

YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE
MINUTES

held on Wednesday 9 August 2017 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall

I. ATTENDANCE

Councillor Misha Coleman
Councillor Daniel Nguyen
Councillor Danae Bosler

Mary Osman (Manager Statutory Planning)
Danielle Connell (Senior Coordinator Statutory Planning)
Gary O-Reilly (Senior Statutory Planner)
Sarah Thomas (Principal Planner)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

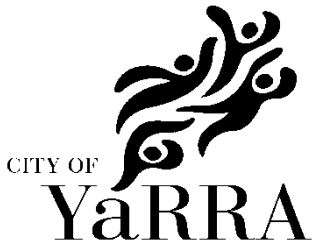
Moved: Councillor Nguyen **Seconded:** Councillor Bosler

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 26 July 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

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 Coleman nominated Councillor Bosler as Chair.

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

Councillor Bosler assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	67 Type Street, Richmond - PLN16/1198 - Development of the land for the construction of two dwellings	6	8
1.2	23-33 Johnston Street, Collingwood - PLN16/0845 - Development of the land for the construction of a multi-storey building, including part demolition, use of land for dwellings, reduction in the car parking requirements, waiver of the loading bay requirements and alter access to a Road Zone Category 1 Road	9	18
1.3	PLN16/0924 - 373-375 Bridge Road, Richmond - The construction of a ten storey building plus a roof top terrace containing a shop and 35 dwellings, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement	19	25
1.4	7 Peel Street, Collingwood - PLN17/0188 - Sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a cafe/tavern (no permit required for uses)	26	27
1.5	Rear 26 - 56 Queens Parade, Fitzroy North - PLN16/0732 - Development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site).	28	32
1.6	PLN16/0434 - 26-56 Queens Parade, Fitzroy North - Development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the site as a café, food and drinks premises, shop and use of part of the land for the sale and consumption of liquor (in association with the food and drinks premises and café), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone	33	47

1.1 67 Type Street, Richmond - PLN16/1198 - Development of the land for the construction of two dwellings

Trim Record Number: D17/100440

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/1198 for the construction of two dwellings at 67 Type Street, Richmond VIC 3121, generally in accordance with the decision 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 decision plans but modified to show:
 - (a) The east facing, second floor master bedroom associated with Dwelling 2 to be screened in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
 - (b) The first floor balcony associated with Dwelling 2 to be screened in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
 - (c) The provision of windows to the second floor, southern elevation of both dwellings (generally as per perspectives); and
 - (d) The provision of shading devices to the north, east and west-facing windows to reduce solar heat gain.
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 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.
5. 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.
6. 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
7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

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

to the satisfaction of the Responsible Authority.

8. 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
9. Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Type Street and Glasshouse Street road frontages must be reinstated to Council's satisfaction and at the Permit Holder's expense.
10. 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.
11. 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 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, residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident 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

The Applicant, Mr Paul Little addressed the Committee.

The following people also addressed the Committee:

Ms Michelle Pollock; and
Ms Hamsa Kunaratnam.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Coleman

That having considered all objections and relevant planning policies and provisions, the Committee resolves to issue a Notice of Refusal to Grant Planning Permit PLN16/1198 for development of the land for the construction two dwellings on the following grounds:

1. The bulk, scale, form and layout of the proposal fails to meet Clause 55.02 of the Yarra Planning Scheme (Neighbourhood Character and Infrastructure Objectives), Clause 22.10 (Built form and Design Policy) and Clause 22.13 (Residential Built Form Policy), as it is not does not respect the character of the existing neighbourhood or integrate well with the street.
2. The location and width of the crossovers is an inappropriate design response that would result in an unacceptable loss of on-street car parking, contrary to Clause 55.03-9 (Access Objective) of the Yarra Planning Scheme.

CARRIED UNANIMOUSLY

1.2 23-33 Johnston Street, Collingwood - PLN16/0845 - Development of the land for the construction of a multi-storey building, including part demolition, use of land for dwellings, reduction in the car parking requirements, waiver of the loading bay requirements and alter access to a Road Zone Category 1 Road

Trim Record Number: D17/105075

Responsible Officer: Manager Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0845 for development of the land for the construction of a multi-storey building, including part demolition, use of the land for dwellings, reduction in the car parking requirements, waiver of the loading bay requirements and alter access to a Road Zone Category 1 road at 23-33 Johnston Street, Collingwood, generally in accordance with the plans noted previously as the "decision plans" and 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 by COX Architects dated 14 October 2016 but modified to show:
 - (a) Changes as per the 'sketch plans' prepared by COX Architects dated 1 June 2017, received 5 June 2017 and 9 June 2017, which include:
 - (i) Deletion of vehicle access from the Right of Way to the west;
 - (ii) Shift the vehicle access to Johnston Street further to the west;
 - (iii) Reduce the width of the proposed vehicle crossover to Johnston Street to 6.2m;
 - (iv) Reinstatement of the facade of 31-33 Johnston Street;
 - (v) Retention of the existing flagpoles
 - (vi) Increased upper level setbacks from Johnston Street and the Collingwood Arts Precinct to a minimum of 4.5m;
 - (vii) Increased setbacks from the western boundary to the Right of Way to a minimum 2m at Level 1 and 2;
 - (viii) Minimum setback from Johnston Street increased to 10.92m at Levels 9-11;
 - (ix) Minimum setback from the western boundary increased to 5.18m (to balcony) at Levels 9-11;
 - (x) South-west corner of Levels 9-11 increased to a minimum 6.36m from the southern boundary and 6.62m from the western boundary;
 - (xi) South-east corner of Levels 9-11 increased to a minimum of 6.21m (to balcony) from the southern boundary and 6.38m from the eastern boundary;
 - (xii) North-west corner of Levels 9-11 increased to a minimum of 6.01m from the western boundary and 11.41m from the northern boundary;
 - (xiii) Increased common corridor widths to 1.5m, introduced natural daylight and full height operable louvers at the east and west ends of the corridors;
 - (xiv) Reduction in the number of dwellings from 154 to 134;
 - (xv) Reconfiguration of apartments layouts for improved internal amenity;
 - (xvi) Bicycle parking increased from 49 to 70 spaces;
 - (xvii) Provision for four bicycle hoops along Johnston Street footpath;
 - (xviii) Retention of the existing 'saw tooth' masonry wall adjacent to the Collingwood Arts Precinct;
 - (xix) Replacement of silver glazing with pewter-coloured glazing up to (and including) Level 8;
 - (xx) Deletion of serrated glass detail to Levels 9-11 and replace with curtain glass wall treatment in a light grey glazing.
 - (b) The following further changes to the 'sketch plans' prepared by COX Architects dated 1 June 2017, received 5 June 2017 and 9 June 2017:

- (i) Relocation of the fire booster cupboard so that it remains in front of the substation;
 - (ii) A minimum 8sqm balcony maintained to Apartments 1 and 3 on Levels 3 to 7;
 - (iii) Existing flagpoles to be painted white.
 - (c) Full schedule of materials and schedules including coloured elevations/perspectives and samples;
 - (d) Reduce the residential entrance by a minimum 2m to a depth of 5m from Johnston Street, reallocating the surplus area to the adjoining café to the east;
 - (e) Shared internal wall between the residential lobby corridor and the café for the 5m depth to be treated with predominately clear glazing;
 - (f) Provision of a plinth to glazing along the Johnston Street frontage;
 - (g) The location of courtyards associated with 10 Perry Street to be shown on floor plans;
 - (h) Compliance with Overlooking Standard B22 of Clause 55 (ResCode);
 - (i) Details of privacy screens that satisfy Condition 1(h) and minimise direct views between apartments within the development to a maximum of 25%, without compromising adequate levels of daylight and internal amenity to apartments;
 - (j) Location of the intercom providing access into the basement;
 - (k) Internal shared corridor widths increased to 1.8m at apartment entries or an alternative design to the satisfaction of the Responsible Authority the breaks up the continuous corridor length.
 - (l) All habitable room windows to have an operable window, with details shown on plans and elevations;
 - (m) Provision of end of trip facilities for staff of the food and drink premises;
 - (n) Minimum 20 per cent of bicycle spaces to allow bikes to be stored on ground (i.e. not elevated);
 - (o) Dimensions of column depths and setbacks adjacent car spaces;
 - (p) Any changes as a result of the amended Sustainability Management Plan pursuant to Condition 4;
 - (q) Any changes as a result of the amended Acoustic Report pursuant to Condition 6;
 - (r) Any changes as a result of the amended Waste Management Plan pursuant to Condition 10;
 - (s) Any changes as a result of the Construction Methodology Statement pursuant to Condition 21;
 - (t) Amendments as a result of VicRoads' Condition 17; and
 - (u) A vehicle crossover plan in accordance with Condition 26;
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Ongoing Architect Involvement

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

Sustainable Management Plan

4. Before the endorsement of plans pursuant to Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ADP dated 15 September 2015, but modified to include or show:

- (a) Any changes required as a result of the amended plans pursuant to Condition 1; and
 - (b) Non-residential component to achieve best practice with a minimum 10% improvement on the minimum NCC requirement, demonstrated through JV3 modelling or equivalent.
 - (c) Provision for adjustable external shading devices to exposed north, east and west-facing glazing
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.

Acoustic Report

6. Before the endorsement of plans pursuant to condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 & Associates and dated 29 November 2016, but modified to include (or show, or address):
- (a) Changes as a result of condition 1;
 - (b) Requirements of clause 52.43-3 associated with the uses at 35 Johnston Street, Collingwood (the CAP site);
 - (c) Measures to mitigate noise impacts from the Tote hotel at 67-71 Johnston Street, Collingwood;
 - (d) Night time interval within the assessment of Traffic Noise increased from 6am to 7am;
 - (e) Confirmation that glazing specification for bedrooms meet the nominated targets for traffic noise within bedrooms;
 - (f) Building designed to achieve 30dBA or less within apartments (windows closed) associated with patron noise level within the ground floor food and drink premises;
 - (g) Apartments to achieve a minimum 3 star Lmax design target rating under the Association of Australian Acoustical Consultants (AAAC) '*Guide for apartments and Townhouse Acoustic Rating*' September 2010; and
 - (h) Consideration of the potential impact of the car park entrance door on the apartments above within the development.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Post commencement Acoustic Report Required

8. Within 3 months of occupation of the dwellings permitted by this permit, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess whether the noise measures contained within the acoustic report required pursuant to Condition 5 have been implemented and whether they achieve the necessary noise targets contained within.
9. Ongoing involvement of Renzo Tonin & Associates or otherwise suitably qualified acoustic consultant to the satisfaction of the Responsible Authority, to advise on acoustic measures at detailed design stage of the development.

Waste Management Plan

10. Prior to the endorsement of plans pursuant to Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 15 September 2016, but modified to include/show:

- (a) Changes required as a result of amended plans pursuant to condition 1.
 - (b) Entry and exit points of the vehicle to and from the bin room;
 - (c) Collection truck swept path diagrams included as appendices
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.
12. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan

13. 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 Concept plan prepared by Jack Merlo Design and Landscape dated 4 October 2016 but modified to show/include:
- (a) Details of irrigation and maintenance procedures;
 - (b) Alternative species to the *Dietes robinsoniana* and *Ficus hillii* that is more suitable/compatible for the planters proposed;
 - (c) *Murraya paniculata* replaced with a *Choisya ternate* or similar;
 - (d) Notations to specify that any Queensland-grown species are given a six-week hardening period prior to planting;
 - (e) Correctly reference the common name for the *Lagerstroemia indica*;
- to the satisfaction of the Responsible Authority.
14. 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.
15. Before the buildings are 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.
16. The provisions, recommendations and requirements of the endorsed Arboricultural Report generally in accordance with the Arboricultural Report prepared by John Patrick Landscape Architects dated 6 April 2017, must be complied with and implemented to the satisfaction of the Responsible Authority.

VicRoads Conditions (17-18)

17. Before the development commences, amended plans must be submitted to and approved by the Roads Corporation. When approved by the roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided.

