



# **YARRA CITY COUNCIL**

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE**

### **MINUTES**

**held on Wednesday 13 December 2017 at 6.30pm  
in Meeting Rooms 1, 2 & 3 at the Richmond Town Hall**

#### **I. ATTENDANCE**

##### **Meeting 1 – Meeting Rooms 1 & 2**

Councillor James Searle  
Councillor Mike McEvoy  
Mary Osman (Manager Statutory Planning)  
Vicky Grillakis (Co-Ordinator Statutory Planning)  
Rhys Thomas (Senior Governance Advisor)

##### **Meeting 2 – Meeting Room 3**

Councillor Amanda Stone  
Councillor Danae Bosler  
Ally Huynh (Senior Co-Ordinator Statutory Planning)  
Amy Hodgen (Co-Ordinator Statutory Planning)  
Cindi Johnston (Governance Officer)

#### **II. APOLOGIES AND LEAVE OF ABSENCE**

Councillor Stephen Jolly (Meeting 1)

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

Rhys Thomas (Senior Governance Advisor) made a disclosure in relation to item 1.4 of Meeting 1.

#### **IV. CONFIRMATION OF MINUTES**

**Internal Development Approvals Committee Resolution:**

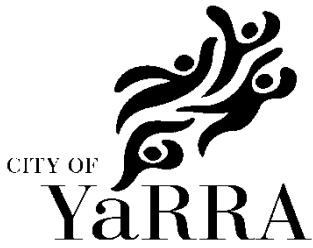
**Moved:** Councillor Bosler   **Seconded:** Councillor Stone

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

**CARRIED**

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



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

### **POLICY**

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

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

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

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

**Governance Branch  
2008**

### **Meeting 1**

Councillor Searle nominated Councillor McEvoy as Chair.

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

Councillor McEvoy assumed the Chair.

### **Meeting 2**

Councillor Stone 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	Meeting 1	Page	Res. Page
1.1	PLN17/0370 - 198-242 Burnley Street, Richmond - Part demolition and the construction of buildings up to nine storeys including basement car parking and containing office, shop and restricted retail premises, a reduction in the car parking requirement, a variation to the loading bay requirement and alterations to the access of and buildings and works to a road in a Road Zone, Category 1 (Burnley Street).	7	30
1.2	PLN17/0626 - 60 - 88 Cremorne Street Cremorne - Use and development of the land for the construction of two buildings (two and seven storeys in height with a roof terrace and two basement levels) for the purposes of three (3) food and drinks premises (7am to 7pm, seven days per week), an indoor recreation facility (7am to 7pm, seven days per week), an education centre (68 students - 7am to 7pm, Monday to Saturday) and office (no permit required for office use) and a reduction in the car parking requirements.	31	43
1.3	PLN17/0389 - 16A-17A/64 Balmain Street, Cremorne - Development of the land for the construction of a 9 storey building (plus basement levels), reduction in the car parking requirement associated with an office	44	50
1.4	PLN17/0278 - 506 & 508 - 510 Church Street Cremorne - Use and development of the land for the construction of an 11 storey building (plus roof terrace and three basement levels) for offices and three food and premises (no permit required for office use), reduction in car parking requirement, and alteration of access and building and works to a Road Zone Category 1 Road.	58	71
1.5	86 Fergie Street, Fitzroy North - Planning Permit Application No. PLN17/0005 - Part demolition to allow for the construction of a basement and a double-storey extension to the existing dwelling.	84	85
<b>Meeting 2</b>			
1.1	150-152 Bridge Road & 1-3 Allowah Terrace, Richmond - PLN17/0131 - Part demolition of the existing building and construction of a seven (7) storey building to the rear, use of land for dwellings, reduction in the statutory car parking requirements and alter access to a Road Zone Category 1 Road.	88	112
1.2	293 Church Street, Richmond VIC 3121 - Planning Application Permit No. PLN16/0509 - Construction of four, three-storey dwellings, including a reduction in the associated car parking requirement of the Yarra Planning Scheme.	113	116

<b>1.3</b>	175 Burnley Street, Richmond - PLN17/0388 - Development of the land for construction of a 9 storey building (plus roof top plant and three basement levels), use of the land for offices, restaurant and associated sale and consumption of liquor and restricted retail premises, reduction in the car parking requirements and alteration of access to a Road Zone Category 1.	117	124
<b>1.4</b>	208-224 Wellington Street, Collingwood VIC 3066 - Planning Permit Application No.PLN17/0423 (Change of use to education centre, including associated buildings and works and reduction in car parking requirements).	131	133
<b>1.5</b>	Floor 1, 439-441 Swan Street, Richmond - Planning Permit Application No. PLN17/0525 (Change of use to indoor recreation facility, a reduction in bicycle parking and display of internally illuminated and business identification signage).	134	135

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- 1.1 PLN17/0370 - 198-242 Burnley Street, Richmond - Part demolition and the construction of buildings up to nine storeys including basement car parking and containing office, shop and restricted retail premises, a reduction in the car parking requirement, a variation to the loading bay requirement and alterations to the access of and buildings and works to a road in a Road Zone, Category 1 (Burnley Street).**
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Trim Record Number: D17/180992

Responsible Officer: Senior Coordinator Statutory Planning

## RECOMMENDATION

That having considered all objections and relevant planning policies, it is recommended that a Notice of Decision to Grant a Planning Permit PLN17/0370 be issued for part demolition and the construction of buildings up to nine storeys including basement car parking and containing office, shop and restricted retail premises, a reduction in the car parking requirement, a variation to the loading bay requirement and alterations to the access of and buildings and works to a road in a Road Zone, Category 1 (Burnley Street) at 198-242 Burnley Street, Richmond, 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 advertised plans prepared by Wireframe Architecture and dated 24 July 2017, but modified to show:
    - (a) The changes shown in the concept plans prepared by Wireframe Architecture and dated 17 October 2017, which generally show:
      - (i) Changes to the basement layout increasing the extent of basement area to the west and south, incorporating car stackers along the eastern side of the basement, amongst other internal layout changes.
      - (ii) Changes to the ground floor layout including:
        - Shifting the vehicle access to the proposed development further north on the Neptune Street frontage.
        - Introducing a bicycle entrance from Neptune Street along the southern boundary.
        - Shifting the Burnley Street vehicle access further south and widening the landscaped forecourt to the lift lobby of Building A.
        - Providing an east-west pedestrian link between Burnley Street and the laneway off Neptune Street through the building to the north of the Burnley Street frontage.
      - (iii) Changes to Building A including increased setbacks to Burnley Street and Neptune Street at the first floor and above.
      - (iv) Changes to Building C including increased setbacks to Neptune Street and from the boundary with 43 Neptune Street and a reduction in height to 16.14 metres.
      - (v) Changes to Building D including generally increasing setbacks to the southern and western boundaries, various additions and reductions at all levels of Building D, generally central to the Burnley Street frontage and shifting the Building D lobby to the north of the combined restricted retail tenancy.
- But further modified to show the following changes:
- (b) A minimum of four roof trusses and the associated roof form retained at both the Burnley Street and Neptune Street ends of the Patersons building and the proposed tower addition setback to match the depth of the retained trusses.
  - (c) The entry through the Neptune Street façade of the Patersons building redesigned to retain the vertically sliding timber entry door, preferably in the down position.

- (d) The retention of the roof framing of the entire Alcock's building.
- (e) The awning extending along the full width of Building D to Burnley Street.
- (f) Details of the interface between the lift lobby of Building D and the Burnley Street vehicle access to ensure this interface is appropriately treated.
- (g) Pedestrian access provided between the ground floor car park and the lift lobby of Building D.
- (h) Additional north-facing windows provided along the pedestrian link to the west of the bi-fold doors, at both the ground and upper floors.
- (i) Access (e.g. via a door) to the 1.295 metre setback along eastern boundary of 2 Strafford Street and its driveway.
- (j) The width of the vehicle access point to Strafford Street.
- (k) A CCTV monitor provided and installed for motorists exiting the Neptune Street vehicle access capturing views to the south of the entrance.
- (l) Swept path diagrams for the B99 design vehicle provided for vehicle entry and exit movements for the Neptune Street entrance. Parallel car parking and nearby vehicle crossings must be accurately depicted on the swept path diagrams.
- (m) The carpark designed to accord with Clause 52.06-9.
- (n) Ramp details, including grades, lengths, transitions, headroom clearances, etc.
- (o) Accessible car parking spaces to be identified and dimensioned.
- (p) Column locations and depths to be dimensioned.
- (q) On-site loading bays to be dimensioned.
- (r) Specifications for the car stacker device
- (s) Any service cabinet or meter room doors that open outwards as able to swing 180 degrees and be latched to the building when opened or serviced.
- (t) Car parking spaces that do not have adequate clearance to an adjacent wall provided with a 300mm clearance.
- (u) The porous windscreens on the north and west edges of the rooftop terrace of Building C as recommended in the wind impact assessment report prepared by Vipac and dated 22 June 2017.
- (v) A minimum 1.5 metre wide pedestrian clearance provided through the proposed pedestrian link from the Burnley Street frontage to the laneway to the west.
- (w) Additional landscaping within the pedestrian link.
- (x) The property boundary between private and public property clearly delineated where this is not delineated by a building on boundary.
- (y) Any requirement of the amended sustainable management plan required by condition 9 of this planning permit (where relevant to show on plans).
- (z) Any requirement of the amended acoustic report required by condition 11 of this planning permit (where relevant to show on plans).
- (aa) Any requirement of the amended wind impact assessment required by condition 13 of this planning permit (where relevant to show on plans).
- (bb) Any requirement of the amended waste management plan required by condition 15 of this planning permit (where relevant to show on plans).

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.

### **Shop Use**

3. Except with the prior written consent of the Responsible Authority, the shop use authorised by this permit may only operate between the hours of 8:00am and 8:00pm, Monday to Sunday.

### **Section 173 Agreement**

4. Prior to the commencement of the development authorised by this permit, or by such later date as approved in writing by the Responsible Authority, the permit holder (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 permit holder must provide unfettered 24 hour public access over that part of the land to be used for the east-west pedestrian link.
- (b) The permit holder is responsible for maintaining at all times the areas that are private land open to the public described in condition 4(a) at the cost of the permit holder of the site and to the satisfaction of the Yarra City Council.
- (c) The permit holder must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 4(a).
- (d) That the permit holder pay the costs of the Responsible Authority in relation to the preparation, review, execution and registration of the agreement.
- (e) For any other matters agreed between Council and the owner in relation to the public realm improvements.

The permit holder, 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.

### **Landscape Plans**

5. Before the development commences, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended landscape plan will be endorsed and will form part of this permit. The amended landscape plan must be generally in accordance with the landscape design report prepared by Papworth Davies and dated 24 July 2017, but modified to include (or show):
  - (a) Reflect the changes in the concept plans prepared by Wireframe Architecture and dated 24 July 2017.
  - (b) Location of species proposed.
  - (c) Plant schedule indicating pot size, quantity, mature height and spread of all proposed planting.
  - (d) Details of raised garden beds and rooftop planting, including proposed planting media, irrigation and drainage.
6. 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. 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.

### **Street Trees**

7. Before the development commences, or by such later date as approved in writing by the Responsible Authority, 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 street tree on the Burnley Street footpath closest to Patersons building (198 Burnley Street):
    - (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,
8. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one off contribution to the Responsible Authority for the amenity value and removal cost of the two street trees located in front of the Moderne office building and for the reinstatement costs for new trees for the full length of the Burnley Street frontage. The location and number of replacement trees are at the discretion of the Responsible Authority.

#### **Sustainable Management Plan**

9. Before the development commences, an amended sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended sustainable management plan will be endorsed and will form part of this permit. The amended sustainable management plan must be generally in accordance with the sustainable management plan prepared by WSP Parsons Brinkerhoff and dated 19 April 2017, but modified to include or show:
- (a) Reflect the changes made in the concept plans prepared by Wireframe Architecture and dated 24 July 2017, while retaining the equivalent standard of environmentally sustainable design.
  - (b) A minimum of 30 per cent of the commercial floor areas achieve a minimum daylight factor of 2 per cent.
10. The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Acoustic Report**

11. Before the development commences, an amended acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended acoustic report will be endorsed and will form part of this permit. The amended acoustic report must be generally in accordance with the acoustic report prepared by Acoustic Logic and dated 24 July 2017, but modified to include (or show, or address):
- (a) A full assessment of all mechanical plant proposed for installation with the SEPP N-1 noise limits calculated for the potentially most impacted noise sensitive receivers.
  - (b) A maximum noise level at a reference distance specified for carpark entrance doors in close proximity to noise sensitive locations.
12. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Wind Assessment**

13. Before the development commences, an amended wind assessment report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended wind assessment report will be endorsed and will form part of this permit. The amended wind assessment report must be generally in accordance with the wind assessment report prepared by Vipac Engineers and Scientists and dated 22 June 2017, but modified to include (or show):
- (a) An assessment, including a wind tunnel assessment, of the wind conditions in the proposed pedestrian link and laneway to the north of the site and measures to ensure the wind conditions generated within the proposed pedestrian link and laneway are within walking criterion.
14. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

15. Before the development commences, or by such later date as approved in writing by the Responsible Authority, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by One Mile Grid and dated 6 April 2017, but modified to include or show:
  - (a) Reflect the changes in the concept plans prepared by Wireframe Architecture and dated 24 July 2017.
  - (b) Waste collection trucks entering/exiting the site from Burnley Street.
16. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Green Travel Plan**

18. Before the development commences, or by such later date as approved in writing by the Responsible Authority, an amended green travel plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended green travel plan will be endorsed and will form part of this permit. The amended green travel plan must be generally in accordance with the green travel plan prepared by One Mile Grid and dated 6 April 2017, but modified to include or show:
  - (a) A formal review process to assess and update the plan, including timeframes and who is responsible for the review of the green travel plan and how will it be reviewed.
  - (b) Whether priority car parking for car pooling staff will definitely be provided or not. Allocating priority car parking would strongly support car pooling.
  - (c) A review of whether some on-site car share vehicles can be provided.
  - (d) Additional support for sustainable transport events such as ride to work day.
  - (e) Remove references to residents within the green travel plan.
  - (f) Consistency between the proposed uses in the green travel plans and those on the plans.
19. The provisions, recommendations and requirements of the endorsed green travel plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Lighting Plan**

20. Before the development commences, a lighting plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The lighting plan must address lighting along the east-west pedestrian link and the laneway between Burnley Street and Neptune Street. When approved, the lighting plan will be endorsed and will form part of this permit. The lighting plan must provide for:
  - (a) A lighting scheme designed for the east-west pedestrian link and the laneway between Burnley Street and Neptune Street 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) A maintenance regime for the lighting scheme within the curtilage of the property.
  - (e) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.

