Street, Richmond VIC 3121 for the development of the land for the construction of a building (plus basement levels), use of the land as a residential hotel and a place of assembly (conference centre), with alteration of access to a road in a road zone, category 1 in accordance with the advertised plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the advertised plans (TP-100B to TP-114B, TP-400B-TP-403B and TP450A received by Council 2 March 2017, prepared by Elwert Leaf) but modified to show:
  - (a) deletion of the top 3 levels;
  - (b) the second floor and above setback a minimum 4.5m from the north title boundary, except for walls on boundaries;
  - (c) the north elevation generally as per the sketch plans received by Council on 20 March and 7 June 2017;
  - (d) from level 1 and above, the west and south boundary setbacks (excluding portion on the south boundary) setback a minimum 4.5m;
  - (e) details of screening between terraces. Screens must be a minimum 1.7m high fixed and a minimum 25 % transparent or constructed of opaque glazing;
  - (f) where bedrooms, living areas, kitchens or balconies/terraces could provide views into private open space areas or habitable room windows of the dwellings to the west (within a 9m radius and 45 degree arc), the windows/balconies/terraces must be treated in one of the following ways:
    - (i) minimum 1.7m sill heights;
    - (ii) minimum 1.7m high opaque glazing; or
    - (iii) minimum 1.7m high, fixed screens with a maximum transparency of 25%.
  - (g) a convex mirror at the Coppin Street vehicular exit;
  - (h) column depths and setbacks from aisles as per diagram 1 of clause 52.06-8 of the Yarra Planning Scheme;
  - (i) a notation confirming all access points from the development to the road reserve will be DDA compliant;

- (j) 1 in 20 scale cross sectional drawings of the developments vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profiles of Swan and Coppin Streets (from the kerb line to the centre line of the road) and the accessways inside the property must be accurately drawn. The cross section must demonstrate that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out, using a B99 design vehicle;
  - (k) the location of pits and metres;
  - (l) a schedule of colours and materials, including samples (where relevant);
  - (m) change room(s) and shower(s) as per clause 52.34-3 of the Yarra Planning Scheme;
  - (n) a swept path diagram, for a B99 vehicle, for the 90 degree turn on the Ground Floor, or if this swept path cannot be met then a redesign (which may include deletion or modification of parking spaces and related access aisles) of the relevant section of the parking area on the Ground floor to ensure that all vehicles can only exit in a forward direction onto Coppin Street;
  - (o) line marking within the car park to ensure that all vehicles can only exit on to Coppin Street;
  - (p) bicycle signage as per clause 52.34 of the Yarra Planning Scheme and a minimum of 75 bicycle parking spaces;
  - (q) details of operable glazing;
  - (r) rainwater tank location shown on plans;
  - (s) all changes as relevant to show as per the Sustainable Management Plan, Acoustic Report and Waste Management Plan.
2. The development and uses 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. The place of assembly (conference centre) may only operate between 7.00 am and 9.00 pm on any day.
  4. No more than 65 place of assembly (conference centre) patrons are permitted on the land at any one time.
  5. 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.
  6. 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).
  7. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
  8. Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
    - (a) a description of previous land uses and activities on the land;

- (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
  - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act* 1970 (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
9. If the assessment required by condition 8 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
10. If the assessment required by condition 8 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the *Environment Protection Act* 1970 (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
- and the Certificate or Statement must be provided to the Responsible Authority.
11. If, pursuant to condition 10, a Statement is issued:
- (a) the:
    - (i) use; and
    - (ii) development,
 authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**development pre-commencement conditions**);
  - (c) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (**use pre-commencement conditions**);
  - (d) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (e) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
  - (f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act* 1987 (**Agreement**). The Agreement must:



- (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
12. Prior to the commencement of the use, a residential hotel management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail the following:
    - (a) procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood.
    - (b) measures to be taken by permit holder to ensure that residential hotel guests and visitors do not cause nuisance or annoyance to persons beyond the land;
    - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
    - (d) an outline of all house rules intended to be used to manage residents and guests including:
      - (i) guest behaviour;
      - (ii) noise;
      - (iii) alcohol consumption; and
      - (iv) methods of eviction if house rules are broken;
    - (e) details of eviction process in the event house rules are broken;
    - (f) standards for property maintenance, health and cleanliness; and
    - (g) security against thefts and break-ins, including security of guests' belongings,
  13. The residential hotel use must be managed in accordance with the endorsed Resident Management Plan.
  14. 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.
  15. Before the development 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.
  16. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
  17. Before the development 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.
  18. 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.
  19. Before the plans are endorsed, an amended Acoustic Report prepared to the satisfaction of the Responsible Authority by a suitably qualified acoustic engineer 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 Marshall Day Acoustics (dated 1 February 2016), but modified to include (or show, or address):

- (a) façade noise levels used in the design of façade upgrade treatments to bedrooms and living rooms;
  - (b) an assessment of road traffic noise from Coppin Street to the eastern façade;
  - (c) road traffic noise from Coppin Street must be considered (including any necessary façade upgrade advice);
  - (d) measurements of rail traffic noise at a location that allows appropriate corrections to the subject site to be determined. The assessment must include a minimum of 20 train passbys, including maximum noise levels and an Leq,1 hour level (as a minimum). Peak hour measurements must be undertaken to ensure that worst case train noise levels are captured;
  - (e) acoustic attenuation to deal with any noise from the take away food premises to the north and the offices at 225 Mary Street; and
  - (f) details of plant and equipment and the impact on the proposed residential hotel occupants and nearby dwellings.
20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.
21. 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. The plan must be generally as per the advertised Sustainable Management Plan, but modified to reflect the decision plans. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
22. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and any ongoing recommendations or requirements must be complied with at all times.
23. 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.
24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and all ongoing obligations must be complied with to the satisfaction of the Responsible Authority.
25. Before the development is occupied, 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) how residential hotel visitors/guest drop-offs /pick/-ups will be managed;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and
  - (d) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan.
26. 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.

27. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to:
    - (i) contaminated soil;
    - (j) materials and waste;
    - (k) dust;
    - (l) stormwater contamination from run-off and wash-waters;
    - (m) sediment from the land on roads;
    - (n) washing of concrete trucks and other vehicles and machinery; and
    - (o) spillage from refuelling cranes and other vehicles and machinery;
  - (p) the construction program;
  - (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (r) parking facilities for construction workers;
  - (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (u) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (v) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
  - (w) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    - (x) using lower noise work practice and equipment;
    - (y) the suitability of the land for the use of an electric crane;
    - (z) silencing all mechanical plant by the best practical means using current technology;
    - (aa) fitting pneumatic tools with an effective silencer;
    - (bb) other relevant considerations; and
    - (cc) if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
    - (dd) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
    - (ee) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.

28. During the construction of the approved development:
  - (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.
29. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
30. Council and other Authority assets must not be altered in any way except with the prior written consent of the Responsible Authority.
31. Any services poles, structures, or pits that interfere with the proposal must be adjusted, removed or relocated at the owners expense after seeking approval from the relevant authority.
32. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be carried out, at the permit holder's expense and to the satisfaction of the Responsible Authority:
  - (a) the re-sheeting of the Coppin Street footpath.
33. Before the development 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.
34. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
35. Before the development 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, nature strip, and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
36. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

37. Before the development 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 dwelling entrances must be provided. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- all to the satisfaction of the Responsible Authority.

PTV Condition (condition 37)

38. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Swan Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to YarraTrams and Public Transport Victoria fourteen days (14) prior. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

VicRoads Condition (condition 38)

39. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads (the Roads Corporation) prior to the occupation of the building hereby approved.

Expiry

40. 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; or
  - (c) the use is 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:**

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.

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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

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.

**VicRoads Notes:**

Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. Swan Street). Please contact VicRoads prior to commencing any works.

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

**CARRIED UNANIMOUSLY**

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## 1.2      **43 Canterbury Street, Richmond - PLN16/0969 - Development of the land for the construction of two triple-storey dwellings.**

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Trim Record Number: D17/71089

Responsible Officer: Principal Statutory Planner

### **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0969 for development of the land for the construction of two triple-storey dwellings at 43 Canterbury Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans prepared by CBS Group and dated 29 March 2017, but modified to show:
  - (a) The maximum height of the development to be no higher than 9m above natural ground level, with dimensions from natural ground level clearly shown on all elevations;
  - (b) The capacity of the rainwater tanks and their connection to toilets within the development to be notated on the plans;
  - (c) Shading devices for the first-floor west-facing windows of both dwellings;
  - (d) The addition of north-facing highlight windows (with sill heights of 1.7m above the finished floor level) within the first-floor northern wall of Unit 1;
  - (e) Additional soft landscaping opportunities within the front setback, including along both pedestrian pathways and the southern boundary;
  - (f) Details of the proposed car stacker, including the platform width, length and vehicle clearance height, with the position of the car stacker inside the garages to be included on the plans;
  - (g) Swept path diagrams for a B85 design vehicle to demonstrate satisfactory access into and out of the stacker platforms, with these diagrams to include all existing on-street car spaces along the western side of Canterbury Street (opposite the site);
  - (h) The southern wall of the staircase at second-floor associated with Unit 2 to be tapered and set back a minimum of 2.44m from the southern boundary at its highest point;
  - (i) The height and design of fences along the side boundaries, with these fences to be no lower than 1.8m and identified as either existing or proposed;
  - (j) The privacy screens along the north and south perimetres of the first-floor balconies to be 1.7m in height and have transparency of no greater than 25%;
  - (k) The dividing fence between each ground floor courtyard and the design of the privacy screen between the first-floor balconies to clearly demonstrate that views between these areas are limited to no greater than 50%;
  - (l) The schedule on the ground floor plan updated to reflect the correct area of SPOS provided for each dwelling;
  - (m) Notations on the plans to demonstrate access to the areas of internal storage;
  - (n) Relocation of bicycle storage to be provided within a more accessible and convenient location;
  - (o) Designated bin storage for each dwelling to be clearly shown and concealed from Canterbury Street (separate from the landscaped areas);
  - (p) A section of front fence and pedestrian gates to be incorporated into the front boundary of the site, with the fence/gates to be no higher than 1.5m.
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. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
6. 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.
7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. 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.
9. 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.

10. This permit will expire if:

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

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

Notes:

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

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

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

### Submissions

No Applicant was present.

Mr Brent Stone addressed the Committee.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor McEvoy

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0969 for development of the land for the construction of two triple-storey dwellings at 43 Canterbury Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided.