The plans must be generally in accordance with Drawing Number 20-00 Revision ASK028 dated 1 June 2017 through to Drawing number 40-04 Revision ASK044, dated 1 June 2017 but modified to show:

(a) Canopy setback of at least 750mm from the back of kerb (along Johnston Street).

18. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment Land Water and Planning pursuant to Section 138A (11) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Johnston Street Boundary (i.e. the canopies, fixed shading devices, architectural features, balcony framing), to indemnify the Crown in relation to any claim or liability arising from the projections within the Johnston Street road reserve.

PTV Condition (19)

19. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Johnston Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

Archival Record

20. Before demolition commences, a detailed and annotated photographic record of the existing timber framed saw tooth roof truss of No. 23-25 Johnston Street, Collingwood must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) be submitted in black and white format; and
 - (b) be taken by a suitably qualified heritage photographer.

Construction Methodology Statement

21. Before the endorsement of plans pursuant to condition 1, a Construction Methodology Statement prepared by a suitably qualified conservation architect or structure engineer with heritage experience to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Construction Methodology Statement will be endorsed and will form part of this permit. The Construction Methodology Statement must include, but not be limited to, the following:
- (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
 - (i) The existing façade of No. 31-33 Johnston Street, Collingwood, including sections to show the thickness of architectural elements;
 - (ii) The proposed reconstruction and restoration to the existing façade, with notations clearly outlining any changes from existing conditions or use of new materials (including details of the restoration works proposed to the Johnston Street façade, including areas where existing paint/render is to be removed, restoration of steel-framed windows and the building canopy);
 - (b) A written description of the demolition and construction methods to be used.
22. The provisions, recommendations and requirements of the endorsed Construction Methodology Statement must be implemented and complied with to the satisfaction of the Responsible Authority.

Structural Report

23. 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, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention. The report must address stability and propping of:
- (a) Retained portion of the Johnston Street façade; and
 - (b) Boundary walls to be retained adjacent to the courtyard of 35 Johnston Street, Collingwood (CAP site)
24. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Bicycle hoops

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 4 bike hoops must be installed along the Johnston Street frontage:
- (a) at the permit holder's cost; and
 - (b) in a location and manner,
- to the satisfaction of the Responsible Authority.

Road Infrastructure

26. Prior to the endorsement of plans pursuant to condition 1, a 1:20 scale cross sectional drawing of the new vehicle crossing must be submitted to Council's Construction Management branch for assessment and approval, showing:
- (a) Actual reduced levels (not interpolated levels from the application drawings) of the Johnston Street road profile (from centre line of road pavement to property line) to three decimal places.
 - (b) Building line level, the proposed finished level of the accessway 2.0 metres inside the property, the top of kerb level, the invert level, lip level and road pavement levels.
 - (c) By way of a ground clearance check that a B99 design vehicle can traverse the new vehicle crossing and accessway without scraping or bottoming out.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
28. 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.
29. 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 (including by the re-sheeting of the Johnston Street footpath and half-width road pavement of Johnston Street (from south kerb to centre line) for the width of the property frontage if required by the Responsible Authority):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

30. Prior to the building being occupied, the permit holder must ensure that any public lighting from existing, new or modified lights does not spill into the window of any new dwellings within the development and that any new or modified lighting as a result of the permitted development does not spill into the windows of existing nearby residents to the satisfaction of the responsible authority. Any light shielding that may be required shall be funded by the permit holder.

General

31. The amenity of the area must not be detrimentally affected by the use, including through:

- (a) the transport of materials, goods or commodities to or from land;
- (b) the appearance of any buildings, works or materials;
- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
- (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
33. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
34. 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.
35. 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.

Construction Management

36. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;

- (iii) dust;
- (iv) stormwater contamination from run-off and wash-waters;
- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

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

Time expiry

38. This permit will expire if:

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

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

Notes:

The 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 5095 to confirm.

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

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

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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

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

No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from Council Parking Management unit and Construction Management branch

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.

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. Johnston 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

Andrija addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Janet Taylor;
Mr Matthew Furness;
Mr Frank Zammit;
Mr John Perrin;
Mr Stephen Lovett;
Mr Matt Hughes;
Ms Melissa Fitzgerald;
Guido;
Mr Mark Switzbury.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

That a Notice of Refusal to Grant a Permit (PLN16/0845) be issued on the following grounds:

1. The height, setbacks and massing will result in unreasonable visual bulk impacts on surrounding properties.
2. The height, setbacks and materiality and poor street activation will result in a development that will be out of character with the surrounding neighbourhood and fails to contribute to a preferred future character.
3. The proposal fails to demonstrate adequate noise mitigation measures to protect the future residents from external noise emissions in accordance with clauses 13.04, 22.05 and 52.43 of the Yarra Planning Scheme.
4. The proposed development results in unreasonable shadow impacts upon the courtyard associated with 35 Johnston Street, Collingwood (the CAP site).
5. Inadequately levels of internal amenity and daylight are proposed.
6. Vehicle access via the right of way to the west is incompatible with the operation of Johnston Street and public safety and not supported by VicRoads.

CARRIED UNANIMOUSLY

1.3 PLN16/0924 - 373-375 Bridge Road, Richmond - The construction of a ten storey building plus a roof top terrace containing a shop and 35 dwellings, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement

Trim Record Number: D17/93308

Responsible Officer: Principal Planner

RECOMMENDATION

That having considered all objections and relevant planning policies, it is recommended that a Notice of Decision to Grant a Planning Permit PLN16/0924 be issued for the construction of an eight storey building plus a roof top terrace containing a shop and dwellings, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement at 373-375 Bridge Road, Richmond, subject to the following conditions:

Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Skemantics Architects and received by Council on 24 November 2016, but modified to show:
 - (a) The changes shown in the revised plans prepared by Skemantics Architects and dated 12 July 2017, including (but not limited to):
 - (i) A reduction in the number of storeys from ten to eight with a reduction in the overall height of 28.20 metres.
 - (ii) A reduction from 35 dwellings to 25 dwellings.
 - (iii) Increased setbacks to the interface with the laneway and to Bridge Road.
 - (iv) Increased size of the light courts.
 - (b) A minimum of 3 cubic metres of externally accessible storage space for each dwelling.
 - (c) A sectional elevation showing the southern elevation of the light courts and providing an operable window to each habitable room.
 - (d) The north-facing floor to ceiling screening devices reduced to a height of 1.7 metres above finished floor level
 - (e) The balconies of Dwellings 18-19 with a minimum area of 6 square metres and a minimum width of at least 1.5 metres.
 - (f) The width of the residential entry corridor on the ground floor increased to a minimum width of 2.0 metres between the Bridge Road frontage and the lift core with windows provided between the corridor and the retail space.
 - (g) The lift provided with either an additional south facing or west facing opening on the ground floor.
 - (h) A minimum of 20 per cent of bicycle parking spaces must be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops.
 - (i) Any changes recommended in the amended sustainable management plan required by condition 3 of this planning permit.
 - (j) Any changes recommended in the amended acoustic report required by condition 5 of this planning permit.
 - (k) Any changes stemming from the landscape plan required by condition 9 of this planning permit.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Management Plan

3. Prior to the endorsement of plans, 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 LID Consulting and dated 31 August 2016, but modified to include or show:
 - (a) The daylight modelling for the third floor bedrooms prepared by LID Consulting and dated 21 July 2017.
 - (b) The daylight modelling prepared by LID Consulting and dated 24 February 2016 (dated incorrectly) but updated to reflect the development herein approved.
 - (c) A dual chute or sorting chute system (or similar) to ensure that the recycling system is at least as convenient as the general waste system.
4. The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

5. Prior to the endorsement of plans, an amended acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended acoustic report will be endorsed and will form part of this permit. The amended acoustic report must be generally in accordance with the acoustic report prepared by Acoustic Consulting Australia and dated 27 February 2017, but modified to include (or show, or address) the following:
 - (a) Road traffic noise is to be assessed to the Better Apartment Design Standards, 2016 level of:
 - (i) 40 dB LAeq,16 h in living areas, and
 - (ii) 35 dB LAeq,8 h in bedroom.

The above levels are to be met in completed but unfurnished rooms. The design levels for living areas should also be met in bedrooms during the day period, to the satisfaction of the Responsible Authority.
 - (b) Tram noise is to be assessed to design targets no greater than:
 - (i) 60 dB L_{Amax} in living areas, and
 - (ii) 50 dB L_{Amax} in bedrooms.
 - (c) Noise impacts from surrounding commercial premises are to be assessed and façade upgrades (if required), should be designed to ensure that:
 - (i) SEPP N-1 indoor noise limits are met (assuming windows are closed), and
 - (ii) The levels of noise from plant do not exceed 30 dB LAeq in bedrooms at night or 35 dB LAeq in habitable rooms at any time.
 - (d) The carpark gate and car stacker is to be designed to comply with:
 - (i) SEPP N-1 at existing and proposed dwellings, taking into consideration the likely frequency of use, the duration of the noise and any character penalties that may apply for impulse and tonality.
 - (ii) Sleep disturbance targets no greater than 40 dB L_{Amax} in bedrooms and 45 dB L_{Amax} in living rooms of proposed apartments from both airborne and structure borne noise.
 - (iii) Sleep disturbance targets no greater than 60-65 dB L_{Amax} outside rooms of habitable windows in existing residences.
 - (e) Mechanical plant associated with the development is to comply with all relevant legislation and guidelines.
6. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

7. Before the use and/or 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 LID Consulting and dated 12 September 2016, but modified to reflect the development herein approved.
8. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

9. Prior to the endorsement of plans, 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 include or show:
 - (a) A plant schedule with botanical name, common name, mature height, and spread, installation size, spacing's, locations and quantities.
 - (b) A legend containing key features, materials and construction details.
 - (c) Proposed levels including top of wall.
 - (d) Existing underground and overhead services to be detailed on the plans.
 - (e) Details of any raised planter beds including height and construction methods.
 - (f) Feasibility for including water sensitive urban design opportunities within the landscaping.
 - (g) Information on irrigation and drainage systems.
 - (h) Planter design details, including:
 - (i) Planter material and dimensions.
 - (ii) Mulch layer.
 - (iii) Growing media (suitable for roof top gardens).
 - (iv) Filter media.
 - (v) Irrigation method.
 - (vi) Drainage system.
 - (vii) Root barrier/water proofing layer.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed landscape plan must be maintained by:
 - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
 - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
 - (c) Replacing any dead, diseased, dying or damaged plants.to the satisfaction of the Responsible Authority.

Car Parking

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

General

12. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the use, including through:
 - (a) The transport of materials, goods or commodities to or from land.
 - (b) The appearance of any buildings, works or materials.
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

- (d) The presence of vermin.
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).
 15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park entrance and pedestrian entries must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
 16. 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.
 17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 18. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
 19. 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.
 20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 21. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
 22. Pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line to the top of kerb.
 23. 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.

Construction Management Plan

24. Before the use and/or development commences, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
 - (b) Works necessary to protect road and other infrastructure.
 - (c) Remediation of any damage to road and other infrastructure.
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.
 - (e) Facilities for vehicle washing, which must be located on the land.
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
 - (g) Site security.
 - (h) Management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil.
 - (ii) materials and waste.
 - (iii) dust.
 - (iv) stormwater contamination from run-off and wash-waters.
 - (v) sediment from the land on roads.
 - (vi) washing of concrete trucks and other vehicles and machinery.
 - (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.
 - (q) 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.
 - (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
 - (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
 - (t) Any site-specific requirements.

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

25. 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.
26. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Permit Expiry

27. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the use has not commenced within five years of the date of this permit.

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

Notes:

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

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.

The developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development for assessment and approval.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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

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

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

The applicant must liaise with Council's open space unit for the protection of street trees in Bridge Road.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>.

The permit holder/developer is responsible for the management and protection of their building from groundwater.