21. The provisions, recommendations and requirements of the endorsed lighting plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

### **Conservation Works Plan**

22. Before the demolition commences, or by such later date as approved in writing by the Responsible Authority, a conservation works plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the conservation works plan will be endorsed and will form part of this permit. The conservation works plan 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, roof and walls, including sections to show the thickness of architectural elements;
    - (ii) The proposed reconstruction, restoration or works to the existing building, with notations clearly outlining any changes from existing conditions or use of new materials.
  - (b) A written description of the demolition and construction methods to be used.
23. The provisions, recommendations and requirements of the endorsed conservation works plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Archival Record**

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

### **Potentially Contaminated Land**

25. Before the construction of the development authorised by this permit commences, an Environmental Auditor must be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act. The Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue either:
  - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

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

26. If, pursuant to condition 25, a Statement is issued:
  - (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.

- (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to [section 173](#) of the [Planning and Environment Act 1987](#) (**Agreement**). The Agreement must:
  - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
  - (ii) be executed before the sensitive use for which the land is being developed commences; and
- (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

### **Public Art Management Plan**

- 27. Before the occupation of the buildings, or by such later date as approved in writing by the Responsible Authority, 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) The location of the artwork (to be consistent with the endorsed development plans);
  - (b) Outline of methodology for commission;
  - (c) Details of the commissioned artist(s);
  - (d) Description of art work, including:
    - (i) Materials;
    - (ii) Colours;
    - (iii) Dimensions;
    - (iv) Conceptual and site context rationale;
    - (v) Special features (for example lighting);
  - (e) Details of the installation process;
  - (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
  - (g) Attribution plans (e.g. signage or plaque).
- 28. 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 at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

### **General**

- 29. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and 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.
  - (d) The presence of vermin.
- 30. The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 31. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
- 32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:

- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

33. 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.
34. 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.
35. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
36. 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.
37. 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.

### **Car Parking**

38. Except with the prior written consent of the Responsible Authority, all trucks, including waste collections trucks, must access the site from the Burnley Street vehicular access point.
39. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a car park management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the car park management plan will be endorsed and will form part of this permit. The car park management plan must address, but not be limited to, the following:
  - (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) policing arrangements and formal agreements;
  - (d) 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.;
  - (e) 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 15; and
  - (f) details regarding the management of loading and unloading of goods and materials.
40. 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.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) constructed and available for use in accordance with the endorsed plans;

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

to the satisfaction of the Responsible Authority.

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

### **Civil Works**

43. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
44. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
45. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Burnley Street and Neptune Street footpaths for the width of the property frontage if required by the Responsible Authority):
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
46. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in anyway.

### **Construction Management Plan**

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

- (v) sediment from the land on roads.
- (vi) washing of concrete trucks and other vehicles and machinery.
- (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.

48. 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.

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

**VicRoads Conditions**

50. The mid block access onto Burnley Street being restricted to left in/left out movements.

51. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use and occupation hereby approved.
52. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use and the occupation hereby approved.

### **Permit Expiry**

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

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

### **Notes:**

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 employees and occupiers working within the development approved under this permit will not be permitted to obtain employee or visitor car 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.

The applicant must liaise with Council's open space unit for the protection of the street tree in Burnley Street.

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.

**VicRoads Notes:**

The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). 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 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

Submissions

*The Applicant, Ms Natasha Lidell and Mr Geoff Dill addressed the Committee:*

*The following people also addressed the Committee:*

*Mr Matthew Tence (written submission read by Cr McEvoy);  
Ms Julie Baker;  
Ms Karin Altman;  
Mr Daniel Swan;  
Mr Christian Day;  
Mr Paul McCarthy;  
Ms Denise Yiannos; and  
Ms Jan Kusiak.*

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved** Councillor Searle

**Seconded** Councillor McEvoy

That having considered all objections and relevant planning policies, it is recommended that a Notice of Decision to Grant a Planning Permit PLN17/0370 be issued for part demolition and the construction of buildings up to eight storeys including basement car parking and containing office, shop and restricted retail premises, a reduction in the car parking requirement, a variation to the loading bay requirement and alterations to the access of and buildings and works to a road in a Road Zone, Category 1 (Burnley Street) at 198-242 Burnley Street, Richmond, 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 advertised plans prepared by Wireframe Architecture and dated 24 July 2017, but modified to show:
  - (a) The changes shown in the concept plans prepared by Wireframe Architecture and dated 17 October 2017, which generally show:
    - (i) Changes to the basement layout increasing the extent of basement area to the west and south, incorporating car stackers along the eastern side of the basement, amongst other internal layout changes.
    - (ii) Changes to the ground floor layout including:

- Shifting the vehicle access to the proposed development further north on the Neptune Street frontage.
  - Introducing a bicycle entrance from Neptune Street along the southern boundary.
  - Shifting the Burnley Street vehicle access further south and widening the landscaped forecourt to the lift lobby of Building A.
  - Providing an east-west pedestrian link between Burnley Street and the laneway off Neptune Street through the building to the north of the Burnley Street frontage.
- (iii) Changes to Building A including increased setbacks to Burnley Street and Neptune Street at the first floor and above.
- (iv) Changes to Building C including increased setbacks to Neptune Street and from the boundary with 43 Neptune Street and a reduction in height to 16.14 metres.
- (v) Changes to Building D including generally increasing setbacks to the southern and western boundaries, various additions and reductions at all levels of Building D, generally central to the Burnley Street frontage and shifting the Building D lobby to the north of the combined restricted retail tenancy.

But further modified to show the following changes:

- (b) The deletion of levels 3 and 5 from Building D.
- (c) The deletion of one level from Building A.
- (d) The relocation of the bicycle entrance from Neptune Street to Strafford Street.
- (e) The southern and south-western corner walls of Building D to be architecturally treated.
- (f) No fencing on Strafford Street and the laneway to be provided and the setback area to be landscaped.
- (g) Externally facing car parking area walls treated with improved acoustic insulation (e.g. masonry wall).
- (h) Typical shade screen pattern as shown to have a maximum open area of 25%
- (i) retention or reconstruction of the sawtooth wall which interfaces with 43, 45, 47, 47A Neptune Street and 2 Strafford Street.
- (j) screening of the first floor south facing windows of Building D.
- (k) A minimum of four roof trusses and the associated roof form retained at both the Burnley Street and Neptune Street ends of the Patersons building and the proposed tower addition setback to match the depth of the retained trusses.
- (l) The entry through the Neptune Street façade of the Patersons building redesigned to retain the vertically sliding timber entry door, preferably in the down position.
- (m) The retention of the roof framing of the entire Alcock's building.
- (n) The awning extending along the full width of Building D to Burnley Street.
- (o) Details of the interface between the lift lobby of Building D and the Burnley Street vehicle access to ensure this interface is appropriately treated.
- (p) Pedestrian access provided between the ground floor car park and the lift lobby of Building D.
- (q) Additional north-facing windows provided along the pedestrian link to the west of the bi-fold doors, at both the ground and upper floors.
- (r) Access (e.g. via a door) to the 1.295 metre setback along eastern boundary of 2 Strafford Street and its driveway.
- (s) The width of the vehicle access point to Strafford Street.
- (t) A CCTV monitor provided and installed for motorists exiting the Neptune Street vehicle access capturing views to the south of the entrance.
- (u) Swept path diagrams for the B99 design vehicle provided for vehicle entry and exit movements for the Neptune Street entrance. Parallel car parking and nearby vehicle crossings must be accurately depicted on the swept path diagrams.
- (v) The carpark designed to accord with Clause 52.06-9.
- (w) Ramp details, including grades, lengths, transitions, headroom clearances, etc.
- (x) Accessible car parking spaces to be identified and dimensioned.
- (y) Column locations and depths to be dimensioned.

- (z) On-site loading bays to be dimensioned.
  - (aa) Specifications for the car stacker device
  - (bb) Any service cabinet or meter room doors that open outwards as able to swing 180 degrees and be latched to the building when opened or serviced.
  - (cc) Car parking spaces that do not have adequate clearance to an adjacent wall provided with a 300mm clearance.
  - (dd) The porous windscreens on the north and west edges of the rooftop terrace of Building C as recommended in the wind impact assessment report prepared by Vipac and dated 22 June 2017.
  - (ee) A minimum 1.5 metre wide pedestrian clearance provided through the proposed pedestrian link from the Burnley Street frontage to the laneway to the west.
  - (ff) Additional landscaping within the pedestrian link.
  - (gg) The property boundary between private and public property clearly delineated where this is not delineated by a building on boundary.
  - (hh) Any requirement of the amended sustainable management plan required by condition 9 of this planning permit (where relevant to show on plans).
  - (ii) Any requirement of the amended acoustic report required by condition 11 of this planning permit (where relevant to show on plans).
  - (jj) Any requirement of the amended wind impact assessment required by condition 13 of this planning permit (where relevant to show on plans).
  - (kk) Any requirement of the amended waste management plan required by condition 15 of this planning permit (where relevant to show on plans).
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.

### **Shop Use**

3. Except with the prior written consent of the Responsible Authority, the shop use authorised by this permit may only operate between the hours of 8:00am and 8:00pm, Monday to Sunday.

### **Section 173 Agreement**

4. Prior to the commencement of the development authorised by this permit, or by such later date as approved in writing by the Responsible Authority, the permit holder (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 permit holder must provide unfettered 24 hour public access over that part of the land to be used for the east-west pedestrian link.
  - (b) The permit holder is responsible for maintaining at all times the areas that are private land open to the public described in condition 4(a) at the cost of the permit holder of the site and to the satisfaction of the Yarra City Council.
  - (c) The permit holder must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 4(a).
  - (d) That the permit holder pay the costs of the Responsible Authority in relation to the preparation, review, execution and registration of the agreement.
  - (e) For any other matters agreed between Council and the owner in relation to the public realm improvements.

The permit holder, 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.

### **Landscape Plans**

5. Before the development commences, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended landscape plan will be endorsed and will form part of this permit. The amended landscape plan must be generally in accordance with the landscape design report prepared by Papworth Davies and dated 24 July 2017, but modified to include (or show):
  - (a) Reflect the changes in the concept plans prepared by Wireframe Architecture and dated 24 July 2017.
  - (b) Location of species proposed.
  - (c) Plant schedule indicating pot size, quantity, mature height and spread of all proposed planting.
  - (d) Details of raised garden beds and rooftop planting, including proposed planting media, irrigation and drainage.
  
6. 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. 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.

### **Street Trees**

7. Before the development commences, or by such later date as approved in writing by the Responsible Authority, 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 street tree on the Burnley Street footpath closest to Patersons building (198 Burnley Street):
    - (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,
  
8. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one off contribution to the Responsible Authority for the amenity value and removal cost of the two street trees located in front of the Moderne office building and for the reinstatement costs for new trees for the full length of the Burnley Street frontage. The location and number of replacement trees are at the discretion of the Responsible Authority.

### **Sustainable Management Plan**

9. Before the development commences, an amended sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended sustainable management plan will be endorsed and will form part of this permit. The amended sustainable management plan must be generally in accordance with the sustainable management plan prepared by WSP Parsons Brinkerhoff and dated 19 April 2017, but modified to include or show:

- (a) Reflect the changes made in the concept plans prepared by Wireframe Architecture and dated 24 July 2017, while retaining the equivalent standard of environmentally sustainable design.
  - (b) A minimum of 30 per cent of the commercial floor areas achieve a minimum daylight factor of 2 per cent.
10. The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Acoustic Report**

11. Before the development commences, an amended acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended acoustic report will be endorsed and will form part of this permit. The amended acoustic report must be generally in accordance with the acoustic report prepared by Acoustic Logic and dated 24 July 2017, but modified to include (or show, or address):
- (a) A full assessment of all mechanical plant proposed for installation with the SEPP N-1 noise limits calculated for the potentially most impacted noise sensitive receivers.
  - (b) A maximum noise level at a reference distance specified for carpark entrance doors in close proximity to noise sensitive locations.
12. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Wind Assessment**

13. Before the development commences, an amended wind assessment report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended wind assessment report will be endorsed and will form part of this permit. The amended wind assessment report must be generally in accordance with the wind assessment report prepared by Vipac Engineers and Scientists and dated 22 June 2017, but modified to include (or show):
- (a) An assessment, including a wind tunnel assessment, of the wind conditions in the proposed pedestrian link and laneway to the north of the site and measures to ensure the wind conditions generated within the proposed pedestrian link and laneway are within walking criterion.
14. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

15. Before the development commences, or by such later date as approved in writing by the Responsible Authority, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by One Mile Grid and dated 6 April 2017, but modified to include or show:
- (a) Reflect the changes in the concept plans prepared by Wireframe Architecture and dated 24 July 2017.
  - (b) Waste collection trucks entering/exiting the site from Burnley Street.
16. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

### **Green Travel Plan**

18. Before the development commences, or by such later date as approved in writing by the Responsible Authority, an amended green travel plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended green travel plan will be endorsed and will form part of this permit. The amended green travel plan must be generally in accordance with the green travel plan prepared by One Mile Grid and dated 6 April 2017, but modified to include or show:
  - (a) A formal review process to assess and update the plan, including timeframes and who is responsible for the review of the green travel plan and how will it be reviewed.
  - (b) Whether priority car parking for car pooling staff will definitely be provided or not. Allocating priority car parking would strongly support car pooling.
  - (c) A review of whether some on-site car share vehicles can be provided.
  - (d) Additional support for sustainable transport events such as ride to work day.
  - (e) Remove references to residents within the green travel plan.
  - (f) Consistency between the proposed uses in the green travel plans and those on the plans.
19. The provisions, recommendations and requirements of the endorsed green travel plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Lighting Plan**

20. Before the development commences, a lighting plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The lighting plan must address lighting along the east-west pedestrian link and the laneway between Burnley Street and Neptune Street.  
When approved, the lighting plan will be endorsed and will form part of this permit. The lighting plan must provide for:
  - (a) A lighting scheme designed for the east-west pedestrian link and the laneway between Burnley Street and Neptune Street 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) A maintenance regime for the lighting scheme within the curtilage of the property.
  - (e) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
21. The provisions, recommendations and requirements of the endorsed lighting plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

### **Conservation Works Plan**

22. Before the demolition commences, or by such later date as approved in writing by the Responsible Authority, a conservation works plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the conservation works plan will be endorsed and will form part of this permit. The conservation works plan 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, roof and walls, including sections to show the thickness of architectural elements;

- (ii) The proposed reconstruction, restoration or works to the existing building, with notations clearly outlining any changes from existing conditions or use of new materials.
  - (b) A written description of the demolition and construction methods to be used.
23. The provisions, recommendations and requirements of the endorsed conservation works plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### Archival Record

24. Before demolition of the Patersons building and moderne style office building and its northern addition commences, a detailed and annotated photographic record of these buildings in their context must be submitted to and approved by the Responsible Authority as a record of the buildings. The photographs must:
- (a) include the interior and each external elevation of the buildings;
  - (b) be submitted in black and white format; and
  - (c) be taken by a suitably qualified heritage photographer.