The plans must be generally in accordance with the amended plans prepared by CBS Group and dated 29 March 2017, but modified to show:

- (a) The maximum height of the development to be no higher than 9m above natural ground level, with dimensions from natural ground level clearly shown on all elevations;
- (b) The capacity of the rainwater tanks and their connection to toilets within the development to be notated on the plans;
- (c) Shading devices for the first-floor west-facing windows of both dwellings;
- (d) The addition of north-facing highlight windows (with sill heights of 1.7m above the finished floor level) within the first-floor northern wall of Unit 1;
- (e) Additional soft landscaping opportunities within the front setback, including along both pedestrian pathways and the southern boundary;
- (f) Details of the proposed car stacker, including the platform width, length and vehicle clearance height, with the position of the car stacker inside the garages to be included on the plans;
- (g) Swept path diagrams for a B85 design vehicle to demonstrate satisfactory access into and out of the stacker platforms, with these diagrams to include all existing on-street car spaces along the western side of Canterbury Street (opposite the site);
- (h) The height and design of fences along the side boundaries, with these fences to be no lower than 1.8m and identified as either existing or proposed;
- (i) The privacy screens along the north and south perimetres of the first-floor balconies to be 1.7m in height and have transparency of no greater than 25%;
- (j) The dividing fence between each ground floor courtyard and the design of the privacy screen between the first-floor balconies to clearly demonstrate that views between these areas are limited to no greater than 50%;
- (k) The schedule on the ground floor plan updated to reflect the correct area of SPOS provided for each dwelling;
- (l) Notations on the plans to demonstrate access to the areas of internal storage;
- (m) Relocation of bicycle storage to be provided within a more accessible and convenient location;
- (n) Designated bin storage for each dwelling to be clearly shown and concealed from Canterbury Street (separate from the landscaped areas);
- (o) A section of front fence and pedestrian gates to be incorporated into the front boundary of the site, with the fence/gates to be no higher than 1.5m; and
- (p) Deletion of the second floor of Unit 2.

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. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.

6. 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.
7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. 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.
9. 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.
10. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

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

**Notes:**

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

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

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

**CARRIED UNANIMOUSLY**

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**1.3      1 Delbridge Street and common property of No. 270 Queens Parade (as shown on Plan of Subdivision PS622744F), Fitzroy North - PLN16/0934**

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Trim Record Number: D17/73758

Responsible Officer: Principal Statutory Planner

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0934 for development of the land for the construction of an extension to the second floor balcony into common property, including partial demolition at 1 Delbridge Street and common property of No. 270 Queens Parade (as shown on Plan of Subdivision PS622744F), Fitzroy North, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by David Francis Architects and dated 2 February 2017, but modified to show:
  - (a) Plans drawn to scale with correct dimensions annotated;
  - (b) An increase in the northern boundary setback of the balcony balustrade to 1.67m as per sketch plans provided on 30 May 2017.
  - (c) Deletion of the 1.7m high (obscure glazed) northern balcony balustrade and its replacement with a 1m high clear glass balustrade as per sketch plans provided on 30 May 2017.
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. Within two months of the works being completed, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
4. 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.
5. 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

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 5585 to confirm.

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

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.

### Submissions

Mr Gerard Prenton and Mr Ian Braydon addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Vito Brancatella; and  
Ms Pauline Henry.

### **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Jolly

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**

- 
- 1.4 PLN16/0925 - 59 - 77 Victoria Parade and 5 - 7 Brunswick Street (plus Council ROW) and 20 - 32 Fitzroy Street Fitzroy - Development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site.**
- 

Trim Record Number: D17/71431

Responsible Officer: Coordinator Statutory Planning

## RECOMMENDATION

That having considered all relevant planning policies and objections, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0925 for development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site at Nos. 59-77 Victoria Parade, 5-7 (and Council ROW) Brunswick Street and 20-32 Fitzroy Street and laneway, Fitzroy subject to the following conditions

### Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the 'decision plans' prepared by Billard Leece Partnership P/L, Council date stamped 23 November 2016, but modified to show:
  - (a) Changes shown in the 'sketch plans' prepared by Billard Leece Partnership P/L and Council date stamped 3 April 2017 which include:
    - (i) Setback of the ground floor to Brunswick Street podium by 1m and cut-out at levels 1 and 2 at the interface of the Former Eastern Hill Hotel;
    - (ii) A 1m x 1m rebate in the podium levels on Victoria Parade at the interface of the west wall of the Former Eastern Hill Hotel with Level 3 setback 1m from the wall;
    - (iii) A modified pedestrian entry on Victoria Parade including internal seating areas
    - (iv) Additional secure staff bike parking and shower and change room facilities at basement level;
  - (b) At least 8 shower/change rooms on the ground floor or within the basement of the Fitzroy Street car park;
  - (c) The location and size of bin storage areas at basement level;
  - (d) Any modifications as a result of detailed design required by condition 3 (landscape and streetscape plans);
  - (e) The specific location of real-time public transport information at ground floor level;
  - (f) The canopy over the Victoria Parade pedestrian entry setback at least 750mm from the edge of the curb;
  - (g) The location and capacity of the rainwater collections tanks.
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.

### Archival record

3. Before demolition commences, a detailed and annotated photographic record of the existing EastHill House building in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:

- (a) include the interior and each external elevation of the buildings;
- (b) be submitted in black and white format; and
- (c) be taken by a suitably qualified heritage photographer.

On-going involvement of the architect

4. As part of the ongoing consultant team, Billard Leece Partnership P/L Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Landscape and streetscape plans

5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the landscape Plan prepared by LBA Design dated October 2015, but modified to show:
  - (a) Changes shown in the 'sketch plans' prepared by LBA Design and dated September 2016 including:
    - (i) The Brunswick Street curb extended further south with additional seating;
    - (ii) The indented parking on Victoria Parade maintained at its current length with the new drop curb reduced in width and additional seating added;
    - (iii) The existing drop curb at the corner of Victoria Parade and Brunswick Streets at its existing location;
    - (iv) Removal of bollards from the Brunswick Street entry and the drop curb;
    - (v) Addition of 12 public bike hoops on Brunswick Street and 20 on Victoria Street.
  - (b) The planter boxes along Victoria Parade Must be removed (VicRoads condition)
  - (c) The three (3) bollards positioned opposite the new entry along Victoria Parade to be repositioned along the north side of the tactile indicators (VicRoads condition);
  - (d) Detailed design drawings of all bike hoops on the footpath(s) and along Victoria Parade within setback areas of the site;
  - (e) An additional tree on the north side of the Brunswick Street hospital entrance;
  - (f) Dimensions showing the width of the footpath between the drop curb on Victoria Parade and the new pedestrian entrance. If adequate width is not available, the drop curb may be required to be deleted;
  - (g) Café seating on Victoria Parade noted as indicative only, or deleted;
  - (h) Paving simplified to use bluestone only (or a mix, only where it can be demonstrated another material is required for ease of access to utilities)
  - (i) Porous paving deleted and replaced with bluestone to match the remainder of new footpath paving
  - (j) Tree pits noted as being 1m x 1m and specified as mulched;
  - (k) Dimensions of all footpaths, setbacks of new drop curbs from the building line, drop curb widths and design specifications;
  - (l) Trees on Brunswick Street should re-positioned into the extended curb/road;
  - (m) All street trees on Victoria Parade as being *Acer negundo* 'Sensation' (Box Elder Maple Sensation);
  - (n) All street trees on Brunswick Street being *Acer buergerianum* (Trident Maple) All street trees
  - (o) The dimensions of all proposed street tree spacing;
  - (p) All existing infrastructure assets, signs, pole, pits and other roadside objects;
  - (q) The kerb and channel along the Victoria Parade and Brunswick Street road frontages must be reconstructed with a 300 mm wide bluestone kerb with 250mm-300 mm gutter stone;
  - (r) Any property drains that run within the footpaths to be reconstructed;
  - (s) For the landscaping on the site (new northern courtyard):



- (i) A detailed planting schedule including all plant types, location, numbers, planting size, size at maturity, irrigation, and maintenance regime and responsibility.

to the satisfaction of the Responsible Authority.

- 6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

- 7. Before the development commences, the permit holder must make a one off contribution of \$8537 to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.

#### Sustainable Management Plan

- 8. 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 Murchie Consulting, dated 07/10/2016, but modified to include or show:

- (a) Any changes as a result of condition 1;
- (b) The relevant BESS report and project number;
- (c) The rainwater tank noted consistently throughout.

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

#### Waste Management Plan

- 10. Before the development commences, an amended Waste Management Plan prepared by a suitably qualified person and 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 Meinhardt and dated October 2016, but modified to include or show:

- (a) A plan showing the size and location of the basement waste storage room;
- (b) Details of cleaning including provision of taps hoses and drainage systems;
- (c) Location of hard waste storage;
- (d) The location of bin collection; and
- (e) Swept path diagrams showing adequate circulation space for waste collection vehicles.

11. 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 Transport Plan

12. Before the development commences, an amended Green Transport Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Transport Plan prepared by One Mile Grid and dated 7 October 2016, but modified to include or show/address:
  - (a) The number of bike parking spaces provided on and off site in accordance with the plans endorsed under conditions 1 and 5.
  - (b) The specific location of real-time public transport information at ground floor level.
13. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Car Parking Management Plan

14. Before the development commences, a Car Park Management Plan (for the car park at 20 - 32 Fitzroy Street) prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number and location of car parking spaces allocated to each use;
  - (b) At least one space with an electric vehicle charging point;
  - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (d) any necessary monitoring arrangements and formal agreements; and
  - (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.
15. 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.

#### Council laneway

16. Before the development commences, the Permit Holder must do all things necessary to have the required parcels of land (Council ROW) discontinued to enable them to purchase the land required to construct the building. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of this process/these processes, including the reasonable costs borne by the Responsible Authority.

#### Section 173 Agreement

17. Prior to the commencement of the development authorised by this permit, 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 to be registered on the certificates of title for the subject site and No. 93 – 99 Victoria Parade, which provides for the following:
  - (a) That at least 185 car parking spaces for staff of the St Vincent's Private Hospital will be provided on the land at 93 – 99 Victoria Parade (in addition to the existing number of spaces already within the car park) and that the car parking spaces will be made available in perpetuity.

18. 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 Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, review, registration and enforcement of the agreement.

#### Construction Management Plan

19. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008.