The permit holder/developer needs to ensure that the car stacker pit and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

In the event that contaminated groundwater seeps through the walls of the basement, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated and disposed of in accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

Submissions

Mr Robbie Mckenzie and Mr Harmie Cowie addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Sue O'Connor;
Daniel (representing 346 Bridge Rd);
Ms Judy Morton;
Mr Andrew Leung; and
Mr Graham Aldridge.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Bosler

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Refusal to Grant a Planning Permit (PLN16/0924) for the development of the land at 373-375 Bridge Road, Richmond for: Construction of a ten storey building plus basement car parking and a roof top terrace containing a shop and 35 dwellings, the use of the land as dwellings, a reduction in the car parking requirement and a waiver of the loading bay requirement on the following grounds:

1. The scale and height of the proposed development does not adequately respond to the scale and character of surrounding built form.
2. The height, massing and design would unreasonably impact the character of the area.
3. The proposed development will result in an unacceptable level of internal amenity and energy efficiency for the proposed dwellings.

CARRIED UNANIMOUSLY

1.4 7 Peel Street, Collingwood - PLN17/0188 - Sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a cafe/tavern (no permit required for uses)

Trim Record Number: D17/100710

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit PLN17/0188 be issued for sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a café and tavern (no permit required for uses) at 7 Peel Street, Collingwood, in accordance with the decision plans and subject to the following conditions:

1. Sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. No more than 15 patrons are permitted on the land at any time liquor is being sold or consumed.
3. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
 - (a) Sunday to Wednesday– 11am to 11pm; and
 - (b) Thursday to Saturday – 11am to 1am (the following day).
4. The provisions, recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
6. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.
7. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
8. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
9. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level only.
10. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.

11. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
12. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
14. The car parking space and bicycle rack as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
15. This permit will expire if the sale and consumption of liquor is not commenced within two years from 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.

Notes:

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

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

Submissions

The Applicant, Mr John Costello addressed the Committee.

Ms Jan Wright also addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Coleman

That the matter be deferred until the next Internal Development Approvals Committee (IDAC) Meeting of Wednesday 23 August 2017, for Councillors to clarify outside trading concerns.

CARRIED UNANIMOUSLY

Adjournment

The meeting adjourned at 8.36pm for a break.

The meeting resumed at 8.40pm.

1.5 Rear 26 - 56 Queens Parade, Fitzroy North - PLN16/0732 - Development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site).

Trim Record Number: D17/105278

Responsible Officer: Manager Statutory Planning

RECOMMENDATION

1. That having considered all objections and relevant planning policies, the Committee resolves to inform VCAT that had it been in a position, it would have issued a Notice of Decision to Grant a Permit (PLN16/0732) for the rear of 26-52 Queens Parade, Fitzroy North VIC 3068 for the development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being 26-56 Queens Parade) in accordance with the VCAT substituted plans (received by Council 25 July 2017) and subject to the following conditions:

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 (received by Council 25 July 2017) but modified to show:

- (a) a maximum overall building height of 9m.
 - (b) the level 2, northern boundary wall to be setback at least 1.3m where it does not abut a boundary wall to the north;
 - (c) fences/gates adjacent to the dwelling entrances a maximum height of 1.5m and minimum transparency of 50%;
 - (d) the location of letter boxes and street numbering;
 - (e) lighting to dwelling entrances;
 - (f) external, operable, vertical screens to the north and west facing windows;
 - (g) details of the screens between courtyards/terraces and to habitable room windows, confirming:
 - (i) a minimum height of 1.7m;
 - (ii) a maximum permeability of 25%; and
 - (iii) that they are fixed.
 - (h) larger east facing windows to dwellings 2-4;
 - (i) an additional window to the ground floor, eastern elevation of dwelling 1;
 - (j) a minimum 6m³ store for each dwelling;
 - (k) a schedule of colours and materials, including samples (where relevant);
 - (l) bicycle parking as per clause 52.34 of the Yarra Planning Scheme;
 - (m) bicycle parking must meet the design requirements at clause 52.34-4 of the Yarra Planning Scheme; and
 - (n) items as per the Sustainable Design Assessment, where relevant to show on the plans
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Development must not commence until the development at 26-56 Queens Parade, Fitzroy North (PLN16/0434) commences; alternatively if not permit is granted, this planning permit becomes void.
 4. The development must not be occupied until the car parking spaces, bicycle parking spaces, waste storage area and pedestrian link from Queens Parade (for use of this development) are constructed and ready for use at 26-56 Queens Parade, Fitzroy North (PLN16/0434).

5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
7. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
8. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by WGE and dated 9 September 2016, but modified to reflect the decision plans.
9. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
10. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the laneways adjoining the site (extending from Brunswick Street and the entrances of the dwellings). When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
 - (a) a lighting scheme designed for the laneways and within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) the control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) the locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) a maintenance regime for the lighting scheme within the curtilage of the property.
 - (f) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
11. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
12. 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;
 - (ii) dust;
 - (iii) stormwater contamination from run-off and wash-waters;
 - (iv) sediment from the land on roads;
 - (v) washing of concrete trucks and other vehicles and machinery; and
 - (vi) 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; and
 - (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.
13. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 14. 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.
 15. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
 16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 17. Prior to the commencement of the development, the developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development (outlined in condition 18) for assessment and endorsement to the satisfaction of the Responsible Authority.
 18. 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, to the satisfaction of the Responsible Authority:
 - (a) reconstruction of the segment of laneway to the east of the site in pitched bluestone. The cost of these works must be borne by the Permit Holder; and

- (b) reconstruction of the segment of laneway linking the southern end of the site to Brunswick Street, as per existing conditions. Half (50%) of the cost of these works must be borne by the Permit Holder (with the remaining half to be borne by the Responsible Authority).

19. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

NOTES:

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

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.

Or:

2. Should Council wish to maintain a position of refusal the only outstanding ground is:

- 1. *The site coverage and permeability do not respect the existing or preferred neighbourhood character and does not respond to the features of the site.*

Submissions

The Applicant, Mr Mark Naughton addressed the Committee.