### Potentially Contaminated Land

25. Before the construction of the development authorised by this permit commences, an Environmental Auditor must be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act. The Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue either:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

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

26. If, pursuant to condition 25, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to [section 173](#) of the [Planning and Environment Act 1987](#) (**Agreement**). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

### Public Art Management Plan

27. Before the occupation of the buildings, or by such later date as approved in writing by the Responsible Authority, 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) The location of the artwork (to be consistent with the endorsed development plans);
- (b) Outline of methodology for commission;
- (c) Details of the commissioned artist(s);
- (d) Description of art work, including:
  - (i) Materials;
  - (ii) Colours;
  - (iii) Dimensions;
  - (iv) Conceptual and site context rationale;
  - (v) Special features (for example lighting);
- (e) Details of the installation process;
- (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
- (g) Attribution plans (e.g. signage or plaque).

- 28. 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 at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

#### **General**

- 29. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and 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.
  - (d) The presence of vermin.
- 30. The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 31. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
- 32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
 to the satisfaction of the Responsible Authority.
- 33. 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.
- 34. 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.

35. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
36. 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.
37. 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.

### **Car Parking**

38. Except with the prior written consent of the Responsible Authority, all commercial vehicles, including trucks, waste collections trucks and couriers, must access the site from the Burnley Street vehicular access point.
39. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a car park management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the car park management plan will be endorsed and will form part of this permit. The car park management plan must address, but not be limited to, the following:
  - (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) policing arrangements and formal agreements;
  - (d) 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.;
  - (e) 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 15; and
  - (f) details regarding the management of loading and unloading of goods and materials.
40. 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.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

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

### **Civil Works**

43. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
44. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
45. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Burnley Street and Neptune Street footpaths for the width of the property frontage if required by the Responsible Authority):
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
46. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in anyway.

### **Construction Management Plan**

47. Before the development commences, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
  - (b) Works necessary to protect road and other infrastructure.
  - (c) Remediation of any damage to road and other infrastructure.
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.
  - (e) Facilities for vehicle washing, which must be located on the land.
  - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
  - (g) Site security.
  - (h) Management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil.
    - (ii) materials and waste.
    - (iii) dust.
    - (iv) stormwater contamination from run-off and wash-waters.
    - (v) sediment from the land on roads.
    - (vi) washing of concrete trucks and other vehicles and machinery.
    - (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) No trucks or delivery vehicles to access the site, load or unload via Neptune Street or Strafford Street.
  - (l) Parking facilities for construction workers, which shall exclude parking or the granting of any permit for parking occurring on existing City of Yarra residential streets.
  - (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.
  - (v) other relevant considerations.
- (r) 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.
- (s) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
- (t) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
- (u) 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.

- 48. 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.
- 49. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **VicRoads Conditions**

- 50. The mid block access onto Burnley Street being restricted to left in/left out movements.
- 51. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use and occupation hereby approved.
- 52. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use and the occupation hereby approved.

### **Permit Expiry**

- 53. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit;

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

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

**Notes:**

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 employees and occupiers working within the development approved under this permit will not be permitted to obtain employee or visitor car 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.

The applicant must liaise with Council's open space unit for the protection of the street tree in Burnley Street.

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.

**VicRoads Notes:**

The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). 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 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

**CARRIED UNANIMOUSLY**

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- 1.2 PLN17/0626 - 60 - 88 Cremorne Street Cremorne - Use and development of the land for the construction of two buildings (two and seven storeys in height with a roof terrace and two basement levels) for the purposes of three (3) food and drinks premises (7am to 7pm, seven days per week), an indoor recreation facility (7am to 7pm, seven days per week), an education centre (68 students - 7am to 7pm, Monday to Saturday) and office (no permit required for office use) and a reduction in the car parking requirements.**
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Trim Record Number: D17/191389

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 PLN17/0626 for use and development of the land for the construction of two mixed use buildings (permit required for food and drinks premises (café), indoor recreation facility and education centre) and a reduction in the car parking requirements at 60 – 88 Cremorne Street, Cremorne, 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 by Hassell Studio received by Council on 7 and 9 August 2017 but modified to show:
  - (a) the three Food and Drinks Premises to be labelled as Food and Drinks Premises (café) and numbered Tenancy 1 to 3 on the ground floor plan with Tenancy 1 located under the co-working hub, Tenancy 2 being at the intersection of Blanche and Cremorne Streets and Tenancy 3 facing Cremorne Street;
  - (b) the eastern façade of the co-working hub providing passive surveillance of the 'parklet';
  - (c) details of the proposed timber batten screening including confirmation that it will be a treated material;
  - (d) further detailing and improvements to the northern ground floor interface between the main office building and adjoining food and drink premises to ensure a satisfactory interface is developed between the office and hospitality areas;
  - (e) the "low planters" either side of the ramp to the basement car park from Cremorne Street pulled back so that they are in line with the building line;
  - (f) provide outside weather protection for the food and drinks tenancy in the north-east part of the site along both street frontages;
  - (g) detailed plans, and/or section diagrams showing the dimensions and configuration of bicycle parking spaces within the secure facility with at least 281 bicycle spaces being provided;
  - (h) repositioning of visitor bike spaces to ensure they do not obstruct pedestrian movements;
  - (i) confirmation that the loading bay can accommodate an 8.8m long truck and has a height clearance of 4.2m;
  - (j) all spaces be designed to comply with the requirements AS2890.3;
  - (k) at least 20% of the spaces within the secure facility provided as horizontal, at ground-level spaces;
  - (l) dimensions of the clearance to walls on the basement plans, motorbike spaces and the loading bay;
  - (m) at least 50 visitor bike spaces be provided;
  - (n) any service cabinet or meter room doors that open outwards as able to swing 180 degrees and be latched to the building when opened or serviced;
  - (o) any requirement of the endorsed Sustainable Management Plan (condition 12) (where relevant to show on plans);

- (p) any requirement of the endorsed Waste Management Plan (condition 14) (where relevant to show on plans);
  - (q) any requirement of the endorsed acoustic report (condition 16) (where relevant to show on plans);
  - (r) any requirement of the endorsed wind report (condition 19) (where relevant to show on plans); and
  - (s) any requirement of the endorsed landscape plan report (condition 21) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, Hassell Studio 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.

#### Food and Drinks Premises (café)

4. Except with the prior written consent of the Responsible Authority, the café uses authorised by this permit may only operate between the hours of 7am and 7pm, seven days per week.
5. Except with the prior written consent of the Responsible Authority, no more than the following maximum number patrons are permitted on the land at any one time:
- (a) Tenancy 1 - 25
  - (b) Tenancy 2 - 100
  - (c) Tenancy 3 - 25

#### Indoor Recreation facility

6. Except with the prior written consent of the Responsible Authority, the indoor recreation facility authorised by this permit may only operate between the hours of 7am and 7pm, seven days per week.
7. Except with the prior written consent of the Responsible Authority, no more than 30 patrons are permitted on the land at any one time.
8. Except with the prior written consent of the Responsible Authority, no more than 4 staff are permitted on the land at any one time

#### Education Centre

9. Except with the prior written consent of the Responsible Authority, the education centre authorised by this permit may only operate between the hours of 7am and 7pm, Monday to Saturday.
10. Except with the prior written consent of the Responsible Authority, no more than 68 students are permitted on the land at any one time.
11. Except with the prior written consent of the Responsible Authority, no more than 12 staff are permitted on the land at any one time

#### Sustainable Management Plan

12. 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 Arup (prepared on 9 October 2017), but modified to include or show:
  - (a) Stormwater management system overview and performance standard to demonstrate best practice; and
  - (b) An update of the Energy Modelling Results JV3 section of the SMP to reflect the minimum 10% improvement stated in the Energy Efficiency section of the SMP. The current efficiency improvement displayed in the JV3 results appears to demonstrate a 2% improvement only;
  - (c) The Façade detail included in the Façade Optimisation section of the SMP annotated on plans;
  - (d) At least 20% of bike spaces are on ground in line with AS2890.3; and
  - (e) Delineation for different waste streams and for these to be notated on plans.
13. 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

14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
15. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Acoustic report

16. Before the development commences, 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 ARUP prepared on 3 August 2017, but modified to include (or show, or address):
  - (a) noise impacts from ground floor outdoor areas; and
  - (b) further details of the education centre outdoor fencing.
17. Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the ARUP report prepared on 3 August 2017. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
  - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 16 have been implemented;
  - (b) Assess mechanical plant noise to SEPP N-1; and

- (c) If non-compliance with Condition 17b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.

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

#### Wind Report

- 19. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.
- 20. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Landscape Plan

- 21. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) centrally position the trees located within the 'active laneway' outdoor space between the co-working hub and main office building to allow for the fullest possible canopy growth;
  - (b) centrally position the trees along the building line in the main office building to allow for the fullest possible canopy growth;
  - (c) accurately reflect the proposed tree positions and include the planter box/tree planting locations;
  - (d) show the proposed landscape features;
  - (e) show a legend to distinguish existing trees from proposed trees;
  - (f) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (g) plant schedule indicating pot size, quantity, mature height and spread of all proposed planting
  - (h) show the materiality of the proposed spaces;
  - (i) planting details, dimensions of planters, proposed planting media, irrigation and drainage;
  - (j) provide a specification of works to be undertaken prior to planting;
  - (k) further detail on any sustainable treatments and water harvesting methods ;and
  - (l) detail plant/planting maintenance schedules and requirements including confirmation that all vegetation within the subject site boundary would be maintained by the property owner.

to the satisfaction of the Responsible Authority.

- 22. 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.

#### Street Tree

23. Before the development commences, the permit holder must make a one off contribution of \$15,861 to the Responsible Authority to be used for:
- (a) the cost of supply, planting and establishment maintenance of all new street tree and understorey planting that are required as a result of the development;
  - (b) compensation for the Lophostemon tree; and
  - (c) reinstating the planting in the middle kerb extension outside of No. 1 Blanche Street.

#### Tree Management Plan

24. 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 any Council owned or privately owned trees adjacent to the site (Rear of Wellington St properties, Blanche St and Cremorne St):
    - (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.

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

#### Blanche Street Shared Zone and public realm works

26. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Blanche Street Shared Zone and public realm plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Blanche Street Shared Zone and public realm plan will be endorsed and will form part of this permit. The Blanche Street Shared Zone and public realm plan must be generally in accordance with the public realm and landscape report prepared by Hassell Studio and received by Council on 7 August 2017, but modified to include (or show, or address):
- (a) title boundaries with a clear delineation along contiguous at-grade surfaces (i.e. on footpaths or pedestrian open space) with metal circular discs or other similar products;
  - (b) confirmation that no new brick seating or landscaping other than tree cut outs will be constructed outside of title boundaries;
  - (c) the width of the new kerb extension outside of No. 1 Blanche Street as a minimum of 1.5m planting space;
  - (d) no further tree planting at the northernmost raingarden/kerb extension on Cremorne Street;

- (e) a widened ramped entrance from Blanche Street to create a more open feel by reducing the raised brick seating on either one or both sides;
- (f) the gradient of the ramp notated on the floor plans to ensure it is DDA compliant;
- (g) a widened space between the raised brick seating and the wall of the large food and drinks tenancy;
- (h) the new location of the electricity light pole near Parkins Lane not within 3m of a street tree location;
- (i) construction of the two new kerb extensions along Cremorne Street with trees and low planting with details as follows:
  - (i) passive irrigation and use of recycled brick mulch to match existing kerb outstands along Cremorne Street.
  - (ii) kerb extension detail drawings should be supplied for approval by Council's Asset Drainage Engineer. Allowance should be made for overland water flow.
  - (iii) two street trees per outstand (*Tristanopsis laurina* 'Luscious') with low planting to match existing outstand planting.
  - (iv) the width of the kerb outstands should be consistent with the existing outstand to allow for approximately 1.85m planting width at the widest point.
  - (v) traffic treatments are to be as per the City of Yarra Standard.

### Civil Works

27. Before the development commences, the owner of the site must submit detailed civil works drawings associated with the Blanche Street Shared Zone and public realm plan to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner and include (but not be limited to):
  - (a) the full reconstruction of Blanche Street covering the area of Blanche Street from Cremorne Street to the western boundary of the subject site
  - (b) the provision of a new road pavement for the Shared Zone (covering the area of Blanche Street from Cremorne Street to the western boundary of the subject site);
  - (c) undergrounding of electrical cables (covering the area of Blanche Street from Cremorne Street to the western boundary of the subject site);
  - (d) provision of drainage infrastructure within Blanche Street (covering the area of Blanche Street from Cremorne Street to the western boundary of the subject site); and
  - (e) alignment for underground services to be clear of tree root zones.
28. All works associated with the Blanche Street Shared Zone and public realm plan as shown on the endorsed plans and within the Blanche Street Shared Zone and public realm plan and the Civil Works drawings (referred to in Conditions 26 and 27) must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority.

### Timing of works

29. Before the building is occupied, all works associated with the Blanche Street Shared Zone and public realm plan as shown on the endorsed plans and within the Blanche Street Shared Zone and public realm plan and the Civil Works drawings (referred to in Conditions 26 and 27) must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.