The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:

    - (i) using lower noise work practice and equipment;
    - (ii) the suitability of the land for the use of an electric crane;
    - (iii) silencing all mechanical plant by the best practical means using current technology;
    - (iv) fitting pneumatic tools with an effective silencer;
    - (v) other relevant considerations; and
    - (vi) any site-specific requirements.

During the construction:

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

#### General

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) 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.
22. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
23. All pipes (excluding downpipes), 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.

#### Public Transport Victoria Condition (condition 24)

24. The permit holder must take all reasonable steps to ensure that disruption to the public transport services along Victoria Parade and Brunswick Street is kept to a minimum during construction of the development. Foreseen disruptions to bus and tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

#### VicRoads conditions (conditions 25 and 26)

25. Prior to the commencement of the development, the owner of the land must enter in to an agreement with the Department of Environment Land Water and Planning pursuant to Section 138A (11) of the Land Act 1958 for elements of the approved development that project more than 300mm beyond the land's Victoria Parade boundary (i.e., the canopies, fixed shading devices, architectural features), to indemnify the Crown in relation to any claim or liability arising from the projections within the Victoria Parade road reserve.
26. Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within the Road Zone Category 1 (i.e. Victoria Parade). Please contact VicRoads prior to commencing any works.

### Civil Works

27. Before commencement of the development, detailed engineering drawings prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed engineering drawings will be endorsed and will form part of this permit. The detailed engineering drawings must address/show, but not be limited to, the following:
  - (a) Extension of the existing underground drain along the west side of Brunswick Street to facilitate approved curb extensions/modification.
  - (b) Relocation of the existing grated side entry pit further to the north; and
  - (c) A new grated side entry pit constructed adjacent to the new kerb extension;
28. The drainage works shown on the endorsed detailed engineering drawings must not be altered without the prior written consent of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the drainage works shown on the endorsed detailed engineering drawings endorsed under condition 26 must be carried out and completed to the satisfaction of the Responsible Authority.
30. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
31. Prior to completing the development, subject to the relevant authority's consent, the relocation of any utility or other services providers poles, structures or pits necessary to facilitate the development must be undertaken:
  - (a) in accordance with any requirements or conditions imposed by the relevant authority;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
32. Within 2 months of completing the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (if required by the Responsible Authority):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath, nature strip, and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
34. 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.

### Expiry

35. 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

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

**NOTES:**

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

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

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

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

Submissions

Mr Tom Harrington, Mr Ian Rizole and Mr David Leese addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Louise Elliot;  
Ms Kate Metropolis;  
Ms Judith Smart;  
Mr Ian Waite;  
Mr Greg Hocking;  
Ms Maryanne Confoy (in support of the Application);  
Ms Sue Dance; and  
Mr Christopher Balmford.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE MOTION**

**Moved:** Councillor McEvoy

That having considered all relevant planning policies and objections, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0925 for development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site at Nos. 59-77 Victoria Parade, 5-7 (and Council ROW) Brunswick Street and 20-32 Fitzroy Street and laneway, Fitzroy subject to the following conditions

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the 'decision plans' prepared by Billard Leece Partnership P/L, Council date stamped 23 November 2016, but modified to show:
  - (a) Changes shown in the 'sketch plans' prepared by Billard Leece Partnership P/L and Council date stamped 3 April 2017 which include:
    - (i) Setback of the ground floor to Brunswick Street podium by 1m and cut-out at levels 1 and 2 at the interface of the Former Eastern Hill Hotel;
    - (ii) A 1m x 1m rebate in the podium levels on Victoria Parade at the interface of the west wall of the Former Eastern Hill Hotel with Level 3 setback 1m from the wall;
    - (iii) A modified pedestrian entry on Victoria Parade including internal seating areas
    - (iv) Additional secure staff bike parking and shower and change room facilities at basement level;
  - (b) At least 8 shower/change rooms on the ground floor or within the basement of the Fitzroy Street car park;
  - (c) The location and size of bin storage areas at basement level;
  - (d) Any modifications as a result of detailed design required by condition 3 (landscape and streetscape plans);
  - (e) The specific location of real-time public transport information at ground floor level;
  - (f) The canopy over the Victoria Parade pedestrian entry setback at least 750mm from the edge of the curb;
  - (g) The location and capacity of the rainwater collections tanks.
  - (h) The provision of electric bike and car charging points within the car park.
  - (i) The provision of at least one dedicated car share space within the car park.
  - (j) The provision of solar panels to contribute to electricity consumption.
  - (k) The provision of interpretive paving at the ground floor to generally identify the existing location, length, width and materials of the Council ROW between Nos. 5 and 7 Brunswick Street, Fitzroy.
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.

Archival record

3. Before demolition commences, a detailed and annotated photographic record of the existing EastHill House building in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
  - (a) include the interior and each external elevation of the buildings;
  - (b) be submitted in black and white format; and
  - (c) be taken by a suitably qualified heritage photographer.

On-going involvement of the architect

4. As part of the ongoing consultant team, Billard Leece Partnership P/L Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Landscape and streetscape plans

5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the landscape Plan prepared by LBA Design dated October 2015, but modified to show:
- (a) Changes shown in the 'sketch plans' prepared by LBA Design and dated September 2016 including:
    - (i) The Brunswick Street curb extended further south with additional seating;
    - (ii) The indented parking on Victoria Parade maintained at its current length with the new drop curb reduced in width and additional seating added;
    - (iii) The existing drop curb at the corner of Victoria Parade and Brunswick Streets at its existing location;
    - (iv) Removal of bollards from the Brunswick Street entry and the drop curb;
    - (v) Addition of 12 public bike hoops on Brunswick Street and 20 on Victoria Street.
  - (b) The planter boxes along Victoria Parade Must be removed (VicRoads condition)
  - (c) The three (3) bollards positioned opposite the new entry along Victoria Parade to be repositioned along the north side of the tactile indicators (VicRoads condition);
  - (d) Detailed design drawings of all bike hoops on the footpath(s) and along Victoria Parade within setback areas of the site;
  - (e) An additional tree on the north side of the Brunswick Street hospital entrance;
  - (f) Dimensions showing the width of the footpath between the drop curb on Victoria Parade and the new pedestrian entrance. If adequate width is not available, the drop curb may be required to be deleted;
  - (g) Café seating on Victoria Parade noted as indicative only, or deleted;
  - (h) Paving simplified to use bluestone only (or a mix, only where it can be demonstrated another material is required for ease of access to utilities)
  - (i) Porous paving deleted and replaced with bluestone to match the remainder of new footpath paving
  - (j) Tree pits noted as being 1m x 1m and specified as mulched;
  - (k) Dimensions of all footpaths, setbacks of new drop curbs from the building line, drop curb widths and design specifications;
  - (l) Trees on Brunswick Street should re-positioned into the extended curb/road;
  - (m) All street trees on Victoria Parade as being *Acer negundo* 'Sensation' (Box Elder Maple Sensation);
  - (n) All street trees on Brunswick Street being *Acer buergerianum* (Trident Maple) All street trees
  - (o) The dimensions of all proposed street tree spacing;
  - (p) All existing infrastructure assets, signs, pole, pits and other roadside objects;
  - (q) The kerb and channel along the Victoria Parade and Brunswick Street road frontages must be reconstructed with a 300 mm wide bluestone kerb with 250mm-300 mm gutter stone;
  - (r) Any property drains that run within the footpaths to be reconstructed;
  - (s) For the landscaping on the site (new northern courtyard):
    - (i) A detailed planting schedule including all plant types, location, numbers, planting size, size at maturity, irrigation, and maintenance regime and responsibility.
  - (t) Interpretive paving as required by condition 1(k).

to the satisfaction of the Responsible Authority.

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



(c) replacing any dead, diseased, dying or damaged plants,  
to the satisfaction of the Responsible Authority.

7. Before the development commences, the permit holder must make a one off contribution of \$8537 to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.

#### Sustainable Management Plan

8. 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 Murchie Consulting, dated 07/10/2016, but modified to include or show:
  - (a) Any changes as a result of condition 1;
  - (b) The relevant BESS report and project number;
  - (c) The rainwater tank noted consistently throughout.
9. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

10. Before the development commences, an amended Waste Management Plan prepared by a suitably qualified person and 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 Meinhardt and dated October 2016, but modified to include or show:

- (a) A plan showing the size and location of the basement waste storage room;
  - (b) Details of cleaning including provision of taps hoses and drainage systems;
  - (c) Location of hard waste storage;
  - (d) The location of bin collection; and
  - (e) Swept path diagrams showing adequate circulation space for waste collection vehicles.
11. 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 Transport Plan

12. Before the development commences, an amended Green Transport Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Transport Plan prepared by One Mile Grid and dated 7 October 2016, but modified to include or show/address:
  - (a) The number of bike parking spaces provided on and off site in accordance with the plans endorsed under conditions 1 and 5.
  - (b) The specific location of real-time public transport information at ground floor level.

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

#### Car Parking Management Plan

14. Before the development commences, a Car Park Management Plan (for the car park at 20 - 32 Fitzroy Street) prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number and location of car parking spaces allocated to each use;
  - (b) At least one space with an electric vehicle charging point;
  - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (d) any necessary monitoring 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, etc.; and
  - (f) details of the location, use and management of car share space(s).

15. 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.

#### Council laneway

16. Before the development commences, the Permit Holder must do all things necessary to have the required parcels of land (Council ROW) discontinued to enable them to purchase the land required to construct the building. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of this process/these processes, including the reasonable costs borne by the Responsible Authority.

#### Section 173 Agreement

17. Prior to the commencement of the development authorised by this permit, 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 to be registered on the certificates of title for the subject site and No. 93 – 99 Victoria Parade, which provides for the following:
  - (a) That at least 185 car parking spaces for staff of the St Vincent's Private Hospital will be provided on the land at 93 – 99 Victoria Parade (in addition to the existing number of spaces already within the car park) and that the car parking spaces will be made available in perpetuity.
18. 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 Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, review, registration and enforcement of the agreement.

#### Construction Management Plan

19. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;

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

During the construction:

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

20. If required, the Construction Management Plan may be approved in stages. The 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.

### General

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) 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.
22. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
23. All pipes (excluding downpipes), 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.