The following people also addressed the Committee:

Mr John Hayhoe;
Ms Maree Hayhoe;
Ms Sharon Burke; and
Mr Glen McCallum.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Nguyen

That Council inform VCAT that had it been in a position, it would have issued a Notice of Refusal to Grant a Permit (PLN16/0732) for rear of 26-56 Queens Parade, Fitzroy North for the development of the land for the construction of 4, 3-storey dwellings (no permit required for dwelling use), reduction in the car parking requirements and to provide all of the car parking spaces on another site (being the larger Queens Parade site) based on the VCAT substituted plans (received by Council on 25 July 2017) on the following grounds:

1. The height, setback and massing of the proposal would unreasonably impact the character and amenity of the area and surrounding dwellings.
2. The site coverage and permeability do not respect the existing or preferred neighbourhood character and does not respond to the features of the site.

CARRIED UNANIMOUSLY

-
- 1.6 PLN16/0434 - 26-56 Queens Parade, Fitzroy North - Development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the site as a café, food and drinks premises, shop and use of part of the land for the sale and consumption of liquor (in association with the food and drinks premises and café), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone**
-

Trim Record Number: D17/105802

Responsible Officer: Manager Statutory Planning

RECOMMENDATION

That Council inform VCAT that had it been in a position, it would have issued a Notice of Decision to Grant a Permit (PLN16/0434) for 26-56 Queens Parade, Fitzroy North VIC 3068 for the development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the land for the sale and consumption of liquor (on-premises), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone in accordance with the substituted plans (received by Council 25 July 2017) 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, prepared by Cox Architecture and received by Council 25 July 2017) but modified to show:
 - (a) demolition plans and elevations;
 - (b) survey information included on elevations to confirm that the maximum:
 - (i) overall building height does not exceed 31m; and
 - (ii) the new façade height to Queens Parade (podium element) does not exceed 10m.
 - (c) details of the vehicular entrance door, fire booster cupboards and services;
 - (d) screening to habitable room windows, balcony or terrace to address internal and external overlooking within a 9m radius and 45 degree arc of an adjacent habitable room windows or private open space area to the satisfaction of the Responsible Authority. Screens must be designed and/or of a material to minimise views and still permit reasonable daylight to enter the treated dwellings;
 - (e) treatments to the ground level windows and private open space areas to provide privacy from the communal open space areas;
 - (f) north-west built form segment adjacent to the General Residential Zone, Schedule 3, setback as per Standard B17 of Clause 55 of the Yarra Planning Scheme;
 - (g) levels 2 to 9 of the eastern setback adjacent to the light court of 58 Queens Parade setback as per the requirements at table 2 of Schedule 16 to the Design and Development Overlay of the Yarra Planning Scheme;
 - (h) a schedule of external colours and materials, including samples (where appropriate). The schedule must show:
 - (i) the upper level planter boxes in a light to mid-grey finish; and
 - (ii) a darker finish to the level 1-2 balcony balustrades of the non-heritage façade.
 - (iii) the 'timber' as a durable material;
 - (iv) reconstruction of the eastern return wall to the heritage façade in face brick to match the façade;
 - (v) the heritage façade as a face brick finish (paint removal with no re-painting); and
 - (vi) details of the plant level screens, to be integrated with the overall design of the building.

- (i) details of the paint removal method to the retained façade (a low-pressure water and chemical or a poultice system is suggested);
- (j) retention of the existing ground floor south facade windows. Where balconies are proposed behind, glazing may be removed, however framing must be retained or replaced to match existing;
- (k) details of how the framing and glazing to the existing façade windows (including adjacent to balconies where glazing would be removed but framing would remain or be replaced to match existing);
- (l) retention of the existing front canopy detail;
- (m) coloured elevations and perspectives;
- (n) clear glazing to all habitable rooms of dwellings;
- (o) provision of full height glazing to the following dwellings:
 - Ground floor
 - C1GF09
 - C4GF04 (rear bedroom), C4GF05, C4GF06,
 - C3GF01, C3GF02, C3GF06 (rear bedroom)
 - Lower level bedrooms of TH11, TH12, TH13, TH14,
 - First Floor
 - C40105, C40106,
 - C30101, C30102, C30103, C30104, C30105
 - Second Floor
 - Rear bedrooms to TH11, TH12, TH13, TH14
 - C30201, C30202, C30203, C30204, C30205
- (p) a convex mirror adjacent to the vehicular exit (no alarm systems);
- (q) a lighting plan addressing entries and public spaces within the development;
- (zz) a landscape plan which shows the:
 - (i) deletion of the 2 shrubs/plants along the property frontage in front of the easternmost commercial tenancies;
 - (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) cross sections showing the depth of planter boxes and planting;
 - (iv) location of all areas to be covered by lawn, paving or other surface materials;
 - (v) specification of works to be undertaken prior to planting;
 - (vi) watering and maintenance;
 - (vii) garden bed dimensions;
 - (viii) areas of paving and proposed materials;
 - (ix) location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
 - (x) clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
 - (xi) water sensitive urban design [WSUD] features; and
 - (xii) removal of street tree 8 (Ulmus). A notation must confirm that the Permit Holder will pay the Responsible Authority \$8,960 to undertake these works, including the reinstatement of 2 trees after development plus 2 years tree establishment maintenance by City of Yarra contractors;
 - (i) a detailed section of the green roofs, confirming/detailing:
 - vegetation layer;
 - growing substrate and depth (plants should not be supplied as 100mm pots, but grown in the media to be used on the green roof);
 - confirmation that load bearing weights for saturated bulk density have been considered and supported by suitably qualified engineers);
 - irrigation;
 - filter sheet;
 - drainage layer (specify the Elmich product, or similar);
 - protection mat;