### Section 173 Agreement (widening of Blanche and Cremorne Streets)

30. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:

- (a) The Owner must provide unfettered 24 hour public access over that part of the land to be used for the widened Blanche and Cremorne Streets;
  - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 30(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
  - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 30 (a).
31. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

#### Road Infrastructure

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the two existing junction pits within the new vehicle crossing must be adjusted such that the lids are made flush with the surface of the new vehicle crossing and the pit lids must be replaced with solid heavy duty cover lids (Gatic lids or equivalent):
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing electrical pole within the area of the new vehicle crossing (west side of Cremorne Street, just north of Parkins Lane) must be relocated:
- (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority and the relevant power authority.
34. 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.
35. 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:
- (e) at the permit holder's cost; and
  - (f) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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 along Cremorne Street must be re-sheeted for the full width (with any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement):
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Cremorne Street road frontage must be re-constructed:
  - (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel immediately outside the property's Cremorne Street road frontage must be profiled and re-sheeted:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

#### Car parking

41. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) policing arrangements and formal agreements;
  - (d) 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;
  - (e) 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 14; and
  - (f) 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, 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.

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

#### Green Travel Plan

45. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 1 August 2017, but modified to include or show:
- (a) the correct number of bicycle spaces, to match the endorsed plans.;
  - (b) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces)
  - (c) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (d) security arrangements to access the employee bicycle storage spaces;
  - (e) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (f) the provision of real time passenger information displays for nearby stops within each lobby;
  - (g) details of GTP funding responsibilities; and
  - (h) provisions for the Green Travel Plan to be updated not less than every 5 years.
46. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Lighting

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

#### General

48. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

49. 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.
50. 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).
51. 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.
52. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
53. 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.
54. 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

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

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

During the construction:

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

#### Time expiry

56. 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 removal of the existing street tree in front of the proposed vehicle crossing in Cremorne Street requires approval from Council's Open Space unit prior to endorsement of the drawings.

A building permit maybe 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 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.

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.

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

The developer needs to ensure that the basement car park 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 any 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.

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

Submissions

*The Applicant, Mr Tim McGrath and Mr Michael Gannon addressed the Committee:*

*The following people also addressed the Committee:*

*Mr Jeremy Lawrence;  
Mr Phillip Vlahogiannis;  
Ms Alyson Macdonald;  
Ms Bridget Carey;  
Mr Julian Fitz-Gerald; and  
Mr Robert Blair.*

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved** Councillor Searle

**Seconded** Councillor McEvoy

That with respect to Planning Permit PLN17/0626, the Committee resolves to issue a Notice of Refusal for use and development of the land for the construction of two mixed use buildings (permit required for food and drinks premises (café), indoor recreation facility and education centre) and a reduction in the car parking requirements at 60-88 Cremorne Street, Cremorne, subject to the following grounds:

1. The height and scale of the proposal is inappropriate and does not respect the character of the existing neighbourhood failing to comply with policy within Clause 22.10-3.3.
2. The development will result in unreasonable overshadowing of secluded open spaces and does not comply with clause 22.10-3.8.
3. The development will result in unreasonable visual bulk impacts to adjoining properties and does not comply with clause 22.10-3.3 and clause 22.10-3.8.

**CARRIED UNANIMOUSLY**

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**1.3      PLN17/0389 - 16A-17A/64 Balmain Street, Cremorne - Development of the land for the construction of a 9 storey building (plus basement levels), reduction in the car parking requirement associated with an office**

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Trim Record Number: D17/194163

Responsible Officer: Coordinator 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 for the development of the land for the construction of a 9 storey building (plus basement levels), reduction in the car parking requirement associated with an office at 16A-17A / 64 Balmain Street, Cremorne VIC 3121 subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the advertised plans (prepared by BG Architecture, dated 19.07.17) but modified to show:
  - (a) no windows on boundaries;
  - (b) the following changes as per the sketch plans received by Council 28 November 2017:
    - (i) modified treatment to Palmer Parade, with face brick accentuating a 4 storey podium and a 1m setback above level 3;
    - (ii) addition of planter beds and changes to the angled walls at the ground floor along Palmer Parade; and
    - (iii) installation of planter boxes to terraces at Levels 3 and 4 fronting Gwynne Street.
  - (c) a schedule of colours and materials, including samples, generally in lighter colours/tones compared to the perspectives;
  - (d) Gwynne Street footpath materials as per Council's standard specifications/materials (sawn bluestone paving and asphalt is suggested);
  - (e) along Gwynne Street, a spread of 3 street trees spread more evenly across the façade, showing how the car parking spaces would be impacted (detailing parking from the intersection with Balmain Street);
  - (f) the tree cut out sizes along Gwynne Street must be 2m long by 1.5m wide, with parking bays being 6.1m long;
  - (g) the Gwynne Street street trees will be Brachychiton 'Bella Pink';
  - (h) the location of mailboxes, pits and metres;
  - (i) operable glazing;
  - (j) minimum headroom clearances (at the entrance of the basement, car parks, ramps and other critical points), demonstrating waste collection can occur as per the WMP and ensuring compliance for accessible parking spaces;
  - (k) swept path diagrams for a B99 design vehicle and an oncoming B85 design vehicle satisfactorily pass one another in the internal ramps;
  - (l) ramp grades and dimensions, including sections;
  - (m) a ground clearance check for the inside radii of the curved internal ramps using the B99 design vehicle;
  - (n) plants within the garden bed adjacent to the north edge of the crossing must be maintained at a maximum height of 900mm;
  - (o) car parking spaces 22, 32, 55, 69, 99 and 108 designed as small car spaces (due to the compromised length);
  - (p) car parking spaces 30 and 31 either provided with 300mm clearances from the NBN room or designated as small car spaces; and
  - (q) all service cabinet doors that swing outwards on footpaths and walkways able to swing 180 degrees and be latched to the walls of the building.
  - (r) deletion of the hanging bicycle space closest to lift shaft in basement 3;
  - (s) addition of at least 11 (horizontal) bicycle parking spaces along Palmer Parade;
  - (t) deletion of the clearance zone on the road adjacent to the bicycle parking room; and

- (u) any works (where necessary to show on plan) as a result of the endorsed wind and acoustic reports.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
    - (a) the impact of proposed services and equipment on nearby dwellings and the offices on-site.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.
  4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
  5. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 11 April 2017, but modified to include or show:
    - (a) a completed energy efficiency JV3 model;
    - (b) the system capacity (kWh) of the energy storage battery; and
    - (c) the location of the water tank to correlate with the plans.
  6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  7. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
    - (a) a description of the location in the context of alternative modes of transport;
    - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
    - (c) the provision of real time passenger information displays for nearby stops within each lobby;
    - (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
    - (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
    - (f) details of bicycle parking and bicycle routes;
    - (g) details of GTP funding and management responsibilities;
    - (h) the types of bicycle storage devices proposed to be used for employee, and visitor spaces (i.e. hanging or floor mounted spaces);
    - (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
    - (j) security arrangements to access the employee bicycle storage spaces; and
    - (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;

- (l) provisions for the Green Travel Plan to be updated not less than every 5 years.
8. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Tract Consultants and dated 6 April 2017, but modified to include (or show):
  - (a) species proposed and location
  - (b) a plant schedule indicating pot size, quantity, mature height and spread of all proposed planting;
  - (c) details of raised garden beds and rooftop planting, including proposed planting media, irrigation and drainage;
  - (d) a maintenance / management plan;
  - (e) further detail of the rain garden (including sections, proposed planting media, and drainage); and
  - (f) Palmer Parade frontage:
    - (i) demonstrating the bench seats near trees will not impact the health of the trees;
    - (ii) an appropriate mix of plants must be selected for under the existing Plane trees; and
    - (iii) the proposed new kerb extensions and low planting should allow for irrigation.
11. 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.
12. 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 trees along Palmer Parade:
    - (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.
13. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

14. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Windtech and dated 13 July 2017, but modified to include (or show):
  - (a) wind tunnel testing the wind mitigation approaches are appropriate;
  - (b) specific wind mitigation treatments (not just 'recommendations');
  - (c) in addition to or instead of impermeable balustrades and blade walls, use porous windbreaks (above 50% of porosity); and
  - (d) a commitment that occupants will be advised to not leave any loose items (especially lightweight furniture) unsecured in their balconies/open terraces before leaving.
15. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.
16. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) any tandem parking spaces allocated to a single tenancy;
  - (c) the number and location of car spaces for shared use, including time of shared use;
  - (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) The number and allocation of storage spaces;
  - (g) policing arrangements and formal agreements;
  - (h) 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;
  - (i) 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 9; and details regarding the management of loading and unloading of goods and materials
17. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
18. Before the development commences, the permit holder must make a one off contribution of \$4,165 to the Responsible Authority to be used for new street tree plantings that are required as a result of the development.
19. Any on-street parking space modifications must be undertaken with the prior written consent of the Responsible Authority, to the satisfaction of the Responsible Authority and at the expense of the permit holder (including moving any parking sensors, signs, road re-sheeting etc.).
20. The ground level walkway through the site must be closed to the public between 8pm and 7am every day.
21. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

22. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
23. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    - (i) using lower noise work practice and equipment;
    - (ii) the suitability of the land for the use of an electric crane;
    - (iii) silencing all mechanical plant by the best practical means using current technology;
    - (iv) fitting pneumatic tools with an effective silencer;
    - (v) other relevant considerations; and
  - (q) any site-specific requirements.
24. 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.
25. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
26. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park and pedestrian walkways 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.
28. 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.
29. 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.
30. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Gwynne Street footpath 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.
32. 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.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces.
- to the satisfaction of the Responsible Authority.

34. 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.
35. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

#### **NOTES:**

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

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 permit holder must obtain approval from the relevant authorities to remove and/or build over any easement(s).

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

Any changes to on-street car parking will require prior consent from Council's Parking Services Unit.

#### Submissions

*The Applicant, Mr Vaughan Connor addressed the Committee:*

*The following people also addressed the Committee:*

*Mr Malcolm Bristow;  
Ms Mary-Anne Lane; and  
Ms Lucinda Owen.*

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

**Moved** Councillor McEvoy

**Seconded** Councillor Searle

That Council inform VCAT that had it been in a position, it would have issued a Notice of Decision to Grant a permit for the development of the land for the construction of a 9 storey building (plus basement levels), reduction in the car parking requirement associated with an office at 16A-17A / 64 Balmain Street, Cremorne VIC 3121 subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the advertised plans (prepared by BG Architecture, dated 19.07.17) but modified to show:
  - (a) the following changes as per the sketch plans received by Council 28 November 2017:
    - (i) modified treatment to Palmer Parade, with face brick accentuating a 4 storey podium;
    - (ii) addition of planter beds and changes to the angled walls at the ground floor along Palmer Parade; and
    - (iii) installation of planter boxes to terraces at Levels 3 and 4 fronting Gwynne Street.
  - (b) deletion of one level;
  - (c) no windows constructed on the northern and southern boundaries;
  - (d) deletion of one basement level;
  - (e) a 2.5 metre setback from Palmer Parade above the podium levels (above level 3);
  - (f) a schedule of colours and materials, including samples, generally in lighter colours/tones compared to the perspectives;
  - (g) Gwynne Street footpath materials as per Council's standard specifications/materials (sawn bluestone paving and asphalt is suggested);
  - (h) along Gwynne Street, a spread of 3 street trees spread more evenly across the façade, showing how the car parking spaces would be impacted (detailing parking from the intersection with Balmain Street);
  - (i) the tree cut out sizes along Gwynne Street must be 2m long by 1.5m wide, with parking bays being 6.1m long;
  - (j) the Gwynne Street street trees will be Brachychiton 'Bella Pink';
  - (k) the location of mailboxes, pits and metres;
  - (l) operable glazing;
  - (m) minimum headroom clearances (at the entrance of the basement, car parks, ramps and other critical points), demonstrating waste collection can occur as per the WMP and ensuring compliance for accessible parking spaces;
  - (n) swept path diagrams for a B99 design vehicle and an oncoming B85 design vehicle satisfactorily pass one another in the internal ramps;
  - (o) ramp grades and dimensions, including sections;
  - (p) a ground clearance check for the inside radii of the curved internal ramps using the B99 design vehicle;
  - (q) plants within the garden bed adjacent to the north edge of the crossing must be maintained at a maximum height of 900mm;
  - (r) car parking spaces 22, 32, 55, 69, 99 and 108 designed as small car spaces (due to the compromised length);
  - (s) car parking spaces 30 and 31 either provided with 300mm clearances from the NBN room or designated as small car spaces; and
  - (t) all service cabinet doors that swing outwards on footpaths and walkways able to swing 180 degrees and be latched to the walls of the building.
  - (u) deletion of the hanging bicycle space closest to lift shaft in basement 3;
  - (v) addition of at least 11 (horizontal) bicycle parking spaces along Palmer Parade;
  - (w) deletion of the clearance zone on the road adjacent to the bicycle parking room; and
  - (x) any works (where necessary to show on plan) as a result of the endorsed wind and acoustic reports.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) the impact of proposed services and equipment on nearby dwellings and the offices on-site.

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

4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 11 April 2017, but modified to include or show:
  - (a) a completed energy efficiency JV3 model;
  - (b) the system capacity (kWh) of the energy storage battery; and
  - (c) the location of the water tank to correlate with the plans.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
  - (a) a description of the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) the provision of real time passenger information displays for nearby stops within each lobby;
  - (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (f) details of bicycle parking and bicycle routes;
  - (g) details of GTP funding and management responsibilities;
  - (h) the types of bicycle storage devices proposed to be used for employee, and visitor spaces (i.e. hanging or floor mounted spaces);
  - (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (j) security arrangements to access the employee bicycle storage spaces; and
  - (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.
8. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Tract Consultants and dated 6 April 2017, but modified to include (or show):
  - (a) species proposed and location
  - (b) a plant schedule indicating pot size, quantity, mature height and spread of all proposed planting;
  - (c) details of raised garden beds and rooftop planting, including proposed planting media, irrigation and drainage;
  - (d) a maintenance / management plan;
  - (e) further detail of the rain garden (including sections, proposed planting media, and drainage); and
  - (f) Palmer Parade frontage:
    - (i) demonstrating the bench seats near trees will not impact the health of the trees;
    - (ii) an appropriate mix of plants must be selected for under the existing Plane trees; and
    - (iii) the proposed new kerb extensions and low planting should allow for irrigation.
11. 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.
12. 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 trees along Palmer Parade:
    - (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.
13. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
14. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Windtech and dated 13 July 2017, but modified to include (or show):

- (a) wind tunnel testing the wind mitigation approaches are appropriate;
  - (b) specific wind mitigation treatments (not just 'recommendations');
  - (c) in addition to or instead of impermeable balustrades and blade walls, use porous windbreaks (above 50% of porosity); and
  - (d) a commitment that occupants will be advised to not leave any loose items (especially lightweight furniture) unsecured in their balconies/open terraces before leaving.
15. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.
16. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) any tandem parking spaces allocated to a single tenancy;
  - (c) the number and location of car spaces for shared use, including time of shared use;
  - (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) The number and allocation of storage spaces;
  - (g) policing arrangements and formal agreements;
  - (h) 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;
  - (i) 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 9; and details regarding the management of loading and unloading of goods and materials
17. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
18. Before the development commences, the permit holder must make a one off contribution of \$4,165 to the Responsible Authority to be used for new street tree plantings that are required as a result of the development.
19. Any on-street parking space modifications must be undertaken with the prior written consent of the Responsible Authority, to the satisfaction of the Responsible Authority and at the expense of the permit holder (including moving any parking sensors, signs, road re-sheeting etc.).
20. The ground level walkway through the site must be closed to the public between 8pm and 7am every day.
21. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
22. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
23. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit.