### Public Transport Victoria Condition (condition 24)

24. The permit holder must take all reasonable steps to ensure that disruption to the public transport services along Victoria Parade and Brunswick Street is kept to a minimum during construction of the development. Foreseen disruptions to bus and tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

### VicRoads conditions (conditions 25 and 26)

25. Prior to the commencement of the development, the owner of the land must enter in to an agreement with the Department of Environment Land Water and Planning pursuant to Section 138A (11) of the Land Act 1958 for elements of the approved development that project more than 300mm beyond the land's Victoria Parade boundary (i.e., the canopies, fixed shading devices, architectural features), to indemnify the Crown in relation to any claim or liability arising from the projections within the Victoria Parade road reserve.
26. Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within the Road Zone Category 1 (i.e. Victoria Parade). Please contact VicRoads prior to commencing any works.

### Civil Works

27. Before commencement of the development, detailed engineering drawings prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed engineering drawings will be endorsed and will form part of this permit. The detailed engineering drawings must address/show, but not be limited to, the following:
  - (a) Extension of the existing underground drain along the west side of Brunswick Street to facilitate approved curb extensions/modification.
  - (b) Relocation of the existing grated side entry pit further to the north; and
  - (c) A new grated side entry pit constructed adjacent to the new kerb extension;
28. The drainage works shown on the endorsed detailed engineering drawings must not be altered without the prior written consent of the Responsible Authority.

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the drainage works shown on the endorsed detailed engineering drawings endorsed under condition 26 must be carried out and completed to the satisfaction of the Responsible Authority.
30. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
31. Prior to completing the development, subject to the relevant authority's consent, the relocation of any utility or other services providers poles, structures or pits necessary to facilitate the development must be undertaken:
  - (a) in accordance with any requirements or conditions imposed by the relevant authority;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
32. Within 2 months of completing the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (if required by the Responsible Authority):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath, nature strip, and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
34. 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.

#### Expiry

35. 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

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

#### NOTES:

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

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

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

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

*Motion lapsed for want of a seconder.*

#### **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Jolly

That the matter be deferred to the next IDAC Meeting of 12 July 2017 to allow a majority vote.

**CARRIED UNANIMOUSLY**

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**1.5 PLN16/0926 - 93 - 99 Victoria Parade Fitzroy - Use and development of the land for part demolition, alterations and a three storey addition to the existing car park.**

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Trim Record Number: D17/74230

Responsible Officer: Coordinator Statutory Planning

**RECOMMENDATION**

That having considered all relevant planning policies and objections, the Committee resolves to issued a Notice of Decision to Grant Planning Permit PLN16/0926 for use and development of the land for part demolition, alterations and a three storey addition to the existing car park at 93 - 99 Victoria Parade Fitzroy subject to the following conditions:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the 'decision plans' prepared by Billard Leece Partnership P/L, Council date stamped 23 November 2016, but modified to show:
  - (a) Detailed cross-section and elevations of the aluminium battens (including colour treatments and material specifications);
  - (b) The location of the entry and exit boom gates;
  - (c) Dimensions of the motorbike parking spaces being at least 2.5m long x 1.2m wide;
  - (d) Demolition associated with construction of the ground level fire pump room;
  - (e) A level 1 plan provided and labelled correctly.
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.

Landscape Plan

3. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (b) show detailed design specifications for the planter boxes;
  - (c) provide details of irrigation, maintenance schedules and maintenance responsibility;

to the satisfaction of the Responsible Authority.

Sustainable Management Plan

4. Before the use development commences, 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:
  - (a) Provide details addressing Water Sensitive Urban Design treatments in response to clause 22.16 of the Yarra Planning Scheme; and
  - (b) Measures to minimise electricity use.

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

#### Construction Management

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

During the construction:



- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (s) vehicle borne material must not accumulate on the roads abutting the land;
  - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
7. 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.
8. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Amendment of Planning Permit PL04/1183

9. Prior to the commencement of the development, planning permit PL04/1183 must be amended to show any internal rearrangements and car parking allocation changes associated with approval given under PLN16/0926.

#### On-going involvement of the architect

10. As part of the ongoing consultant team, Billard Leece Partnership P/L Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
11. Before the building occupied, or by such later date as approved in writing by the Responsible Authority, 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.

#### Section 173 Agreement

12. Prior to the commencement of the development authorised by this permit, 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 to be registered on the certificates of title for the subject site which provides for the following:
- (a) That at least 185 car parking spaces for staff of the St Vincent's Private Hospital will be provided on the land at 93 – 99 Victoria Parade (in addition to the existing number of spaces already within the car park on the site) and that the car parking spaces will be made available in perpetuity.

13. 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 Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, review, registration and enforcement of the agreement.

Public Transport Victoria Condition (condition 14)

14. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Victoria Parade is kept to a minimum during construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
15. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
16. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
17. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
18. 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.
19. 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 or
  - (c) the use is not commenced within five years of the date of this permit.
20. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

NOTES:

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

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.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Jolly

That the matter be deferred to the next IDAC Meeting of 12 July 2017 to allow a majority vote.

**CARRIED UNANIMOUSLY**

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- 1.6 PLN15/1176 - 2 Gough Street Cremorne - Development of the land for buildings and works, including the construction of three buildings, up to 15 storeys in height (plus 4 basement levels), use of the land as accommodation, function centre, shop and restaurant, food and drinks premises (café), reduction in the car parking requirements, utilisation of 40 car parking spaces as shown in stage 1 of 2 Gough Street, Cremorne, and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B9 and B8)**
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Trim Record Number: D17/76444

Responsible Officer: Manager Statutory Planning

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to inform VCAT that if it had been in a position, it would have issued a Notice of Decision to Grant a Permit PLN15/1176 for 2 Gough Street, Cremorne VIC 3121 for the development of the land for buildings and works, including the construction of three buildings, up to 15 storeys in height (plus 4 basement levels), use of the land as accommodation, function centre, shop and restaurant, food and drinks premises (café), reduction in the car parking requirements, utilisation of 40 car parking spaces as shown in stage 1 of 2 Gough Street, Cremorne, and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B9 and B8) in accordance with the endorsed plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the substituted plans, TP003-TP04, TP096-TP115, TP130-155, TP166-TP185, TP201-TP204, TP231, TP251, TP271-TP273, TP301-TP303, TP400-TP406, TP500-TP502, TP600-TP605, dated 6 June 2017 and prepared by Fender Katsalidis Architects, TP00 and TP01, TP10 and TP30-TP32, revision 2, TP02-TP08, TP11-TP13, TP40-TP42 and TP60-TP61 and materials schedules (building 4, building 5 and new materials), dated October 2015 and prepared by Lovell Chen and LP01, LP02 and LP03, dated 5 June 2017 and prepared by Oculus but modified to show:

### *Land use*

- (a) 'hotel' shown as 'residential hotel';
- (b) the 'bar' on top of building B9 (inside and outside areas) shown as a 'restaurant';
- (c) deletion of the exhibition centre (heritage interpretation visitor centre – B6) and venue (B9) uses with these areas shown as vacant;
- (d) the bakery/retail as a 'food and drinks premises (café)';
- (e) confirm which uses would use the kitchen area within the B9 silos;
- (f) the B9 ground level 'retail' area shown as a 'shop';

### *Built form*

- (g) a complete set of detailed elevation drawings of all buildings clearly showing windows, doors, balconies and the like;
- (h) no works within the Road Zone, Category 1;
- (i) deletion of the servery window facing Gough Street along the northern end of B4 (may be replaced with a window that does not function as a servery);
- (j) floor and elevation plans of B4 and B5 to correlate;
- (k) deletion of all openings in the wall along the western boundary of B9 and treatment of this interface to avoid its presentation as a blank wall;
- (l) external, operable, vertical screening to the level 10-12 western windows of building B6;
- (m) the south setback of level 13, building B6 dimensioned;

- (n) details of the first booster cupboards and treatments;
- (o) screening to habitable room windows, balcony or terrace to address internal overlooking, where necessary, to the satisfaction of the Responsible Authority;
- (a) at least 25% of the smaller units capable of amalgamation into larger 2 or 3 bedroom apartments; floor, section and elevation plans to correlate;
- (p) floor to ceiling heights to be no less than 2.7m;
- (q) a general signage plan, directing pedestrians to each residential entry;
- (r) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façade of the elliptical tower must be confirmed as meeting the relevant EPA standards for glare;
- (s) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;
- (t) treatment of all lower level walls with a graffiti proof finish;
- (u) B9 – level 3 and above setback a minimum 4.5m from the western boundary
- (v) B9 – levels 1 to 11 – deletion of the bedroom south of the wintergarden and extension of the adjacent living/dining/kitchen area;
- (w) 2 bedroom dwellings shown with details of dining and living room furnishing for 4 adults;
- (x) B4 and B5 windows to be shown as openable;
- (y) maximised area of operability for wintergarden facades (above balustrade height);

#### *Signage*

- (z) details of the relocated signs (Victoria Bitter and Nylex), including:
  - (i) dimensions;
  - (ii) the colour, materiality and lettering style;
  - (iii) the type and level of illumination; and
  - (iv) confirmation that the Nylex clock will be turned on.

#### *Car parking/bicycle parking*

- (aa) car parking provision as per the project area summary on page TP004;
- (bb) a minimum of 200 bicycle parking spaces, with at least 25% being floor mounted;
- (cc) ramp grades and lengths dimensioned;
- (dd) kerbs, barriers, wheel stops and structural elements shown in the car parking areas;
- (ee) the location and dimensions of supporting columns within all car park areas. The car parking spaces must then be demonstrated to meet diagram 1 of clause 52.06-8 of the Yarra Planning Scheme;
- (ff) sectional drawings of the ramps and access ways, demonstrating a minimum headroom clearance of 2.2m, with the exception being a minimum 2.5m height clearance above disabled car parking spaces;
- (gg) details of car park security (e.g. roller doors, intercoms, swipe card readers, etc.);
- (hh) 1 in 20 scale cross sectional drawings of the developments vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profiles of Gough Street (from the kerb line to the centre line of the road) and the access ways inside the property must be accurately drawn. The cross section must demonstrate that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out, using a B99 design vehicle;
- (ii) underside clearance of over bonnet storage cages;
- (jj) all bicycle parking spaces within 30m of the lift;
- (kk) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (ll) details of bicycle storage/parking systems, demonstrating they can provide space for a bicycle of minimum dimensions of 1.7m in length, 1.2m in height and 0.7m in width at the handlebars;

- (mm) at least 25% of the provided bicycle parking must be accessible at ground level (i.e. not hanging systems);
- (nn) at least 1 bicycle parking space per dwelling (in addition to spaces for staff and visitors);
- (oo) all resident and staff bicycle parking spaces secured behind lockable gates;
- (pp) a convex mirror adjacent to the vehicular exit;
- (qq) dimensions of parallel car parking spaces;
- (rr) on basements 1-4, the width of the aisle between the west row of parking spaces and the face of the column;
- (ss) length of the loading bay confirmed on the plans, with confirmation the minimum overhead clearance will be 4.5m;
- (tt) dimensions of column depths and dimensions;
- (uu) dimension of blind aisle extensions;
- (vv) number of car parking spaces, storage cages and bicycle parking spaces to correlate between the project area summary and the plans

#### *General*

- (ww) a lighting plan addressing entries and public spaces within the development;
- (xx) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (yy) changes (as necessary) as per the endorsed Acoustic Report, Wind Report, SMP, Shared zone management plan and Waste management plan.