- root barrier; and
 - waterproofing.
- (r) a red line plan showing the sale and consumption of liquor limited to the internal area of the westernmost food and drinks premises (café);
 - (s) the 'café' and 'restaurant' shown as a 'food and drinks premise (café)';
 - (t) the shop (deli) with a maximum leasable floor area of 150m²;
 - (u) the food and drinks premises (cafes) with a maximum leasable floor area of 150m² in total;
 - (v) title boundaries as per the certificate of title;
 - (w) toilets for the commercial tenancies;
 - (x) 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 the Queens Parade service lane (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;
 - (y) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
 - (z) 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;
 - (aa) details of the visitor 'bicycle park' at the ground floor;
 - (bb) at least 25% of the provided bicycle parking must be accessible at ground level (i.e. not hanging systems);
 - (cc) bicycle parking for the rear site townhouses positioned adjacent to the pedestrian gate in the north-west corner of the site;
 - (dd) ramp width dimensions (from kerb to kerb);
 - (ee) minimum headroom clearances throughout the basement dimensioned;
 - (ff) a minimum 1m clearance from the vehicle entry/exit to the adjacent power pole. The east edge of the crossover must be perpendicular to the Queens Parade service road;
 - (gg) car park columns setback 750mm from the aisles;
 - (hh) loading bay dimensioned on the drawings, including minimum overhead clearance. The plan must also include a note confirming details of the vehicles permitted to use this space, along with swept path diagrams;
 - (ii) the headroom clearance of the vehicular doorway;
 - (jj) visitor intercoms to the pedestrian and vehicular entries to the development;
 - (kk) a note confirming the design and construction of the new vehicle crossing must satisfy Council's *Infrastructure Road Materials Policy*, Council's Standard Drawings and engineering requirements;
 - (ll) all redundant vehicle crossings must be demolished and reinstated to Council's satisfaction and at the Permit Holder's expense;
 - (mm) changes (as necessary) as per the endorsed Acoustic Report, Structural report, Wind Report, SMP, Shared zone management plan and Waste management plan;
 - (nn) **any Melbourne Water Changes.**

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, Cox Architecture 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.

Use of the land for the sale and consumption of liquor

15. No more than 50 patrons are permitted in the westernmost food and drinks premises (café) at any one time.
16. The sale and consumption of liquor in association with the westernmost food and drinks premises (café) may only occur between the hours of 12 noon to 5pm, any day.

17. Before the use of the land for the sale and consumption of liquor commences, a Noise and Amenity Action Plan [**NAAP**] to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the NAAP will be endorsed and will then form part of this permit. The NAAP must include details as per clause 22.09-4.3 of the Yarra Planning Scheme.
18. The sale and consumption of liquor uses must be managed in accordance with the endorsed NAAP.
19. The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
20. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
21. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.

Structural report requirement

22. 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.
23. 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

24. 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.
25. 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.

Section 173 Agreement

26. 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) the ongoing provision of 7 car parking spaces, 4 bicycle parking spaces, 4 stores and a bin area for the rear of 26-56 Queens Parade, Fitzroy North (Lot 1 on Title Plan 806921X) on this site.

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

27. 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 Windtech and dated 30 June 2016, but modified to:
- (a) reflect the decision plans; and
 - (b) demonstrate that acceptable wind levels would be resultant from the development (on and off the site); and
 - (c) identify which balustrades could be reduced to 1m or 1.7m (dependent on overlooking requirements) and continue to achieve the relevant wind criteria.
28. 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

29. 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 Wood and Grieve Engineers, dated 29 June 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. The report must:

- (a) the decision plans and any relevant condition 1 requirements;
- (b) amended location and time of road traffic noise measurements as follows:
 - (i) noise levels during the afternoon peak hour and the loudest hour of the 'night' period (typically 6 am to 7 am for sites such as this one); and
 - (ii) a daytime measurement to assist in the assessment of the daytime average noise level to apartments unless an alternative approach to determining the daytime average is adopted;
 - (iii) the adoption of target indoor noise levels with regard to road traffic as follows:

	Period	Average Level²	Loudest Hour³	Instantaneous Lmax level
Habitable rooms, including bedrooms	7 am to 10 pm	40 dBA Leq, 15h	45 dBA Leq, 1h	
Bedrooms	10 pm to 7 am	35 dBA Leq, 9h	40 dBA Leq, 1h	50-55 dBA Lmax

² - The 'average level' is equal to the mid-point between the AS/NZS2107 recommended 'satisfactory' and 'maximum' levels and is equal to the levels allowed in the 2011 NSW Road Noise Policy (Appendix C10) and the WA State Planning Policy (5.4).

³ - The 'loudest' hour targets are equal to the AS/NZS2107 recommended 'maximum' levels.

- (d) 3D modelling must demonstrate how the above targets will be achieved (including any necessary façade upgrades);
 - (e) target internal noise levels with regard to the impact of voice noise from the communal outdoor areas:
 - (i) noise from voice to apartments within the development be designed to achieve not greater than 30 dBA Leq in bedrooms and 35 dBA Leq in living rooms;
 - (ii) noise from voice to existing dwellings be assessed to a 'background+10 dB' target during the day/evening period and 'background + 5 dB' at night;
 - (iii) a restriction be provided on use of the Level 3 and 4 outdoor areas after 10 pm unless it can be demonstrated that 'background + 5 dB' targets can be met at the existing dwellings.
 - (f) maximum music noise levels in the food and drinks premises (cafés) and shop, ensuring compliance with SEPP N-2, along with a commitment to install a music noise monitor to ensure that these levels are not exceeded;
 - (g) an assessment voice noise from patrons within the food and drinks premises (cafés) and shop to the proposed dwellings. Indoor design targets of no greater than 30 dBA Leq must be achieved with windows closed;
 - (h) the impact of airborne noise from within the food and drinks premises (cafés) and shop, with any necessary building upgrades to minimise impacts; and
 - (i) an assessment of the following on the existing (off-site) and proposed dwellings (on-site):
 - (i) communal areas (including the theatre, pool area, lounges gym and roof terraces);
 - (ii) the driveway along the eastern boundary;
 - (iii) the vehicular entry door;
 - (iv) lift cores; and
 - (v) mechanical plant and equipment (including air conditioner units).
30. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
31. Prior to the occupation 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.
32. 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.