The plan must provide for:

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

24. 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.
- 25. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 26. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park and pedestrian walkways 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.
- 28. 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.
- 29. 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.
- 30. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Gwynne Street footpath 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.
- 32. 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.
- 33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces.to the satisfaction of the Responsible Authority.
- 34. 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.

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

**NOTES:**

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

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 permit holder must obtain approval from the relevant authorities to remove and/or build over any easement(s).

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

Any changes to on-street car parking will require prior consent from Council's Parking Services Unit.

**CARRIED UNANIMOUSLY**

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**1.4 PLN17/0278 - 506 & 508 - 510 Church Street Cremorne - Use and development of the land for the construction of an 11 storey building (plus roof terrace and three basement levels) for offices and three food and premises (no permit required for office use), reduction in car parking requirement, and alteration of access and building and works to a Road Zone Category 1 Road.**

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Trim Record Number: D17/184390

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 PLN17/0278 for use and development of the land for the construction of a mixed use building (permit required for food and drinks (café)), reduction in car parking requirements, and alteration of access and building and works to a Road Zone Category 1 Road at 506 & 508 – 510 Church Street, Cremorne, 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 by COX Architecture received by Council on 15 June 2017 but modified to show:
  - (a) a 2.4m setback from the northern boundary from the third floor and above;
  - (b) the three Food and drinks premises to be labelled as Food and Drinks Premises (café) and to be numbered Tenancy 1 to 3 with Tenancy 1 fronting Church Street, Tenancy 2 being the central tenancy and Tenancy 3 facing Hutchings Street;
  - (c) the horizontal fins protruding no more than 300mm outside of title boundaries (except at the ground floor to Church Street where it acts as a canopy and is setback 0.75m from the kerb) as per the sketch plans provided on 21 September 2017;
  - (d) a streamlining of the architectural fins as per the images provided on 21 September 2017;
  - (e) perforated metal screening to the western facade of the podium levels (with a minimum height of 1.7m above the finished floor level) as per the sketch plans provided on 21 September 2017;
  - (f) perforated metal screening to the northern facade as per the sketch plans provided on 21 September 2017;
  - (g) the southern boundary wall further articulated using materials and/or finishes;
  - (h) a reduction in the overall height by two floors resulting in a presentation to Church Street of eight storeys with a ninth floor 'cap' setback at least 10m from Church Street;
  - (i) the plant and equipment screening obscured from views at oblique angles from the north-east and southern-east along Church Street looking towards the development;
  - (j) dimensions of the development entrance, headroom clearance at the entrance, internal ramped accessways, accessible parking spaces, column depths and setbacks, clearances to walls and the loading bay (including the height of the loading bay);
  - (k) a detailed and dimensioned cross section drawing of the entrance from Hutchins Street to the top of the ramp with a ground clearance check using the B99 design vehicle demonstrating access;
  - (l) numbering of car parking spaces;
  - (m) dimensions of blind aisle extensions;
  - (n) swept paths for reversing movements out of end bays using the B85 design vehicle;
  - (o) dimensions of the headroom clearances at critical points along the ramped accessways and within the basement car parks;
  - (p) dimensions of ramp grade lengths and transitional grades;
  - (q) a headroom clearance of no less than 4.7m from the new carriageway of Hutchings Street to the underside of Level 1;

- (r) any service cabinet or meter room doors that open outwards as able to swing 180 degrees and be latched to the building when opened or serviced;
  - (s) any requirement of the endorsed Sustainable Management Plan (condition 7) (where relevant to show on plans);
  - (t) any requirement of the endorsed Waste Management Plan (condition 9) (where relevant to show on plans);
  - (u) any requirement of the endorsed acoustic report (condition 12) (where relevant to show on plans);
  - (v) any requirement of the endorsed landscape plan report (condition 15) (where relevant to show on plans; and
  - (w) any requirement of the endorsed wind report (condition 17) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. As part of the ongoing consultant team, COX Architecture 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.
  4. Prior to the commencement of works the 'road' as shown on Title plan No. TP879027M must be discontinued and form part of the subject site.

#### Food and Drinks Premises (café)

5. Except with the prior written consent of the Responsible Authority, the café uses authorised by this permit may only operate between the hours of 7am and 11pm, seven days per week.
6. Except with the prior written consent of the Responsible Authority, no more than the following maximum number patrons are permitted on the land at any one time:
  - (a) Tenancy 1 - 350
  - (b) Tenancy 2 - 150
  - (c) Tenancy 3 - 100

#### Sustainable Management Plan

7. 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 WSP Parsons Brinckerhoff (prepared on 4 April 2017), but modified to include or show:
  - (a) stormwater modelling outputs to confirm that the proposed system meets best practice stormwater standards with the rainwater tank volume(s) on plans;
  - (b) a clear commitment to low or zero formaldehyde content timber products;
  - (c) solar PV array to contribute to electricity consumption; and
  - (d) the use of low VOC carpets, sealants, finishes and paints.

8. 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

9. Before the development commences an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Tech Services (amended 20 September 2017), but modified to include:
  - (a) waste collection be restricted to a start time of 7am instead of the proposed 6am.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Acoustic report

12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
13. Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the Acoustic Logic Consultancy report dated 9 June 2017. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
  - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 12 have been implemented;
  - (b) Assess mechanical plant noise to SEPP N-1; and
  - (c) If non-compliance with Condition 13b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.
14. The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Landscape Plan

15. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (b) show the materiality of the proposed spaces;
  - (c) detail the design (including the provision of sections) and layout of the common area, planters and ground level planting areas;

- (d) provide a specification of works to be undertaken prior to planting;
- (e) further detail on any sustainable treatments and water harvesting methods ;and
- (f) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the 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:

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

to the satisfaction of the Responsible Authority.

#### Wind

17. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and received by Council on 15 June 2017, but modified to include (or show):

- (a) Wind tunnel model measurements undertaken to verify the findings of the desktop study.

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

#### Integrated Art Plan

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, details of the public artwork along the western wall to be provided in the locations shown on the endorsed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the details of the public artwork will be endorsed and will then form part of the permit. The cost of the public artwork is to be borne by the owner or occupier of the land. The public artwork must be installed before any part of the development is occupied except with the prior written consent of the Responsible Authority all the satisfaction of the Responsible Authority. The public artwork as approved must then maintained to the satisfaction of the Responsible Authority.

#### Hutchings Streetscape Works (Shared Zone)

20. Before the development commences, or by such later date as approved in writing by the Responsible Authority, an amended Hutchings Streetscape Works plan (inclusive of the widening of Hutchings Street and the creation of a Shared Zone) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the amended Hutchings Streetscape Works plan will be endorsed and will form part of this permit. The amended Hutchings Streetscape Works plan must be generally in accordance with the Hutchings Streetscape Works sketch plan (inclusive of the Hutchings Street and Hutchings Streetscape detail sections) prepared by COX Architecture on 15 November 2017, but modified to include (or show, or address):

- (a) Hutching Street dimensions, setbacks and clearance heights as per the Hutchings Street and Hutchings Streetscape detail sections provided on 15 November 2017;
- (b) tree planting/traffic calming measures (including the provision of swept path diagrams for vehicles);
- (c) consideration of public seating;
- (d) measures to provide DDA access;
- (e) the location of tables and chairs;
- (f) the location of bike parking (including the provision of additional bike parking on Church Street);
- (g) materials to be of a City of Yarra Standard;
- (h) the location of all Shared Zone signage to be shown in the context of other street furniture and trees;
- (i) 'matching in works' for the sites to the north (to the concrete crossovers/paving on the northern side of Hutchings Street);
- (j) the deletion of all references to One-Way traffic operation of Hutchings Street in the western end;
- (k) the clear delineation of the site's title boundaries along Hutchins Street and Church Street (Brass discs or a similar type method for delineating the title boundaries could be considered).

#### Civil Works

21. Before the development commences, the applicant must undertake a drainage catchment analysis (to the satisfaction of the Responsible Authority and approved by the Responsible Authority) of the surrounding local area and provide a drainage design scheme for the new design of Hutchins Street to ensure that stormwater run-off is adequately drained. Stormwater drainage infrastructure in Hutchins Street must be located within Council assets and outside of the site's title boundaries.
22. Before the development commences, the owner of the site must submit detailed civil works drawings associated with the Hutchings Streetscape works (inclusive of the widening of Hutchings Street and the creation of a Shared Zone) to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner and include (but not be limited to):
  - (a) the provision of the lighting level for public lights in the Shared Zone of Hutchins Street to satisfy level P3 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) the existing power lines within Hutchins Street relocated, reconfigured or undergrounded;
  - (c) the existing upstand fire hydrant converted to an in-ground hydrant that is flush with the finished surface of Hutchins Street;
  - (d) drainage matters; and
  - (e) The provision of public lighting.
23. All works associated with the Hutchings Streetscape Works as shown on the endorsed plans and within the Hutchings Streetscape Works and the Civil Works drawings (referred to in Conditions 20 and 22) must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority.

### Timing of works

24. Before the building is occupied, all works associated with the Hutchings Streetscape Works as shown on the endorsed plans and within the Hutchings Streetscape Works and the Civil Works drawings (referred to in Conditions 20 and 22) must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.

### Section 173 Agreement (Widened Hutchings Street)

25. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over that part of the land to be used for the widened Hutchings Street;
  - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 25(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
  - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 25 (a).
26. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

### Public Transport Victoria Condition (No 27)

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

### VicRoads Conditions (Nos. 28 to 32)

28. Before the use approved by this permit commences the following roadworks on Church Street, Cremorne must be completed at no cost to and to the satisfaction of the Roads Corporation:
- (a) Removal of the existing "Keep Clear" line marking on the Church Street frontage.
  - (b) Provision of "Keep Clear" line marking at the intersection of Church Street and Hutchings Street
  - (c) Removal of a total of four existing car parking spaces along the east (southbound) side of Church Street opposite the property frontage (affecting two car spaces on either side of the crossover opposite the Hutchings Street/Church Street intersection) and installation of "No Stopping" signs.
29. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.

30. 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 (DELWP) 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 Church 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 Church Street road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
31. Prior to the endorsement of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implement prior, during and following excavation to prevent any impact on the City Link/Burnley Tunnel is to be submitted to VicRoads for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including, but not limited to, demonstrating:
  - (a) That the development will not compromise the structural integrity of the City Link/Burnley Tunnel;
  - (b) What is the load applied to the ground by the development;
  - (c) That the development will not cause changes to groundwater conditions that will result in adverse effect on the tunnel
  - (d) Any holding points requiring VicRoads inspection and approval prior to releasing the hold points.
32. Permit holder to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development of the relevant extents for both the egress and Burnley tunnels, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow adverse impacts on the tunnel to be identified.

#### Road Infrastructure

33. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings) of the new Hutchins Street road profile (from the northern edge to the property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that cars can traverse the new vehicle crossing without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.
34. 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.
35. 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 (unless associated with the Shared Zone):
  - (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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:
    - (a) at the permit holder's cost; and
    - (b) to the satisfaction of the Responsible Authority.
  37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Church Street road frontage must be re-constructed:
    - (a) at the permit holder's cost; and
    - (b) to the satisfaction of the Responsible Authority.
  38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel immediately outside the property's Church Street road frontage must be profiled and re-sheeted:
    - (a) able to drain during a storm event;
    - (b) at the permit holder's cost; and
    - (c) to the satisfaction of the Responsible Authority.
  39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the Right of Way abutting the southern boundary of the site must be re-constructed:
    - (a) at the permit holder's cost; and
    - (b) to the satisfaction of the Responsible Authority.
  40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement of Walnut Street along the site's western boundary must be profiled and re-sheeted:
    - (a) at the permit holder's cost; and
    - (b) to the satisfaction of the Responsible Authority.
  41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

#### Car parking

42. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) policing arrangements and formal agreements;

- (d) 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;
  - (e) 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 9; and
  - (f) details regarding the management of loading and unloading of goods and materials.
43. 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.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.
45. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

#### Green Travel Plan

46. Before the development commences, 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 lobby;
  - (c) employee 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.
47. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Lighting

48. Prior to the occupation of the building, an additional public light (including supply and installation of the light and associated pole and hardware) is to be installed at the intersection of Walnut Street and Hutchins Street:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the relevant power authority and the Responsible Authority.

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

### General

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

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

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

During the construction:

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

#### Time expiry

58. 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 maybe 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.

Measures must be taken to ensure that rainfall run-off from Hutchins Street does not enter the development's car park entrance and truck turning area

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 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.

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

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

The developer needs to ensure that the basement car park 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. The excavation for the basement would be to a depth of in excess of 10.0 metres and it is possible that groundwater would be encountered.

In the event that any 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.

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

The applicant will need to consider the loading of vehicles on the widened section of Hutchins Street and the impact these loadings would have on the basement structure.

#### VicRoads Notes

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:

- (a) Keep Clear linemarking
- (b) No stopping signs and removal of on street car spaces along Church Street (total of four car spaces along the east (southbound) side of Church Street on the opposite side of the property frontage.
- (c) 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 (Church Street). Please contact VicRoads prior to commencing any works.
- (d) 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.

VicRoads provides its "in principle support" for Council to convert Hutchings Street into a "shared zone", provided the necessary consent is provided via a Memorandum of Authorisation (MOA) approval process.