#### *Landscaping*

- (zz) a landscape plan which shows the:
  - (i) Street tree species for Gough Street to be – *Hymenosporum flavum*, 100L size or a suitable alternative
  - (ii) type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);
  - (iii) location of all areas to be covered by lawn, paving or other surface materials;
  - (iv) specification of works to be undertaken prior to planting;
  - (v) watering and maintenance;
  - (vi) garden bed dimensions;
  - (vii) areas of paving and proposed materials;
  - (viii) location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
  - (ix) clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
  - (x) water sensitive urban design [WSUD] features;
  - (xi) a clear delineation of public/private interface;
  - (xii) cross sections of open space areas are required, confirming which areas are raised or sunken;
  - (xiii) simplification of the ground level paving and lawn treatments (not too busy with larger lawn areas);
  - (xiv) green roof treatments to unused roof areas

#### General

3. The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. As part of the ongoing consultant team, Fender Katsalidis Architects and Lovell Chen or an architectural firm(s) 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.
- 5. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 6. 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.
- 7. All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
- 8. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 9. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 10. 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.
- 11. Before the buildings are 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. Before the buildings are 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, laneway and dwelling entrances must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,all to the satisfaction of the Responsible Authority.
- 13. 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).
- 14. 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).

#### General Use Conditions

- 15. The amenity of the area must not be detrimentally affected by the uses, 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.

#### Dwellings

- 16. The wellness centre located in B9 may only be used by dwelling residents (within the site).

#### B4 food and drinks premises (café)

17. No more than 84 patrons are permitted in the B4 food and drinks premises at any one time.
18. The B4 food and drinks premises (café) may only operate between the hours of 8am to 8pm, any day.

B5 café

19. No more than 105 patrons are permitted in the B5 café at any one time.
20. The B5 café only operate between the hours of 7am to 8pm, any day.

B5 restaurant

21. No more than 195 patrons are permitted in the B5 restaurant at any one time.
22. The B5 restaurant may only operate between the hours of 7am to 11pm.

B9 restaurants

23. No more than 100 patrons are permitted in the B9 restaurants at any one time.
24. The B9 restaurants may only operate between the hours of 8am to 8pm.

B9 shop

25. The B9 shop may only operate between the hours of 8am to 8pm.

Function centre

26. No more than 100 patrons are permitted in the function centre at any one time.
27. No more than 4 function centre staff are permitted on the land at any one time.
28. The function centre may only operate between the hours of 8am to 5pm.

Art gallery

29. No more than 25 patrons are permitted in the art gallery at any one time.
30. The art gallery may only operate between the hours of 8am to 8pm.

Signage

31. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
32. The signs must not include any flashing or intermittent light.
33. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
34. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
35. The signage component of this permit will expire if the signs are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a



request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

36. The signs must not:
  - (a) Dazzle or distract drivers due to its colouring.
  - (b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - (c) Be able to be mistaken as an instruction to drivers.
37. The signage component of this permit expires 25 years from the date of the permit. In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the period referred to in this condition.

#### Structural report requirement

38. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.
39. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Public Art Management Plan

40. Before the buildings are occupied, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
  - (a) details of the commissioned artist(s);
  - (b) description of art work, including:
    - (i) materials;
    - (ii) colours;
    - (iii) dimensions;
    - (iv) content;
    - (v) special features (e.g. lighting);
  - (c) details of the installation process; and
  - (d) details of art work maintenance schedule.
41. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

#### Public realm

42. Prior to the commencement of the development the owner of the site must submit detailed engineering documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at full cost of the owner showing:
  - (a) prior to the occupation of the development, the full width road pavement of Gough Street, immediately outside the property, must be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's expense;
  - (b) prior to the occupation of the development, the footpath, kerb and channel along the Gough Street road frontage of the property must be reconstructed to Council's satisfaction and at the Permit Holder's expense. The cross-fall of the reconstructed

footpath must be no steeper than 1 in 40 as per DDA requirements. A 300mm wide sawn bluestone kerb is to be used along the Gough Street frontage of the site;

- (c) prior to the occupation of the development, all redundant vehicle crossings surrounding the site must be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost;
- (d) trees in the road reserves are to be provided with structural soils to protect road pavements from damage by roots; The preferred tree cut out size is 1.5 x 1.5m.
- (e) The layout of street trees in Gough Street should show parking spaces between trees.
- (f) the intersections of Gough Street/Punt Road and Gough Street/Cremorne Street must be provided with pedestrian improvements/enhancements. Treatments considered must take overland flow/drainage into account in consultation with Melbourne Water. Intersection improvements must be designed and constructed to Council's satisfaction and at the Permit Holder's cost;
- (g) any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense; and
- (h) All street tree planting works would be carried out by Council's tree planting contractor. Once tree locations are finalised, a cost to the developer will be determined.

43. Before the building is occupied all works required by condition 42 must be fully constructed and completed to the satisfaction of the Responsible Authority.

#### Section 173 Agreement

44. Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) that the 40 spaces 'quarantined' for stage 2 will be allocated to this future development on the balance of the site at 2 Gough Street Cremorne;
  - (b) a legally effective and enforceable mechanism to the satisfaction of the Responsible Authority to ensure that:
    - (i) the owners of lots within stage 2 are able to freely access the 40 car spaces for their own private use without restriction; and

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 Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

#### Wind Assessment report

45. Before the plans are endorsed, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac and dated 18 March 2016, but modified to include (or show):
- (a) reflect the decision plans;
  - (b) include wind tunnel modelling to verify the results of the preliminary assessment;
  - (c) details of the type, size and density of foliage of trees used to mitigate wind impacts; and
  - (d) confirm that the northern B5 café outdoor seating area would fulfil the sitting criteria.
46. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic report

47. Before the plans are endorsed, 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 Renzo Tonin and Associates, dated 12 February 2016 and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
  - (a) be amended to reflect the decision plans;
  - (b) protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development (including the lift, residential air conditioner units and commercial plant and equipment);
  - (c) protect all dwelling occupants within the development from noise associated with City Link;
  - (d) an assessment of the remaining land uses on the balance of the site and the impact on the proposed dwellings (unless the land uses on the balance of the site have ceased). 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;
  - (e) an assessment of the impact on the following on the proposed dwellings; car park entrance door, the car park itself, any non-residential land uses, common residential areas, structure borne noise through the pool and supermarket and shop services. Treatments must be provided to achieve a reasonable level of amenity for residents and 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;
  - (f) the impact of the restaurants, food and drinks premises (cafes), shops, function centre, exhibition centre, art gallery and venue on residents on and off the site; and
  - (g) demonstration compliance with CDZ3 requirements to ensure that new development or refurbished / converted buildings for new residential and other noise sensitive uses, located on the southern part of the site directly adjacent to the Monash Freeway, include appropriate acoustic measures as outlined in AS 3671 – 1999 “Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction” to attenuate noise levels internally within the building.
48. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
49. On the completion of any works required by the endorsed acoustic report and before the residential use commences of any stage of the of the development, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:
  - (a) confirm compliance with relevant conditions of the permit; and
  - (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with 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 relevant requirement.

50. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

#### Residential Hotel Management Plan

51. Prior to the commencement of the use residential Hotel, a residential hotel management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail the following:
- (a) procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood.
  - (b) measures to be taken by permit holder to ensure that residential hotel guests and visitors do not cause nuisance or annoyance to persons beyond the land;
  - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
  - (d) an outline of all house rules intended to be used to manage residents and guests including:
    - (i) guest behaviour;
    - (ii) noise;
    - (iii) alcohol consumption; and
    - (iv) methods of eviction if house rules are broken;
  - (e) details of eviction process in the event house rules are broken;
  - (f) standards for property maintenance, health and cleanliness; and
  - (g) security against thefts and break-ins, including security of guests' belongings.

#### Sustainable Management Plan

52. 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 Simpson Kotzman dated 12 February 2016, but modified to show/reflect/demonstrate:
- (a) the decision plans;
  - (b) the changes required as per condition 1 (where relevant);
  - (c) a minimum 100% STORM score for each building;
  - (d) a minimum 4 star green star rating for each building;
  - (e) glazing as either clear or tinted blue with a VLT of 0.6 or higher;
  - (f) demonstration that all exposed north, east and west facing dwellings will achieve cooling loads no higher than 30MJ/m<sup>2</sup>/pa;
  - (g) daylight modelling for the western level 1 and 2 B9 dwellings, demonstrating BESS compliance (for living areas at least 80% of the total number of living rooms must achieve a daylight factor greater than 1% to 90% of the floor area of each living area, including kitchens and for bedrooms, at least 80% of the total number of bedrooms must achieve a daylight factor greater than 0.5% to 90% of the floor area in each room);
  - (h) provision of a mechanical supply fresh air system to all single aspect dwellings via an energy efficient Heat Recovery Ventilation (HRV), or equivalent, to supply rates 50% above the minimum requirements in AS1668;
  - (i) installation of ceiling fans in all habitable rooms of single aspect dwellings; and
  - (j) commitment to install extraction fans in all kitchens (not re-circulating ranges);
  - (k) include detail on waste and recycling;
  - (l) detail hot water system(s) for dwellings;
  - (m) nominate the showerhead flowrate and WELS efficiency;
  - (n) include solar photovoltaic system(s) to contribute to common area electricity consumption;
  - (o) commit to fixed, foldable clothes drying racks for each balcony or within laundries or bathrooms; and

- (p) consider FSC accredited timber.