Sustainable Management Plan

33. 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 Wood and Grieve Engineers dated 29 June 2016, but modified to show/reflect/demonstrate:
 - (a) the decision plans;
 - (b) the incorporation of any combination of the following:
 - (c) extraction fans to all kitchen range hoods and bathrooms;
 - (d) ceiling fans;
 - (e) trickle vents;
 - (f) energy efficient mechanically assisted natural ventilation with flow rates 50% in excess of AS 1668 levels.
34. 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

35. 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 include/reflect:
 - (a) the decision plans;
 - (b) details on how bin store will operate/be managed by operator;
 - (c) details on education, tenants information, bin room set up, etc to ensure appropriate management of the waste and recycling;
 - (d) detail plan of bin store showing path of access, hard waste area, etc.;
 - (e) details/justification on ensuring recycling collected is compacted to ensure industry standard and not compromise recovery of recyclables;
 - (f) details on path of access from the street to the bin collection point;
 - (g) details on how the chutes operate to ensure appropriate use by tenants;
 - (h) details on how the development will be managed by the operator; and
 - (i) show how the WMP will work in practice for residents, operator and waste contractors.
36. 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

37. 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.
38. 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.

39. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) the protection of the nature strip trees adjacent to the site along the Queens Parade frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
40. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Car parking

41. 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 allocation of 7 car parking spaces to the rear of 26-56 Queens Parade, Fitzroy North (planning permit PLN16/0732);
 - (b) the number and location of car parking spaces allocated to each commercial tenancy;
 - (c) management details for residential loading/unloading when moving;
 - (d) 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;
 - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (f) any policing arrangements and formal agreements;
 - (g) 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;
 - (h) 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; and
 - (i) details regarding the management of loading and unloading of goods and materials.
42. 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.
43. 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

44. 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.
45. 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.
46. 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.

Design Detail

47. Within three months of commencement of the development, the owner of the site must submit Detailed Engineering Documentation to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the Detailed Engineering Documentation will be endorsed and will then form part of this permit. The Detailed Engineering Documentation must be drawn to scale with dimensions, and three copies must be provided. The Detailed Engineering Documentation must showing the following, to be provided to the satisfaction of the Responsible Authority and at the expense of the Permit Holder:
 - (a) the reconstruction of the laneway, adjacent to the northern boundary of the site, in pitched bluestone;
 - (b) the reconstruction of the footpath outside the Queens Parade frontage of the site, once all building works and underground utility services have been completed/installed. All pedestrian access must be constructed to a level no steeper than 1 in 40 from the building line;
 - (c) subject to approval from Melbourne Water, VicRoads and the Responsible Authority, improvements to the Queens Parade and Napier Street intersection also to the satisfaction of Melbourne Water, as follows:
 - (i) close the service lane on the north west corner;
 - (ii) increased walkability through the installation of splitter islands and kerb extensions;
 - (iii) increased cycle safety through decreed crossing distances; and
 - (iv) Opportunities for better/greener public spaces;
 - (d) re-sheeting of the Queens Parade service road as per existing details and materials. The road pavement of Queens Parade service road must be profiled and re-sheeted to the satisfaction of Council after the building works and the provision of underground utility services have been completed;
 - (e) the nature strips directly outside the property's Queens Parade service road frontage must be cultivated, top dressed and be provided with instant turf;
 - (f) the kerb and channel outside the development's Queens Parade service road frontage must be constructed in bluestone; and
 - (g) all redundant property drains must be removed.
48. Unless with the prior written consent of the Responsible Authority, all development referenced in condition 58 must be completed to the satisfaction of the Responsible Authority prior to occupation of any buildings.
49. The details and requirements of the endorsed Detailed Engineering Documentation must be implemented and complied with to the satisfaction of the Responsible Authority, at the expense of the Permit Holder.

50. Before the development commences, the permit holder must make a one off contribution of \$8,960 to the Responsible Authority to be used for new street tree plantings that are required as a result of the development (reinstatement of 2 trees after development plus 2 years tree establishment maintenance). All work will be undertaken by City of Yarra contractors.

Green Travel Plan

51. 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.
52. 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

53. 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.

54. 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.

55. 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.

56. Any service poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense, with approval from the relevant authorities and to the satisfaction of the Responsible Authority.

57. 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.

58. 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.

59. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavements outside 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.
60. 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.
61. 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.
62. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
63. Pit lids and levels are to be readjusted to match the surface of the footpath, to the satisfaction of the Responsible Authority.
64. No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from the Responsible Authority.
65. 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

66. 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.

67. 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

68.

Melbourne Water conditions

69.

PTV Conditions

70.

Expiry

71. This permit will expire if one of the following circumstances applies:
- (a) the development is not started within 2 years of the issued date of this permit;
 - (b) the development is not completed within 4 years of the issued date of this permit;
 - (c) the uses are not commenced within 5 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:

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.

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.

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

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and metres. No private pits, valves or metres on Council property will be accepted.

Submissions

The Applicant, Mr Mark Naughton addressed the Committee.

The following people also addressed the Committee:

Mr John Hayhoe;
Ms Maree Hayhoe;
Ms Sharon Burke;
Mr Adam Cutler;
Mr Simon Evans;
Mr Glen McCallum; and
Mr Rod Harris.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Nguyen

That Council inform VCAT that had it been in a position, it would have issued a Notice of Refusal to Grant a Permit (PLN16/0434) for 26-56 Queens Parade, Fitzroy North for the Development of the land for the construction of a 10 storey building, plus 2 basement levels, to be used as dwellings (no permit required for dwelling use), use of part of the site as a café, food and drinks premises, shop and use of part of the land for the sale and consumption of liquor (in association with the food and drinks premises and café), reduction in the car parking requirements, reduction of the loading bay requirements and alteration of access to a Road Zone based on the VCAT substituted plans (received by Council on 25 July 2017) on the following grounds:

1. The height, setback, design detailing and massing of the proposal would unreasonably impact the heritage significance and neighbourhood character of the area.
2. The height, setback and massing of the proposal would unreasonably impact the amenity of the area and surrounding dwellings.

CARRIED UNANIMOUSLY

The meeting closed at 10.05pm

Confirmed at the meeting held on Wednesday 23 August 2017

Chair