#### Disclosure

*Mr Rhys Thomas (Senior Governance Advisor) disclosed that his wife is a Director at Urbis, who are acting for the applicant. He further disclosed that he was not aware of Urbis's role in the application and had not been involved in the preparation of the officer's report or recommendations.*

### Submissions

*The Applicants, Mr Jamie Govenlock, Mr Philip Rowe, Mr Will Fowles, and Mr Laurence Peck addressed the Committee:*

*The following person also addressed the Committee:*

*Mr Peter Barber.*

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved** Councillor McEvoy

**Seconded** Councillor Searle

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0278 for use and development of the land for the construction of a mixed use building (permit required for food and drinks (café)), reduction in car parking requirements, and alteration of access and building and works to a Road Zone Category 1 Road at 506 & 508 – 510 Church Street, Cremorne, 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 by COX Architecture received by Council on 15 June 2017 but modified to show:
  - (a) a 2.4m setback from the northern boundary from the third floor and above;
  - (b) the three Food and drinks premises to be labelled as Food and Drinks Premises (café) and to be numbered Tenancy 1 to 3 with Tenancy 1 fronting Church Street, Tenancy 2 being the central tenancy and Tenancy 3 facing Hutchings Street;
  - (c) the horizontal fins protruding no more than 300mm outside of title boundaries (except at the ground floor to Church Street where it acts as a canopy and is setback 0.75m from the kerb) as per the sketch plans provided on 21 September 2017;
  - (d) a streamlining of the architectural fins as per the images provided on 21 September 2017;
  - (e) perforated metal screening to the western facade of the podium levels (with a minimum height of 1.7m above the finished floor level) as per the sketch plans provided on 21 September 2017;
  - (f) perforated metal screening to the northern facade as per the sketch plans provided on 21 September 2017;
  - (g) the southern boundary wall further articulated using materials and/or finishes;
  - (h) a reduction in the overall height by two floors resulting in a presentation to Church Street of eight storeys with a ninth floor 'cap' setback at least 10m from Church Street;
  - (i) the plant and equipment screening obscured from views at oblique angles from the north-east and southern-east along Church Street looking towards the development;
  - (j) dimensions of the development entrance, headroom clearance at the entrance, internal ramped accessways, accessible parking spaces, column depths and setbacks, clearances to walls and the loading bay (including the height of the loading bay);
  - (k) a detailed and dimensioned cross section drawing of the entrance from Hutchins Street to the top of the ramp with a ground clearance check using the B99 design vehicle demonstrating access;
  - (l) numbering of car parking spaces;
  - (m) dimensions of blind aisle extensions;

- (n) swept paths for reversing movements out of end bays using the B85 design vehicle;
- (o) dimensions of the headroom clearances at critical points along the ramped accessways and within the basement car parks;
- (p) dimensions of ramp grade lengths and transitional grades;
- (q) a headroom clearance of no less than 4.7m from the new carriageway of Hutchings Street to the underside of Level 1;
- (r) any service cabinet or meter room doors that open outwards as able to swing 180 degrees and be latched to the building when opened or serviced;
- (s) any requirement of the endorsed Sustainable Management Plan (condition 7) (where relevant to show on plans);
- (t) any requirement of the endorsed Waste Management Plan (condition 9) (where relevant to show on plans);
- (u) any requirement of the endorsed acoustic report (condition 12) (where relevant to show on plans);
- (v) any requirement of the endorsed landscape plan report (condition 15) (where relevant to show on plans); and
- (w) any requirement of the endorsed wind report (condition 17) (where relevant to show on plans).
- (x) the deletion of one basement level.

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, COX Architecture 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.
4. Prior to the commencement of works the 'road' as shown on Title plan No. TP879027M must be discontinued and form part of the subject site.

#### Food and Drinks Premises (café)

5. Except with the prior written consent of the Responsible Authority, the café uses authorised by this permit may only operate between the hours of 7am and 11pm, seven days per week.
6. Except with the prior written consent of the Responsible Authority, no more than the following maximum number patrons are permitted on the land at any one time:
  - (a) Tenancy 1 - 350
  - (b) Tenancy 2 - 150
  - (c) Tenancy 3 - 100

#### Sustainable Management Plan

7. 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 WSP Parsons Brinckerhoff (prepared on 4 April 2017), but modified to include or show:
  - (a) stormwater modelling outputs to confirm that the proposed system meets best practice stormwater standards with the rainwater tank volume(s) on plans;

- (b) a clear commitment to low or zero formaldehyde content timber products;
  - (c) solar PV array to contribute to electricity consumption; and
  - (d) the use of low VOC carpets, sealants, finishes and paints.
8. 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

9. Before the development commences an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Tech Services (amended 20 September 2017), but modified to include:
- (a) waste collection be restricted to a start time of 7am instead of the proposed 6am.
  - (b) organic waste as one of the waste streams.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Acoustic report

12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
13. Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the Acoustic Logic Consultancy report dated 9 June 2017. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
- (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 12 have been implemented;
  - (b) Assess mechanical plant noise to SEPP N-1; and
  - (c) If non-compliance with Condition 13b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.
14. The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Landscape Plan

15. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (b) show the materiality of the proposed spaces;
- (c) detail the design (including the provision of sections) and layout of the common area, planters and ground level planting areas;
- (d) provide a specification of works to be undertaken prior to planting;
- (e) further detail on any sustainable treatments and water harvesting methods ;and
- (f) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the 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:

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

to the satisfaction of the Responsible Authority.

#### Wind

17. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and received by Council on 15 June 2017, but modified to include (or show):

- (a) Wind tunnel model measurements undertaken to verify the findings of the desktop study.

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

#### Integrated Art Plan

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, details of the public artwork along the western wall to be provided in the locations shown on the endorsed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the details of the public artwork will be endorsed and will then form part of the permit. The cost of the public artwork is to be borne by the owner or occupier of the land. The public artwork must be installed before any part of the development is occupied except with the prior written consent of the Responsible Authority all the satisfaction of the Responsible Authority. The public artwork as approved must then maintained to the satisfaction of the Responsible Authority.

### Hutchings Streetscape Works (Shared Zone)

20. Before the development commences, or by such later date as approved in writing by the Responsible Authority, an amended Hutchings Streetscape Works plan (inclusive of the widening of Hutchings Street and the creation of a Shared Zone) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Hutchings Streetscape Works plan will be endorsed and will form part of this permit. The amended Hutchings Streetscape Works plan must be generally in accordance with the Hutchings Streetscape Works sketch plan (inclusive of the Hutchings Street and Hutchings Streetscape detail sections) prepared by COX Architecture on 15 November 2017, but modified to include (or show, or address):
- (a) Hutchings Street dimensions, setbacks and clearance heights as per the Hutchings Street and Hutchings Streetscape detail sections provided on 15 November 2017;
  - (b) tree planting/traffic calming measures (including the provision of swept path diagrams for vehicles);
  - (c) consideration of public seating;
  - (d) measures to provide DDA access;
  - (e) the location of tables and chairs;
  - (f) the location of bike parking (including the provision of additional bike parking on Church Street);
  - (g) materials to be of a City of Yarra Standard;
  - (h) the location of all Shared Zone signage to be shown in the context of other street furniture and trees;
  - (i) 'matching in works' for the sites to the north (to the concrete crossovers/paving on the northern side of Hutchings Street);
  - (j) the deletion of all references to One-Way traffic operation of Hutchings Street in the western end;
  - (k) the clear delineation of the site's title boundaries along Hutchins Street and Church Street (Brass discs or a similar type method for delineating the title boundaries could be considered).

### Civil Works

21. Before the development commences, the applicant must undertake a drainage catchment analysis (to the satisfaction of the Responsible Authority and approved by the Responsible Authority) of the surrounding local area and provide a drainage design scheme for the new design of Hutchins Street to ensure that stormwater run-off is adequately drained. Stormwater drainage infrastructure in Hutchins Street must be located within Council assets and outside of the site's title boundaries.
22. Before the development commences, the owner of the site must submit detailed civil works drawings associated with the Hutchings Streetscape works (inclusive of the widening of Hutchings Street and the creation of a Shared Zone) to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner and include (but not be limited to):
- (a) the provision of the lighting level for public lights in the Shared Zone of Hutchins Street to satisfy level P3 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) the existing power lines within Hutchins Street relocated, reconfigured or undergrounded;
  - (c) the existing upstand fire hydrant converted to an in-ground hydrant that is flush with the finished surface of Hutchins Street;
  - (d) drainage matters; and
  - (e) The provision of public lighting.

23. All works associated with the Hutchings Streetscape Works as shown on the endorsed plans and within the Hutchings Streetscape Works and the Civil Works drawings (referred to in Conditions 20 and 22) must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority.

#### Timing of works

24. Before the building is occupied, all works associated with the Hutchings Streetscape Works as shown on the endorsed plans and within the Hutchings Streetscape Works and the Civil Works drawings (referred to in Conditions 20 and 22) must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.

#### Section 173 Agreement (Widened Hutchings Street)

25. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over that part of the land to be used for the widened Hutchings Street;
  - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 25(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
  - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 25 (a).
26. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

#### Public Transport Victoria Condition (No 27)

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

#### VicRoads Conditions (Nos. 28 to 32)

28. Before the use approved by this permit commences the following roadworks on Church Street, Cremorne must be completed at no cost to and to the satisfaction of the Roads Corporation:
- (a) Removal of the existing "Keep Clear" line marking on the Church Street frontage.
  - (b) Provision of "Keep Clear" line marking at the intersection of Church Street and Hutchings Street.

- (c) Removal of a total of four existing car parking spaces along the east (southbound) side of Church Street opposite the property frontage (affecting two car spaces on either side of the crossover opposite the Hutchings Street/Church Street intersection) and installation of "No Stopping" signs.
29. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.
  30. 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 (DELWP) 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 Church 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 Church Street road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
  31. Prior to the endorsement of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implement prior, during and following excavation to prevent any impact on the City Link/Burnley Tunnel is to be submitted to VicRoads for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including, but not limited to, demonstrating:
    - (a) That the development will not compromise the structural integrity of the City Link/Burnley Tunnel;
    - (b) What is the load applied to the ground by the development;
    - (c) That the development will not cause changes to groundwater conditions that will result in adverse effect on the tunnel
    - (d) Any holding points requiring VicRoads inspection and approval prior to releasing the hold points.
  32. Permit holder to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development of the relevant extents for both the egress and Burnley tunnels, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow adverse impacts on the tunnel to be identified.

#### Road Infrastructure

33. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings) of the new Hutchins Street road profile (from the northern edge to the property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that cars can traverse the new vehicle crossing without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.
34. 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.
35. 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 (unless associated with the Shared Zone):
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Church Street road frontage must be re-constructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel immediately outside the property's Church Street road frontage must be profiled and re-sheeted:
- (a) able to drain during a storm event;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the Right of Way abutting the southern boundary of the site must be re-constructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement of Walnut Street along the site's western boundary must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

#### Car parking

42. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) policing arrangements and formal agreements;
  - (d) 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;
  - (e) 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 9; and
  - (f) details regarding the management of loading and unloading of goods and materials.
43. 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.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.
45. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

#### Green Travel Plan

46. Before the development commences, 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 lobby;
  - (c) employee 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.

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

#### Lighting

48. Prior to the occupation of the building, an additional public light (including supply and installation of the light and associated pole and hardware) is to be installed at the intersection of Walnut Street and Hutchins Street:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the relevant power authority and the Responsible Authority.
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

#### General

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

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

During the construction:

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

#### Time expiry

58. 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 maybe 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.

Measures must be taken to ensure that rainfall run-off from Hutchins Street does not enter the development's car park entrance and truck turning area

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 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.

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

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

The developer needs to ensure that the basement car park 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.

The excavation for the basement would be to a depth of in excess of 10.0 metres and it is possible that groundwater would be encountered.

In the event that any 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.

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

The applicant will need to consider the loading of vehicles on the widened section of Hutchins Street and the impact these loadings would have on the basement structure.

#### VicRoads Notes

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:

- (a) Keep Clear linemarking
- (b) No stopping signs and removal of on street car spaces along Church Street (total of four car spaces along the east (southbound) side of Church Street on the opposite side of the property frontage.
- (c) 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 (Church Street). Please contact VicRoads prior to commencing any works.
- (d) 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.

VicRoads provides its "in principle support" for Council to convert Hutchings Street into a "shared zone", provided the necessary consent is provided via a Memorandum of Authorisation (MOA) approval process.

**CARRIED UNANIMOUSLY**

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**1.5 86 Fergie Street, Fitzroy North - Planning Permit Application No. PLN17/0005 - Part demolition to allow for the construction of a basement and a double-storey extension to the existing dwelling.**

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Trim Record Number: D17/190907

Responsible Officer: Senior Coordinator Statutory Planning

**RECOMMENDATION**

That a Notice of Decision to Grant a Planning Permit PLN17/005 be issued for part demolition and construction of a double-storey extension to the existing dwelling at 86 Fergie Street, Fitzroy North generally in accordance with the plans noted previously as the “decision plans” dated 21 September 2017 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) Demolition floor plan to show all demolition, including demolition of boundary fences (to match elevations);
  - (b) Details of the screen associated with the upper floor roof deck to comply with the objective of clause 54.04-6 (Overlooking objective) of the Yarra Planning Scheme and the south-facing study window shown as fixed below 1.7m;
  - (c) Proposed permeable surfaces clearly delineated on the ground floor plan and consistent with the proposed percentage (i.e. 19%);
  - (d) ‘AHD’ levels on plans to be replaced with “RL”; or true AHD levels to be shown on plans and elevations.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the 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.
4. 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.
5. 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.
6. 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.

7. 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.

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.

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 Applicants, Mr James Livingstone and Ms Emma Young addressed the Committee:*

*The following people also addressed the Committee:*

*Ms Anna Jankovic;  
Mr Damian Bonnice;  
Ms Sal Cooper; and  
Ms Annette Rubin.*

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved** Councillor McEvoy

**Seconded** Councillor Searle

That a Notice of Decision to Grant a Planning Permit PLN17/005 be issued for part demolition and construction of a double-storey extension to the existing dwelling at 86 Fergie Street, Fitzroy North generally in accordance with the plans noted previously as the "decision plans" dated 21 September 2017 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) Demolition floor plan to show all demolition, including demolition of boundary fences (to match elevations);

- (b) Details of the screen associated with the upper floor roof deck to comply with the objective of clause 54.04-6 (Overlooking objective) of the Yarra Planning Scheme and the south-facing study window shown as fixed below 1.7m;
  - (c) Proposed permeable surfaces clearly delineated on the ground floor plan and consistent with the proposed percentage (i.e. 19%);
  - (d) 'AHD' levels on plans to be replaced with "RL"; or true AHD levels to be shown on plans and elevations.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the 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.
4. 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.
5. 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.
6. 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.
7. 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.