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

#### Waste Management Plan

54. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by RB Waste Consulting Service and dated 20 November 2015, but modified to:

- (a) reflect the decision plans;
- (b) be written as a standalone document;
- (c) be written regardless if a private or Council collection;
- (d) address both rubbish and recycling for all uses (including hard and green waste);
- (e) include bin room details (for all tenants, residential, commercial, retail, supermarket, etc). The bin room(s) must be of an appropriate size for their intended use;
- (f) confirm weekly collection for the residential component. However, more weekly collection may be considered with appropriate justification;
- (g) confirm a minimum number of collections for all users, however, more than weekly collection may be considered with appropriate justification;
- (h) details of the waste sorting system for the bin chute. Alternatively, a double chute must be provided;
- (i) confirm the path of access for residents, property manager and collection vehicle (including turning templates or swept path diagrams);
- (j) include information to tenants, owners corporation, property manager (information pack details); and
- (k) include a commitment that the Building Manager/Owners Corporation will organise a preoccupation site meeting with Council's Waste Management Coordinator at least 30 days prior to occupation and demonstrate implementation of the WMP.

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

#### Landscaping

56. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

57. The landscaping shown on the endorsed plans 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;
- all to the satisfaction of the Responsible Authority.

#### Car parking

58. Before the development commences, a Car Park Management Plan prepared 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 then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the use of 40 car parking spaces from stage 1 (planning permit PLN15/0355);
- (b) details of the residential car parking allocation as follows:
  - (i) 0.5 spaces per 1BR dwelling
  - (ii) 0.7 spaces per 2BR dwelling
  - (iii) 1 space per 3/4BR dwelling;
- (c) the number and location of car parking spaces allocated to each tenancy;
- (d) the number and location of any car spaces for shared use, including time of shared use and how this will be managed;
- (e) management details for residential loading/unloading when moving;
- (f) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (g) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (h) any policing arrangements and formal agreements;
- (i) 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;
- (j) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 54;
- (k) how the hotel drop off area would be managed;
- (l) details regarding the management of loading and unloading of goods and materials.

59. 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.

60. Before the building is occupied, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

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

to the satisfaction of the Responsible Authority.

#### Traffic, roads and footpaths

61. All redundant vehicle crossings along the property's road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the developer's cost.

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

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

#### Green Travel Plan

64. Before the occupation of the development, 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) describe the location in the context of alternative modes of transport;
- (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
- (c) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
- (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (e) details of bicycle parking and bicycle routes;
- (f) details of GTP funding and management responsibilities; and
- (g) include provisions to be updated not less than every 5 years.

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

### Construction

66. 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) a lighting plan which must include:
  - (i) details if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
  - (ii) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
  - (iii) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
- (i) 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;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

- (o) 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;
- (p) 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;
- (q) 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.

67. 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.

68. Before the buildings are 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.

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

70. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths along the Gough and Cremorne Street frontages of the site must be reconstructed:

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

The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.

71. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavements outside the Gough and Cremorne Street frontages of the site must be profiled and re-sheeted:

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

The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.



72. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
73. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings 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.
74. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
75. Pit lids and levels are to be readjusted to match the surface of the footpath, to the satisfaction of the Responsible Authority.
76. No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from the Responsible Authority.
77. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
  - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
  - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

#### Public lighting plan

78. Prior to the commencement of the development, a public lighting plan must be submitted to and approved by the Responsible Authority. When approved, the public lighting plan will be endorsed and will form part of this permit. The public lighting plan must:
  - (a) confirm that all primary pedestrian access to a residential/multipurpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
  - (b) confirm that any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
  - (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
  - (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
  - (e) include a commitment that the Permit Holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
  - (f) confirm that the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the Permit Holder.
79. The provisions, recommendations and requirements of the endorsed public lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### VicRoads Conditions

80. VicRoads prohibits the construction of building/s or the carrying out of works within the Road Zone Category 1 (i.e. Punt Road and Harcourt Parade).

81. VicRoads prohibits vehicular, pedestrian or cycling access to the site along Harcourt Parade.
82. The luminance of the advertising sign/s (including The Victoria Bitter and Nylex signs) must be such it does not give a veiling of luminance to the driver, of greater than  $0.25\text{cdm}^2$ , throughout the driver's approach to the advertising sign/s.
83. In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign is to shut down and cease any form of visual output until the malfunction is repaired.
84. Prior to the commencement of the development hereby approved, a truck wheel wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting land.
85. The truck wheel wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of council.

#### CityLink Conditions

86. There should be no interruption to traffic flow on CityLink assets.
87. CityLink assets should not be exposed to any waste generated from the project.
88. New buildings should not cause any adverse impacts on the users of CityLink (e.g. reflective glare from the buildings).

#### PTV Conditions

89. Before the development starts, or at any other time agreed to in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) The design details and the location of the bike share station;
  - (b) Consideration must be given to the integration between the bike share station and public access, and connection to exiting shared paths within the vicinity of the site.
90. The bike share station is to be design and constructed to the satisfaction of Public Transport Victoria and the Responsible Authority and at no cost to Public Transport Victoria prior to the occupation of the buildings hereby approved.

#### Expiry

91. This permit will expire if one of the following circumstances applies:
  - (a) the development is not started within five years of the issued date of this permit;
  - (b) the development is not completed within four years of the issued date of this permit;
  - (c) the uses are not commenced within five years from the date of this permit.In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

#### **NOTES:**

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.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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.

All future property owners, 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.

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.

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

Any changes to on-street parking conditions will need separate approval from Council's Parking Services Unit (9205 5299).

### Submissions

Ms Georgia Willis addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Michael Coffey;  
Mr Tony Hampton;  
Mr Barry Nathan;  
Mr John Swanston; and  
Ms Anne Leyton.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE MOTION**

**Moved:** Councillor Jolly

That having considered all objections and relevant planning policies, the Committee resolves to inform VCAT that if it had been in a position, it would have issued a Refusal to Grant a Permit PLN15/1176 for 2 Gough Street, Cremorne VIC 3121 for the development of the land for buildings and works, including the construction of three buildings, up to 15 storeys in height (plus 4 basement levels), use of the land as accommodation, function centre, shop and restaurant, food and drinks premises (café), reduction in the car parking requirements, utilisation of 40 car parking spaces as shown in stage 1 of 2 Gough Street, Cremorne, and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B9 and B8) in accordance with the substituted VCAT plans and based on the following grounds:

1. The application does not promote the purposes of Schedule 3 to the Comprehensive Development Zone so as to produce an acceptable outcome particularly in so far as it:
  - (a) does not adequately conserve and enhance key heritage buildings
  - (b) does not complement and enhance the Yarra River Environs;
  - (c) will prejudice the amenity of the surrounding area due to the density, scale and character of the development;
  - (d) does not retain the visual dominance and views of the landmark Nylex sign and associated silos;
  - (e) is not respectful of the scale and form of buildings within the site and its immediate environs.
2. The application is contrary to clause 37.02 (Comprehensive Development Zone, Schedule 3 of the Yarra Planning Scheme) in that the development is not generally in accordance with the *Planning and Design Principles for the Richmond Malting Site, Cremorne – November 2007*) and does not achieve the purposes of the Comprehensive Development Zone, Schedule 3.
3. The height, siting and layout of the proposed development does not provide for an acceptable outcome with regard to the Comprehensive Development Zone, Schedule Plan being the *Planning and Design Principles for the Richmond Malting Site, Cremorne – November 2007*).
4. The height, massing, setbacks and design detailing would result in a poor urban design outcome. Specifically, the proposal would: a) result in unreasonable visual bulk; b) unreasonably overshadow the Yarra River; c) unreasonably impact views to and the prominence of the Nylex Sign.
5. The proposal provides insufficient car parking.
6. The proposal will unreasonably impact on traffic condition in the area.

*Motion lapsed for want of a seconder.*

*The Meeting adjourned at 9.50pm for further advice.  
The Meeting resumed at 10.02pm.*

## **ADJOURNMENT**

**Moved:** Councillor Jolly

**Seconded:** Councillor McEvoy

That the meeting stand adjourned until 30 June 2017 at a time and place to be fixed to allow a majority decision to be reached.

**CARRIED UNANIMOUSLY**

*The Meeting adjourned at 10.05pm for further advice.*

*The Meeting resumed at 8.36am on 30 June 2017 with Cr Jolly, Cr McEvoy and Cr Nguyen in attendance.*

#### Welcome

Councillor McEvoy welcomed meeting participants to the reconvened meeting and thanked them for their understanding.

#### Acknowledgement

Cr McEvoy stated that 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.

#### Declarations of Conflict of Interest

Councillor McEvoy reminded Councillors and Officers of the need to declare any conflicts of interest. No declarations were made.

#### Further Submissions

The following people addressed the Committee on behalf of the applicant:

Ms Georgia Willis; and  
Ms Jacqueline Bartholomeusz

The following people also addressed the Committee:

Mr Tony Hampton;  
Mr John Swanston;  
Ms Anne Leyton; and  
Mr Michael Coffey.

Sarah Thompson read a statement on behalf of Huw Richardson.

### **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Nguyen

**Seconded:** Councillor McEvoy

That having considered all objections and relevant planning policies, the Committee resolves to inform VCAT that if it had been in a position, it would have issued a Notice of Decision to Grant a Permit PLN15/1176 for 2 Gough Street, Cremorne VIC 3121 for the development of the land for buildings and works, including the construction of three buildings, up to 14 15 storeys in height (plus 4 basement levels), use of the land as accommodation, function centre, shop and restaurant, food and drinks premises (café), reduction in the car parking requirements, utilisation of 40 car parking spaces as shown in stage 1 of 2 Gough Street, Cremorne, and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B9 and B8) in accordance with the substituted VCAT Plans endorsed plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the substituted plans, TP003-TP04, TP096-TP115, TP130-155, TP166-TP185, TP201-TP204, TP231, TP251, TP271-TP273, TP301-TP303, TP400-TP406, TP500-TP502, TP600-TP605, dated 6 June 2017 and prepared by Fender Katsalidis Architects, TP00 and TP01, TP10 and TP30-TP32, revision 2, TP02-TP08, TP11-TP13, TP40-TP42 and TP60-TP61 and materials schedules (building 4, building 5 and new materials), dated October 2015 and prepared by Lovell Chen and LP01, LP02 and LP03, dated 5 June 2017 and prepared by Oculus but modified to show:

*Land use*

- (a) 'hotel' shown as 'residential hotel';
- (b) the 'bar' on top of building B9 (inside and outside areas) shown as a 'restaurant';
- (c) deletion of the exhibition centre (heritage interpretation visitor centre – B6) and venue (B9) uses with these areas shown as vacant;
- (d) the bakery/retail as a 'food and drinks premises (café)';
- (e) confirm which uses would use the kitchen area within the B9 silos;
- (f) ~~the B9 ground level 'retail' area shown as a 'shop';~~