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.

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.

**CARRIED UNANIMOUSLY**

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**1.1 150-152 Bridge Road & 1-3 Allowah Terrace, Richmond - PLN17/0131 - Part demolition of the existing building and construction of a seven (7) storey building to the rear, use of land for dwellings, reduction in the statutory car parking requirements and alter access to a Road Zone Category 1 Road.**

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Trim Record Number: D17/176330

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 PLN17/0131 for development of the land for the construction of a seven (7) 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 150-152 Bridge Road and 1-3 Allowah Terrace, Richmond, generally in accordance with the plans noted previously as 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 following changes in accordance with the sketch plan received 16 November 2017:
    - (i) Relocation of the vehicle access from Allowah Terrace to the northern end of the site, accessed via the northern easement;
    - (ii) Relocation of the vehicle entrance shifted further to the north, to be situated between Townhouses 3 and 6;
    - (iii) Provision of 7 bicycle hoops directly south of the easement;
    - (iv) Increase the width of the residential lobby from Allowah Terrace to a minimum of 6.4m;
    - (v) Modification to the brick fences along Allowah Terrace to reduce the height of brick proposed along the laneway, with a maximum height of 1.7m at the northernmost end.
  - (b) Boundary setbacks dimensioned on the plans measured from the site boundary line;
  - (c) Full retention of the Bridge Road façade;
  - (d) Redesign of the northern elevation to include a more coherent and cohesive design, accommodating a lighter palette of materials and a more sparing use of metal cladding to present as a front façade and not a sideage;
  - (e) Townhouses 10 to 21 at Level 2 to be set back a minimum of 4.5m from edge of balcony to the midpoint of the respective lane, without reducing the balcony widths;
  - (f) Deletion of the balconies at Level 3 to Townhouses 10 to 21, whilst maintaining the articulation to the eastern elevation;
  - (g) Removal reference to openings within the west-facing wall on boundary adjacent to 195 Lennox Street;
  - (h) Deletion of Townhouses 45, 46 and 47;
  - (i) Set back Townhouses 22 and 23 on Level 3 so they project no further forward than the easternmost wall of the kitchen/dining area on Level 2;
  - (j) Shared passageways, including sky bridges, on Levels 4 and 7 to be constructed in a semi-transparent material;
  - (k) Delete privacy screening notation on the plans;
  - (l) Notation confirming that a minimum 1.7m high screens will be provided between abutting balconies, to be composed of opaque glass or similar material that would allow light to penetrate;
  - (m) Notation confirming that a minimum 1.8m depth is provided at ground level between the northern wall and the easement for the visitor bicycle hoops, as proposed as part of the ‘sketch plan’ amendments under condition 1(a)(iii);

- (n) Provision for a secure facility within the ground floor and basement 1 levels, conveniently located near the entrances and lift core, maintaining a minimum of 104 bicycle spaces (excluding visitor spaces adjacent to the easement);
- (o) Erection of 'no through road' signs at the Bridge Road entries to both Wustemenn Place and Allowah Terrace;
- (p) A minimum headroom clearance above the northern easement of 4.5m;
- (q) Location for public art installation to be nominated to the northern end of Wustemenn Place adjacent to Bridge Road;
- (r) Schedule of materials, colours and finishes including samples;
- (s) Coloured perspective images from Bridge Road, Allowah Terrace and Wustemenn Place;
- (t) Any amendments consequent to the amended landscape plan pursuant to Condition 4 of this permit;
- (u) Any amendments consequent to the amended landscape plan pursuant to Condition 4 of this permit;
- (v) Any amendments consequent to the amended sustainable management plan pursuant to Condition 6 of this permit;
- (w) Any amendments consequent to the acoustic report pursuant to Condition 8 of this permit; and
- (x) Any amendments consequent to the amended waste management plan pursuant to Condition 10 of this 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.

***Ongoing architect involvement***

3. As part of the ongoing consultant team, Peddle Thorp 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.

***Amended Landscaping Plan Required***

4. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by CDA Design Group Pty Ltd and dated January 2017, but modified to include (or show):
  - (a) Plant schedule identifying the botanical name, mature height and spread, pot size and quantity of all proposed planting
  - (b) Planting plan indicating the location of species proposed
  - (c) Details of the proposed planters – height, materials, depth and type of planting media, irrigation and drainage.
  - (d) Demonstrate that there is sufficient space to accommodate the proposed “upright small deciduous trees” shown on the ground floor plan
  - (e) Greater detail on the central landscaping on levels 4 and 7

***Ongoing Landscaping Plan Requirement***

5. Before the new 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.

***Amended Sustainable Management Plan***

6. 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 SBE and dated 9 June 2017, but modified to include or show:
  - (a) Clear glazing used to all habitable room windows with a VLT of 70 per cent or greater, consistent with the daylight modelling
  - (b) Reverse cycle heating and cooling systems within one star of the best available for the required designed capacity;
  - (c) Connection of the rainwater detention tank to the irrigation system;
  - (d) Where equally suitable for use and selection does not impact the project budget, construction materials with a recycled content shall be chosen in preference to materials without a recycled content; and
  - (e) Provide space for green waste within the waste storage area
7. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

***Acoustic Report Required***

8. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) Road traffic and tram noise;
  - (b) Internal building services including the lift core, substation (in the event that it is required), carpark exhaust fans, carpark entrance door, bin chute. Noise from these items must comply with SEPP N-1. Refer to the AAAC 'Guideline for Apartment and Townhouses Acoustic Rating', 2010, for amenity targets;

***Amended Waste Management Plan Required***

9. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Tech and dated 8 June 2017, but modified to include:
  - (a) Collection of commercial waste bins to occur onsite by private contractor (i.e. not via Bridge Road or laneways)
  - (b) Details on green waste,
  - (c) Updated swept path diagrams for the waste collection vehicle based upon the revised vehicle access arrangements pursuant to condition 1(a) demonstrating accessibility into the basement.

**Ongoing Waste Management Plan Requirement**

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

**Public Art Management Plan**

11. Before the development commences, 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) The location of the artwork (to be consistent with the endorsed development plans);
  - (b) Outline of methodology for commission;
  - (c) Details of the commissioned artist(s);
  - (d) Description of art work, including:
    - (i) Materials;
    - (ii) Colours;
    - (iii) Dimensions;
    - (iv) Conceptual and site context rationale;
    - (v) Special features (for example lighting);
  - (e) Details of the installation process;
  - (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
  - (g) Attribution plans (eg signage or plaque)

**Ongoing Public Art Management Requirement**

12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.
13. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the public light poles adjacent to Allowah Terrace necessary to facilitate the development must be undertaken:
  - (a) in accordance with any requirements or conditions imposed by the relevant authority;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.

**Public realm and Infrastructure**

14. 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 approved by the Responsible Authority and at the full cost of the owner showing the following:
  - (a) Full reconstruction of Allowah Terrace and Wustemenn Place;
  - (b) Upgrade of the drainage system within Allowah Terrace, include property drain connections from the surrounding properties;
  - (c) Extension of the existing drain in Wustemenn Place;
  - (d) Upgrades to the vehicle crossings from Allowah Terrace and Wustemenn Place to Bridge Road;
  - (e) Erection of 'no through road' signs at the Bridge Road entries at Allowah Terrace and Wustemenn Place; and
  - (f) Upgrade to Bridge Road pavement adjacent to the subject site, with consideration to inclusion of public seating and planting.

**Timing of works**

15. Before the building is occupied, all works required by condition 14 must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.

### **VicRoads Conditions (16-18)**

16. The road works required at the entry and exit points to Bridge Road/ Allowah Terrace and Bridge Road/ Wustemann Place Richmond must be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.
17. Prior to the commencement of the use or the occupation of the buildings hereby approved, Allowah Terrace and Wustemann Place must be provided and available for use and be:
  - (a) Provided with left in left out access only.
  - (b) Formed to such levels and drained so that they can be used in accordance with the plan.
  - (c) Treated with an all-weather seal or some other durable surface.
18. Allowah Terrace and Wustemann Place must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

### **Environmental Audit**

19. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
  - (a) a description of previous land uses and activities on the land;
  - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
  - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
20. If the assessment required by condition 19 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
21. If the assessment required by condition 19 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
  - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (**Statement**),and the Certificate or Statement must be provided to the Responsible Authority.
22. If, pursuant to condition 21, a Statement is issued:

- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
23. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
25. 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.
26. Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating accesses to the car park, dwelling entrances and the residential lobby 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.
27. 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.

28. 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.
29. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### ***Construction Management Plan***

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

- (iii) silencing all mechanical plant by the best practical means using current technology;
- (iv) fitting pneumatic tools with an effective silencer;
- (v) other relevant considerations; and
- (vi) any site-specific requirements.

During the construction:

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

### ***Ongoing Construction Management Plan***

31. 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 – use and development**

32. This permit will expire if:

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

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

Notes:

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

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

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

All future property owners, residents, employees and occupiers residing 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 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 permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

### Submissions

Mr Jamie Govenlock and Mr Will Fowles addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Owen Lockwood;

Mr Maurice Sheehan;

Mr Mike Lescai;

Mr Peter Moss;

Ms Gina Kyriakopoulos; and

Ms Pauline Sheehan.

## **PROPOSED INTERNAL DEVELOPMENT APPROVALS COMMITTEE RECOMMENDATION**

**Moved:** Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0131 for development of the land for the construction of a seven (7) 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 150-152 Bridge Road and 1-3 Allowah Terrace, Richmond, generally in accordance with the plans noted previously as 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 following changes in accordance with the sketch plan received 16 November 2017:
    - (i) Relocation of the vehicle access from Allowah Terrace to the northern end of the site, accessed via the northern easement;
    - (ii) Relocation of the vehicle entrance shifted further to the north, to be situated between Townhouses 3 and 6;
    - (iii) Provision of 7 bicycle hoops directly south of the easement;
    - (iv) Increase the width of the residential lobby from Allowah Terrace to a minimum of 6.4m;
    - (v) Modification to the brick fences along Allowah Terrace to reduce the height of brick proposed along the laneway, with a maximum height of 1.7m at the northernmost end.
  - (b) Boundary setbacks dimensioned on the plans measured from the site boundary line;
  - (c) Full retention of the Bridge Road façade;
  - (d) Redesign of the northern elevation to include a more coherent and cohesive design, accommodating a lighter palette of materials and a more sparing use of metal cladding to present as a front façade and not a sideage;
  - (e) Deletion of Level 7;
  - (f) Townhouses 10 to 21 at Level 2 to be set back a minimum of 4.5m from edge of balcony to the midpoint of the respective lane, without reducing the balcony widths;

- (g) Deletion of the balconies at Level 3 to Townhouses 10 to 21, whilst maintaining the articulation to the eastern elevation;
- (h) Removal reference to openings within the west-facing wall on boundary adjacent to 195 Lennox Street;
- (i) Deletion of Townhouses 45, 46 and 47;
- (j) Set back Townhouses 22 and 23 on Level 3 so they project no further forward than the easternmost wall of the kitchen/dining area on Level 2;
- (k) Shared passageways, including sky bridges, on Levels 4 and 7 to be constructed in a semi-transparent material;
- (l) Delete privacy screening notation on the plans;
- (m) Notation confirming that a minimum 1.7m high screens will be provided between abutting balconies, to be composed of opaque glass or similar material that would allow light to penetrate;
- (n) Notation confirming that a minimum 1.8m depth is provided at ground level between the northern wall and the easement for the visitor bicycle hoops, as proposed as part of the 'sketch plan' amendments under condition 1(a)(iii);
- (o) Provision for a secure facility within the ground floor and basement 1 levels, conveniently located near the entrances and lift core, maintaining a minimum of 104 bicycle spaces (excluding visitor spaces adjacent to the easement);
- (p) Erection of 'no through road' signs at the Bridge Road entries to both Wustemenn Place and Allowah Terrace;
- (q) A minimum headroom clearance above the northern easement of 4.5m;
- (r) Location for public art installation to be nominated to the northern end of Wustemenn Place adjacent to Bridge Road;
- (s) Schedule of materials, colours and finishes including samples;
- (t) Coloured perspective images from Bridge Road, Allowah Terrace and Wustemenn Place;
- (u) Any amendments consequent to the amended landscape plan pursuant to Condition 4 of this permit;
- (v) Any amendments consequent to the amended landscape plan pursuant to Condition 4 of this permit;
- (w) Any amendments consequent to the amended sustainable management plan pursuant to Condition 6 of this permit;
- (x) Any amendments consequent to the acoustic report pursuant to Condition 8 of this permit;
- (y) Any amendments consequent to the amended waste management plan pursuant to Condition 10 of this permit;
- (z) Provision for temporary hard waste storage and organic waste receptacle in the waste storage area; and
- (aa) Setback the ground floor (including bicycle parking spaces) with no protrusion into the northern carriageway easement , i.e. 4.57m.

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, Peddle Thorp 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.

***Amended Landscaping Plan Required***

4. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by CDA Design Group Pty Ltd and dated January 2017, but modified to include (or show):

- (a) Plant schedule identifying the botanical name, mature height and spread, pot size and quantity of all proposed planting
- (b) Planting plan indicating the location of species proposed
- (c) Details of the proposed planters – height, materials, depth and type of planting media, irrigation and drainage.
- (d) Demonstrate that there is sufficient space to accommodate the proposed “upright small deciduous trees” shown on the ground floor plan
- (e) Greater detail on the central landscaping on levels 4 and 7

***Ongoing Landscaping Plan Requirement***

5. Before the new 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.

***Amended Sustainable Management Plan***

6. 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 SBE and dated 9 June 2017, but modified to include or show:

- (a) Clear glazing used to all habitable room windows with a VLT of 70 per cent or greater, consistent with the daylight modelling
- (b) Reverse cycle heating and cooling systems within one star of the best available for the required designed capacity;
- (c) Connection of the rainwater detention tank to the irrigation system;
- (d) Where equally suitable for use and selection does not unduly impact the project budget, construction materials with a recycled content shall be chosen in preference to materials without a recycled content; and
- (e) Provide space for green waste within the waste storage area

7. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

***Acoustic Report Required***

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

- (a) Road traffic and tram noise;
- (b) Internal building services including the lift core, substation (in the event that it is required), carpark exhaust fans, carpark entrance door, bin chute. Noise from these items must comply with SEPP N-1. Refer to the AAAC 'Guideline for Apartment and Townhouses Acoustic Rating', 2010, for amenity targets;

***Amended Waste Management Plan Required***

9. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Tech and dated 8 June 2017, but modified to include:

- (a) Collection of commercial waste bins to occur onsite by private contractor (i.e. not via Bridge Road or laneways)
- (b) Details on green waste,
- (c) Updated swept path diagrams for the waste collection vehicle based upon the revised vehicle access arrangements pursuant to condition 1(a) demonstrating accessibility into the basement.