*Built form*

- (f) a complete set of detailed elevation drawings of all buildings clearly showing windows, doors, balconies and the like;
- (g) no works within the Road Zone, Category 1;
- (h) deletion of the servery window facing Gough Street along the northern end of B4 (may be replaced with a window that does not function as a servery);
- (i) floor and elevation plans of B4 and B5 to correlate;
- (j) deletion of all openings in the wall along the western boundary of B9 and treatment of this interface to avoid its presentation as a blank wall;
- (k) external, operable, vertical screening to the level 10-12 western windows of building B6;
- (l) the south setback of level 13, building B6 dimensioned;
- (m) details of the fire booster cupboards and treatments;
- (n) screening to habitable room windows, balcony or terrace to address internal overlooking, where necessary, to the satisfaction of the Responsible Authority;
- (o) at least 25% of the smaller units capable of amalgamation into larger 2 or 3 bedroom apartments; floor, section and elevation plans to correlate;
- (p) floor to ceiling heights to be no less than 2.7m;
- (q) a general signage plan, directing pedestrians to each residential entry;
- (r) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass of the elliptical tower must be confirmed as meeting the relevant EPA standards for glare;
- (s) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;
- (t) treatment of all lower level walls with a graffiti proof finish;

- (u) B9 – level 3 and above setback a minimum 4.5m from the western boundary
- (v) B9 – levels 1 to 11 – deletion of the bedroom south of the wintergarden and extension of the adjacent living/dining/kitchen area;
- (w) 2 bedroom dwellings shown with details of dining and living room furnishing for 4 adults;
- (x) Ground level B9 retail area deleted and all dwellings located above this space (or in part) deleted accordingly;
- (y) New B9 segment setback a minimum of 3.4m from the retained B9 silos;
- (z) B4 and B5 windows to be shown as openable;
- (aa) maximised area of operability for wintergarden facades (above balustrade height);
- (bb) deletion of 1 level from Building 9

### *Signage*

- (cc) details of the relocated signs (Victoria Bitter and Nylex), including:
  - (i) dimensions;
  - (ii) the colour, materiality and lettering style;
  - (iii) the type and level of illumination; and
  - (iv) confirmation that the Nylex clock will be turned on.

### *Car parking/bicycle parking*

- (dd) car parking provision as per the project area summary on page TP004;
- ~~(dd) a minimum of 200 bicycle parking spaces, with at least 25% being floor mounted;~~
- (ee) ramp grades and lengths dimensioned;
- (ff) kerbs, barriers, wheel stops and structural elements shown in the car parking areas;
- (gg) the location and dimensions of supporting columns within all car park areas. The car parking spaces must then be demonstrated to meet diagram 1 of clause 52.06-8 of the Yarra Planning Scheme;
- (hh) sectional drawings of the ramps and access ways, demonstrating a minimum headroom clearance of 2.2m, with the exception being a minimum 2.5m height clearance above disable car parking spaces;
- (ii) details of car park security (e.g. roller doors, intercoms, swipe card readers, etc.);
- (jj) 1 in 20 scale cross sectional drawings of the developments vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profiles of Gough Street (from the kerb line to the centre line of the road) and the access ways inside the property must be accurately drawn. The cross section must demonstrate that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out, using a B99 design vehicle;
- (kk) underside clearance of over bonnet storage cages;
- (ll) all bicycle parking spaces within 30m of the lift;
- (mm) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (nn) details of bicycle storage/parking systems, demonstrating they can provide space for a bicycle of minimum dimensions of 1.7m in length, 1.2m in height and 0.7m in width at the handlebars;
- (oo) at least 25% of the provided bicycle parking must be accessible at ground level (i.e. not hanging systems);

- (pp) at least 1 bicycle parking space per dwelling (in addition to spaces for staff and visitors) with a minimum overall provision of 300 bicycle parking spaces (including provision for non residential uses);
- (qq) all resident and staff bicycle parking spaces secured behind lockable gates;
- (rr) a convex mirror adjacent to the vehicular exit;
- (ss) dimensions of parallel car parking spaces;
- (tt) on basements 1-4, the width of the aisle between the west row of parking spaces and the face of the column;
- (uu) length of the loading bay confirmed on the plans, with confirmation the minimum overhead clearance will be 4.5m;
- (vv) dimensions of column depths and dimensions;
- (ww) dimension of blind aisle extensions;
- (xx) number of car parking spaces, storage cages and bicycle parking spaces to correlate between the project area summary and the plans;
- (yy) at least 10 car share spaces provided on site.

#### *General*

- (zz) a lighting plan addressing entries and public spaces within the development;
- (aaa) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (bbb) changes (as necessary) as per the endorsed Acoustic Report, Wind Report, SMP, Shared zone management plan and Waste management plan.

#### *Landscaping*

- (bbb) a landscape plan which shows the:
  - (i) Street tree species for Gough Street to be – *Hymenosporum flavum*, 100L size or a suitable alternative
  - (ii) type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);
  - (iii) location of all areas to be covered by lawn, paving or other surface materials;
  - (iv) specification of works to be undertaken prior to planting;
  - (v) watering and maintenance;
  - (vi) garden bed dimensions;
  - (vii) areas of paving and proposed materials;
  - (viii) location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
  - (ix) clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
  - (x) water sensitive urban design [WSUD] features;
  - (xi) a clear delineation of public/private interface;
  - (xii) cross sections of open space areas are required, confirming which areas are raised or sunken;
  - (xiii) simplification of the ground level paving and lawn treatments (not too busy with larger lawn areas);
  - (xiv) green roof treatments to unused roof areas



(xv) location of street trees with no loss of on street car parking  
(excluding for the new crossover)

General

2. The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, Fender Katsalidis Architects and Lovell Chen or an architectural firm(s) 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.
4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent 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.
6. All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
9. 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.
10. Before the buildings are 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.
11. Before the buildings are 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, laneway and dwelling entrances must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,all to the satisfaction of the Responsible Authority.

12. 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).
13. 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).

General Use Conditions

14. The amenity of the area must not be detrimentally affected by the uses, 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.

Dwellings

15. The wellness centre located in B9 may only be used by dwelling residents (within the site).

B4 food and drinks premises (café)

16. No more than 84 patrons are permitted in the B4 food and drinks premises at any one time.
17. The B4 food and drinks premises (café) may only operate between the hours of 8am to 8pm, any day.

B5 café

18. No more than 105 patrons are permitted in the B5 café at any one time.
19. The B5 café only operate between the hours of 7am to 8pm, any day.

B5 restaurant

20. No more than 195 patrons are permitted in the B5 restaurant at any one time.
21. The B5 restaurant may only operate between the hours of 7am to 11pm.

B9 restaurants

22. No more than 100 patrons are permitted in the B9 restaurants at any one time.
23. The B9 restaurants may only operate between the hours of 8am to 8pm.

B9 shop

- ~~25. The B9 shop may only operate between the hours of 8am to 8pm.~~

Function centre

- 24. No more than 100 patrons are permitted in the function centre at any one time.
- 25. No more than 4 function centre staff are permitted on the land at any one time.
- 26. The function centre may only operate between the hours of 8am to 5pm.

Art gallery

- 27. No more than 25 patrons are permitted in the art gallery at any one time.
- 28. The art gallery may only operate between the hours of 8am to 8pm.

Signage

- 29. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 30. The signs must not include any flashing or intermittent light.
- 31. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
- 32. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
- 33. The signage component of this permit will expire if the signs are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.
- 34. The signs must not:
  - (a) Dazzle or distract drivers due to its colouring.
  - (b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - (c) Be able to be mistaken as an instruction to drivers.
- 35. The signage component of this permit expires 25 years from the date of the permit.  
In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the period referred to in this condition.

Structural report requirement

- 36. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.

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

#### Public Art Management Plan

38. Before the buildings are occupied, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) details of the commissioned artist(s);
  - (b) description of art work, including:
    - (i) materials;
    - (ii) colours;
    - (iii) dimensions;
    - (iv) content;
    - (v) special features (e.g. lighting);
  - (c) details of the installation process; and
  - (d) details of art work maintenance schedule.
39. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

#### Public realm

40. Prior to the commencement of the development the owner of the site must submit detailed engineering documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at full cost of the owner showing:
- (a) prior to the occupation of the development, the full width road pavement of Gough Street, immediately outside the property, must be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's expense;
  - (b) prior to the occupation of the development, the footpath, kerb and channel along the Gough Street road frontage of the property must be reconstructed to Council's satisfaction and at the Permit Holder's expense. The cross-fall of the reconstructed footpath must be no steeper than 1 in 40 as per DDA requirements. A 300mm wide sawn bluestone kerb is to be used along the Gough Street frontage of the site;
  - (c) prior to the occupation of the development, all redundant vehicle crossings surrounding the site must be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost;
  - (d) trees in the road reserves are to be provided with structural soils to protect road pavements from damage by roots; The preferred tree cut out size is 1.5 x 1.5m.
  - (e) The layout of street trees in Gough Street should show parking spaces between trees.
  - (f) the intersections of Gough Street/Punt Road and Gough Street/Cremorne Street must be provided with pedestrian improvements/enhancements. Treatments considered must take overland flow/drainage into account in consultation with Melbourne Water. Intersection improvements must be

- designed and constructed to Council's satisfaction and at the Permit Holder's cost;
- (g) any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense; and
  - (h) All street tree planting works would be carried out by Council's tree planting contractor. Once tree locations are finalised, a cost to the developer will be determined.
41. Before the building is occupied all works required by condition 42 must be fully constructed and completed to the satisfaction of the Responsible Authority.

#### Section 173 Agreement

42. Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) that the 40 spaces 'quarantined' for stage 2 will be allocated to this future development on the balance of the site at 2 Gough Street Cremorne;
  - (b) a legally effective and enforceable mechanism to the satisfaction of the Responsible Authority to ensure that:
    - (i) the owners of lots within stage 2 are able to freely access the 40 car spaces for their own private use without restriction; and
- 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 Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

#### Wind Assessment report

43. Before the plans are endorsed, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac and dated 18 March 2016, but modified to include (or show):
- (a) reflect the decision plans;
  - (b) include wind tunnel modelling to verify the results of the preliminary assessment;
  - (c) details of the type, size and density of foliage of trees used to mitigate wind impacts; and
  - (d) confirm that the northern B5 café outdoor seating area would fulfil the sitting criteria.
44. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic report

45. Before the plans are endorsed, 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 Renzo Tonin and Associates, dated 12 February 2016 and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
- (a) be amended to reflect the decision plans;
  - (b) protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development (including the lift, residential air conditioner units and commercial plant and equipment);
  - (c) protect all dwelling occupants within the development from noise associated with City Link;
  - (d) an assessment of the remaining land uses on the balance of the site and the impact on the proposed dwellings (unless the land uses on the balance of the site have ceased). 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;
  - (e) an assessment of the impact on the following on the proposed dwellings; car park entrance door, the car park itself, any non-residential land uses, common residential areas, structure borne noise through the pool and supermarket and shop services. Treatments must be provided to achieve a reasonable level of amenity for residents and 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;
  - (f) the impact of the restaurants, food and drinks premises (cafes), shops, function centre, exhibition centre, art gallery and venue on residents on and off the site; and
  - (g) demonstration compliance with CDZ3 requirements to ensure that new development or refurbished / converted buildings for new residential and other noise sensitive uses, located on the southern part of the site directly adjacent to the Monash Freeway, include appropriate acoustic measures as outlined in AS 3671 – 1999 “Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction” to attenuate noise levels internally within the building.
46. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
47. On the completion of any works required by the endorsed acoustic report and before the residential use commences of any stage of the of the development, an updated acoustic report prepared by a suitably qualified acoustic consultant

to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:

- (a) confirm compliance with relevant conditions of the permit; and
- (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with 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 relevant requirement.

48. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

#### Residential Hotel Management Plan

49. Prior to the commencement of the use residential Hotel, a residential hotel management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail the following:
- (a) procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood.
  - (b) measures to be taken by permit holder to ensure that residential hotel guests and visitors do not cause nuisance or annoyance to persons beyond the land;
  - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
  - (d) an outline of all house rules intended to be used to manage residents and guests including:
    - (i) guest behaviour;
    - (ii) noise;
    - (iii) alcohol consumption; and
    - (iv) methods of eviction if house rules are broken;
  - (e) details of eviction process in the event house rules are broken;
  - (f) standards for property maintenance, health and cleanliness; and
  - (g) security against thefts and break-ins, including security of guests' belongings.

#### Sustainable Management Plan

50. 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 Simpson Kotzman dated 12 February 2016, but modified to show/reflect/demonstrate:
- (a) the decision plans;
  - (b) the changes required as per condition 1 (where relevant);
  - (c) a minimum 100% STORM score for each building;
  - (d) a minimum 4 star green star rating for each building;
  - (e) glazing as either clear or tinted blue with a VLT of 0.6 or higher;

- (f) demonstration that all exposed north, east and west facing dwellings will achieve cooling loads no higher than 30MJ/m<sup>2</sup>/pa;
  - (g) daylight modelling for the western level 1 and 2 B9 dwellings, demonstrating BESS compliance (for living areas at least 80% of the total number of living rooms must achieve a daylight factor greater than 1% to 90% of the floor area of each living area, including kitchens and for bedrooms, at least 80% of the total number of bedrooms must achieve a daylight factor greater than 0.5% to 90% of the floor area in each room);
  - (h) provision of a mechanical supply fresh air system to all single aspect dwellings via an energy efficient Heat Recovery Ventilation (HRV), or equivalent, to supply rates 50% above the minimum requirements in AS1668;
  - (i) installation of ceiling fans in all habitable rooms of single aspect dwellings; and
  - (j) commitment to install extraction fans in all kitchens (not re-circulating ranges);
  - (k) include detail on waste and recycling;
  - (l) detail hot water system(s) for dwellings;
  - (m) nominate the showerhead flowrate and WELS efficiency;
  - (n) include solar photovoltaic system(s) to contribute to common area electricity consumption;
  - (o) commit to fixed, foldable clothes drying racks for each balcony or within laundries or bathrooms; and
  - (p) consider FSC accredited timber.
51. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

52. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by RB Waste Consulting Service and dated 20 November 2015, but modified to:
- (a) reflect the decision plans;
  - (b) be written as a standalone document;
  - (c) be written regardless if a private or Council collection;
  - (d) address both rubbish and recycling for all uses (including hard and green waste);
  - (e) include bin room details (for all tenants, residential, commercial, retail, supermarket, etc). The bin room(s) must be of an appropriate size for their intended use;
  - (f) confirm weekly collection for the residential component. However, more weekly collection may be considered with appropriate justification;
  - (g) confirm a minimum number of collections for all users, however, more than weekly collection may be considered with appropriate justification;
  - (h) details of the waste sorting system for the bin chute. Alternatively, a double chute must be provided;
  - (i) confirm the path of access for residents, property manager and collection vehicle (including turning templates or swept path diagrams);



- (j) include information to tenants, owners corporation, property manager (information pack details); and
- (k) include a commitment that the Building Manager/Owners Corporation will organise a preoccupation site meeting with Council's Waste Management Coordinator at least 30 days prior to occupation and demonstrate implementation of the WMP.

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

#### Landscaping

54. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

55. The landscaping shown on the endorsed plans 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;

all to the satisfaction of the Responsible Authority.

#### Car parking

56. Before the development commences, a Car Park Management Plan prepared 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 then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the use of 40 car parking spaces from stage 1 (planning permit PLN15/0355);
- (b) details of the residential car parking allocation as follows:
  - (i) 0.5 spaces per 1BR dwelling
  - (ii) 0.7 spaces per 2BR dwelling
  - (iii) 1 space per 3/4BR dwelling
  - (iv) 0.12 visitor spaces per dwelling;
- (c) the number and location of car parking spaces allocated to each tenancy;
- (d) the number and location of any car spaces for shared use, including time of shared use and how this will be managed;
- (e) management details for residential loading/unloading when moving;
- (f) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (g) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (h) any policing arrangements and formal agreements;
- (i) 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;
- (j) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 53;

- (k) how the hotel drop off area would be managed;
  - (l) details regarding the management of loading and unloading of goods and materials;
  - (m) at least 10 car share spaces to be provided on site.
57. 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.
58. Before the building is occupied, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces.
- to the satisfaction of the Responsible Authority.
59. Before the development starts, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act* 1987 and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under section 181 of the Act. Under the agreement, the owner must covenant with the Responsibility Authority that provision will be made for:
- (a) a minimum 10 car share spaces on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years.

The agreement will reflect that any costs associated with ensuring ongoing availability of a minimum 10 car share spaces on-site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

#### Traffic, roads and footpaths

60. All redundant vehicle crossings along the property's road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the developer's cost.
61. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
62. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
63. Prior to the commencement of the development, the permit holder must pay a bank guarantee to the value of \$50,000 to the City of Yarra for traffic, car parking, road improvements and associated studies in the Cremorne area.

The bank guarantee may be drawn down by Council and used for the proposed works and study by the Responsible Authority for traffic/road/car parking improvements in the Cremorne area, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the traffic/road/car parking improvements are not commenced by the relevant authorities prior to the occupation of the final stage of the development.

### Green Travel Plan

64. Before the occupation of the development, 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) describe the location in the context of alternative modes of transport;
  - (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
  - (c) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
  - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (e) details of bicycle parking and bicycle routes;
  - (f) details of GTP funding and management responsibilities; and
  - (g) include provisions to be updated not less than every 5 years.
65. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### Construction

66. 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) a lighting plan which must include:
    - (i) details if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
    - (ii) confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;

- (iii) confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
  - (i) 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;
  - (j) the construction program;
  - (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (l) parking facilities for construction workers;
  - (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (o) 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;
  - (p) 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;
  - (q) 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.
67. 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.
68. Before the buildings are 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.
- 69. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the Permit holder's expense.
- 70. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths along the Gough and Cremorne Street frontages of the site must be reconstructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.
- 71. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavements outside the Gough and Cremorne Street frontages of the site must be profiled and re-sheeted:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.
- 72. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 73. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings 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.
- 74. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 75. Pit lids and levels are to be readjusted to match the surface of the footpath, to the satisfaction of the Responsible Authority.
- 76. No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from the Responsible Authority.
- 77. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
  - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
  - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

#### Public lighting plan

- 78. Prior to the commencement of the development, a public lighting plan must be submitted to and approved by the Responsible Authority. When approved, the

public lighting plan will be endorsed and will form part of this permit. The public lighting plan must:

- (a) confirm that all primary pedestrian access to a residential/multipurpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
- (b) confirm that any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
- (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
- (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
- (e) include a commitment that the Permit Holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
- (f) confirm that the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the Permit Holder.

- 79. The provisions, recommendations and requirements of the endorsed public lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### VicRoads Conditions

- 80. VicRoads prohibits the construction of building/s or the carrying out of works within the Road Zone Category 1 (i.e. Punt Road and Harcourt Parade).
- 81. VicRoads prohibits vehicular, pedestrian or cycling access to the site along Harcourt Parade.
- 82. The luminance of the advertising sign/s (including The Victoria Bitter and Nylex signs) must be such it does not give a veiling of luminance to the driver, of greater than  $0.25\text{cdm}^2$ , throughout the driver's approach to the advertising sign/s.
- 83. In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign is to shut down and cease any form of visual output until the malfunction is repaired.
- 84. Prior to the commencement of the development hereby approved, a truck wheel wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting land.
- 85. The truck wheel wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of council.

### CityLink Conditions

86. There should be no interruption to traffic flow on CityLink assets.
87. CityLink assets should not be exposed to any waste generated from the project.
88. New buildings should not cause any adverse impacts on the users of CityLink (e.g. reflective glare from the buildings).

### PTV Conditions

89. Before the development starts, or at any other time agreed to in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) The design details and the location of the bike share station;
  - (b) Consideration must be given to the integration between the bike share station and public access, and connection to exiting shared paths within the vicinity of the site.
90. The bike share station is to be design and constructed to the satisfaction of Public Transport Victoria and the Responsible Authority and at no cost to Public Transport Victoria prior to the occupation of the buildings hereby approved.

### Expiry

91. This permit will expire if one of the following circumstances applies:
  - (a) the development is not started within five years of the issued date of this permit;
  - (b) the development is not completed within four years of the issued date of this permit;
  - (c) the uses are not commenced within five years from the date of this permit.In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

### **NOTES:**

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.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

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

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.

All future property owners, 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.

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.

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

Any changes to on-street parking conditions will need separate approval from Council's Parking Services Unit (9205 5299).

**CARRIED**

The meeting closed at 9.27am.

**Confirmed at the meeting held on Wednesday 12 July 2017**

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**Chair**