***Ongoing Waste Management Plan Requirement***

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

***Public Art Management Plan***

11. Before the development commences, 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) The location of the artwork (to be consistent with the endorsed development plans);
- (b) Outline of methodology for commission;
- (c) Details of the commissioned artist(s);
- (d) Description of art work, including:
  - (i) Materials;
  - (ii) Colours;
  - (iii) Dimensions;
  - (iv) Conceptual and site context rationale;
  - (v) Special features (for example lighting);
- (e) Details of the installation process;
- (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
- (g) Attribution plans (eg signage or plaque)

***Ongoing Public Art Management Requirement***

12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.
13. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the public light poles adjacent to Allowah Terrace necessary to facilitate the development must be undertaken:

- (a) in accordance with any requirements or conditions imposed by the relevant authority;

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

#### **Public realm and Infrastructure**

14. 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 approved by the Responsible Authority and at the full cost of the owner showing the following:
  - (a) Full reconstruction of Allowah Terrace as a shared zone, designed in accordance with VicRoads' guidelines for shared zones;
  - (b) Full reconstruction of Allowah Terrace and Wustemenn Place;
  - (c) Upgrade of the drainage system within Allowah Terrace, include property drain connections from the surrounding properties;
  - (d) Extension of the existing drain in Wustemenn Place;
  - (e) Upgrades to the vehicle crossings from Allowah Terrace and Wustemenn Place to Bridge Road;
  - (f) Erection of 'no through road' signs at the Bridge Road entries at Allowah Terrace and Wustemenn Place; and
  - (g) Upgrade to Bridge Road pavement adjacent to the subject site, with consideration to inclusion of public seating and planting.

#### **Timing of works**

15. Before the building is occupied, all works required by condition 14 must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.
16. Before the building is occupied, approval to be obtained from VicRoads for operation of Allowah Terrace as a shared zone as required pursuant to condition 14(a).

#### **VicRoads Conditions (17-19)**

17. The road works required at the entry and exit points to Bridge Road/ Allowah Terrace and Bridge Road/ Wustemann Place Richmond must be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.
18. Prior to the commencement of the use or the occupation of the buildings hereby approved, Allowah Terrace and Wustemann Place must be provided and available for use and be:
  - (a) Provided with left in left out access only.
  - (b) Formed to such levels and drained so that they can be used in accordance with the plan.
  - (c) Treated with an all-weather seal or some other durable surface.
19. Allowah Terrace and Wustemann Place must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

#### **Environmental Audit**

20. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
  - (a) a description of previous land uses and activities on the land;
  - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and

- (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

21. If the assessment required by condition 19 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
22. If the assessment required by condition 19 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
  - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
 and the Certificate or Statement must be provided to the Responsible Authority.
23. If, pursuant to condition 21, a Statement is issued:
  - (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

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

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any 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.

27. Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating accesses to the car park, dwelling entrances and the residential lobby 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.

28. 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.

29. 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.

30. 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 Plan***

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

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,;
  - (i) contaminated soil;

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

During the construction:

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

### ***Ongoing Construction Management Plan***

32. 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 – use and development**

33. This permit will expire if:

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

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

**Notes:**

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

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

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

All future property owners, residents, employees and occupiers residing 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 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 permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

*Motion lapsed for want of a seconder.*

## **PROPOSED INTERNAL DEVELOPMENT APPROVALS COMMITTEE RECOMMENDATION**

**Moved:** Councillor Bosler

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0131 for development of the land for the construction of a seven (7) 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 150-152 Bridge Road and 1-3 Allowah Terrace, Richmond, generally in accordance with the plans noted previously as 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 following changes in accordance with the sketch plan received 16 November 2017:
    - (i) Relocation of the vehicle access from Allowah Terrace to the northern end of the site, accessed via the northern easement;
    - (ii) Relocation of the vehicle entrance shifted further to the north, to be situated between Townhouses 3 and 6;
    - (iii) Provision of 7 bicycle hoops directly south of the easement;

- (iv) Increase the width of the residential lobby from Allowah Terrace to a minimum of 6.4m;
- (v) Modification to the brick fences along Allowah Terrace to reduce the height of brick proposed along the laneway, with a maximum height of 1.7m at the northernmost end.
- (b) Boundary setbacks dimensioned on the plans measured from the site boundary line;
- (c) Full retention of the Bridge Road façade;
- (d) Redesign of the northern elevation to include a more coherent and cohesive design, accommodating a lighter palette of materials and a more sparing use of metal cladding to present as a front façade and not a sideage;
- (e) Townhouses 10 to 21 at Level 2 to be set back a minimum of 4.5m from edge of balcony to the midpoint of the respective lane, without reducing the balcony widths;
- (f) Deletion of the balconies at Level 3 to Townhouses 10 to 21, whilst maintaining the articulation to the eastern elevation;
- (g) Removal reference to openings within the west-facing wall on boundary adjacent to 195 Lennox Street;
- (h) Deletion of Townhouses 45, 46 and 47;
- (i) Set back Townhouses 22 and 23 on Level 3 so they project no further forward than the easternmost wall of the kitchen/dining area on Level 2;
- (j) Shared passageways, including sky bridges, on Levels 4 and 7 to be constructed in a semi-transparent material;
- (k) Delete privacy screening notation on the plans;
- (l) Notation confirming that a minimum 1.7m high screens will be provided between abutting balconies, to be composed of opaque glass or similar material that would allow light to penetrate;
- (m) Notation confirming that a minimum 1.8m depth is provided at ground level between the northern wall and the easement for the visitor bicycle hoops, as proposed as part of the 'sketch plan' amendments under condition 1(a)(iii);
- (n) Provision for a secure facility within the ground floor and basement 1 levels, conveniently located near the entrances and lift core, maintaining a minimum of 104 bicycle spaces (excluding visitor spaces adjacent to the easement);
- (o) Erection of 'no through road' signs at the Bridge Road entries to both Wustemenn Place and Allowah Terrace;
- (p) A minimum headroom clearance above the northern easement of 4.5m;
- (q) Location for public art installation to be nominated to the northern end of Wustemenn Place adjacent to Bridge Road;
- (r) Schedule of materials, colours and finishes including samples;
- (s) Coloured perspective images from Bridge Road, Allowah Terrace and Wustemenn Place;
- (t) Any amendments consequent to the amended landscape plan pursuant to Condition 4 of this permit;
- (u) Any amendments consequent to the amended landscape plan pursuant to Condition 4 of this permit;
- (v) Any amendments consequent to the amended sustainable management plan pursuant to Condition 6 of this permit;
- (w) Any amendments consequent to the acoustic report pursuant to Condition 8 of this permit;
- (x) Any amendments consequent to the amended waste management plan pursuant to Condition 10 of this permit;
- (y) Provision for temporary hard waste storage and organic waste receptacle in the waste storage area; and
- (z) Setback the ground floor (including bicycle parking spaces) with no protrusion into the northern carriageway easement , i.e. 4.57m.

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, Peddle Thorp 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.

**Amended Landscaping Plan Required**

4. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by CDA Design Group Pty Ltd and dated January 2017, but modified to include (or show):

- (a) Plant schedule identifying the botanical name, mature height and spread, pot size and quantity of all proposed planting
- (b) Planting plan indicating the location of species proposed
- (c) Details of the proposed planters – height, materials, depth and type of planting media, irrigation and drainage.
- (d) Demonstrate that there is sufficient space to accommodate the proposed “upright small deciduous trees” shown on the ground floor plan
- (e) Greater detail on the central landscaping on levels 4 and 7

**Ongoing Landscaping Plan Requirement**

5. Before the new 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.

**Amended Sustainable Management Plan**

6. 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 SBE and dated 9 June 2017, but modified to include or show:

- (a) Clear glazing used to all habitable room windows with a VLT of 70 per cent or greater, consistent with the daylight modelling
- (b) Reverse cycle heating and cooling systems within one star of the best available for the required designed capacity;
- (c) Connection of the rainwater detention tank to the irrigation system;
- (d) Where equally suitable for use and selection does not unduly impact the project budget, construction materials with a recycled content shall be chosen in preference to materials without a recycled content; and
- (e) Provide space for green waste within the waste storage area

7. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

***Acoustic Report Required***

8. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) Road traffic and tram noise;
  - (b) Internal building services including the lift core, substation (in the event that it is required), carpark exhaust fans, carpark entrance door, bin chute. Noise from these items must comply with SEPP N-1. Refer to the AAAC 'Guideline for Apartment and Townhouses Acoustic Rating', 2010, for amenity targets;

***Amended Waste Management Plan Required***

9. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Tech and dated 8 June 2017, but modified to include:
  - (a) Collection of commercial waste bins to occur onsite by private contractor (i.e. not via Bridge Road or laneways)
  - (b) Details on green waste,
  - (c) Updated swept path diagrams for the waste collection vehicle based upon the revised vehicle access arrangements pursuant to condition 1(a) demonstrating accessibility into the basement.

***Ongoing Waste Management Plan Requirement***

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

***Public Art Management Plan***

11. Before the development commences, 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) The location of the artwork (to be consistent with the endorsed development plans);
  - (b) Outline of methodology for commission;
  - (c) Details of the commissioned artist(s);
  - (d) Description of art work, including:
    - (i) Materials;
    - (ii) Colours;
    - (iii) Dimensions;
    - (iv) Conceptual and site context rationale;
    - (v) Special features (for example lighting);
  - (e) Details of the installation process;
  - (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
  - (g) Attribution plans (eg signage or plaque)

***Ongoing Public Art Management Requirement***

12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.
13. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the public light poles adjacent to Allowah Terrace necessary to facilitate the development must be undertaken:
  - (a) in accordance with any requirements or conditions imposed by the relevant authority;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.

#### **Public realm and Infrastructure**

14. 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 approved by the Responsible Authority and at the full cost of the owner showing the following:
  - (a) Full reconstruction of Allowah Terrace as a shared zone, designed in accordance with VicRoads' guidelines for shared zones;
  - (b) Full reconstruction of Allowah Terrace and Wustemenn Place;
  - (c) Upgrade of the drainage system within Allowah Terrace, include property drain connections from the surrounding properties;
  - (d) Extension of the existing drain in Wustemenn Place;
  - (e) Upgrades to the vehicle crossings from Allowah Terrace and Wustemenn Place to Bridge Road;
  - (f) Erection of 'no through road' signs at the Bridge Road entries at Allowah Terrace and Wustemenn Place; and
  - (g) Upgrade to Bridge Road pavement adjacent to the subject site, with consideration to inclusion of public seating and planting.

#### **Timing of works**

15. Before the building is occupied, all works required by condition 14 must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.
16. Before the building is occupied, approval to be obtained from VicRoads for operation of Allowah Terrace as a shared zone as required pursuant to condition 14(a).

#### **VicRoads Conditions (17-19)**

17. The road works required at the entry and exit points to Bridge Road/ Allowah Terrace and Bridge Road/ Wustemann Place Richmond must be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.
18. Prior to the commencement of the use or the occupation of the buildings hereby approved, Allowah Terrace and Wustemann Place must be provided and available for use and be:
  - (a) Provided with left in left out access only.
  - (b) Formed to such levels and drained so that they can be used in accordance with the plan.
  - (c) Treated with an all-weather seal or some other durable surface.
19. Allowah Terrace and Wustemann Place must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

#### **Environmental Audit**

20. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
  - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
  - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
21. If the assessment required by condition 19 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
22. If the assessment required by condition 19 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (**Statement**),
- and the Certificate or Statement must be provided to the Responsible Authority.
23. If, pursuant to condition 21, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and

- (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
- 24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any 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.
- 27. Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating accesses to the car park, dwelling entrances and the residential lobby 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.
- 28. 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.
- 29. 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.
- 30. 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 Plan***

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

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

During the construction:

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

### ***Ongoing Construction Management Plan***

32. 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 – use and development**

33. This permit will expire if:

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

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

**Notes:**

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

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

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

All future property owners, residents, employees and occupiers residing 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 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 permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

*Motion lapsed for want of a seconder.*

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Bosler

**Seconded:** Councillor Stone

That the application be deferred until the Internal Development Approvals Committee Meeting of Wednesday 17 January 2018 due to the 2 rostered Councillors being unable to reach a decision. No further submissions will be heard at this meeting.

**CARRIED UNANIMOUSLY**

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**1.2      293 Church Street, Richmond VIC 3121 - Planning Application Permit No. PLN16/0509 - Construction of four, three-storey dwellings, including a reduction in the associated car parking requirement of the Yarra Planning Scheme.**

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Trim Record Number: D17/17960

Responsible Officer: Senior Coordinator Statutory Planning

**RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to advise the VCAT that if it were in a position to it would have issued a Notice of Decision to Grant a Planning Permit PLN16/0609 for the construction of four new dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme at 293 Church Street, Richmond subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 27 November 2017 but modified to show:
  - (a) Habitable room windows shown as operable on elevations;
  - (b) All first floor terraces and habitable room windows screened in accordance with the standard at Clause 55.04-7 (Internal views) of the Yarra Planning Scheme;
  - (c) The provision of sensor lighting to each porch / entry of the new dwellings, appropriately shielded and of limited intensity to avoid any light spillage into adjoining properties;
  - (d) The garage doorway and setbacks, headroom clearances of the garages and ground clearances of the carriageway / laneway to the south annotated;
  - (e) All works recommended (where relevant to be shown on plans) in the Sustainable Design Assessment referred to in condition 3; and
  - (f) An updated schedule of all external materials and finishes with further articulation across the eastern elevation.
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. 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 include the details in the Sustainable Design Assessment prepared by Padarc Pty Ltd date 31 May 2016 but modified to:
  - (a) reference four dwellings; and
  - (b) achieve an average NatHERS rating of 6.5 per dwelling.
4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

6. Any service 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.
7. Before the dwellings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the central internal pedestrian walkway and dwelling entrances must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,

to the satisfaction of the Responsible Authority.

8. 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.
9. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
10. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;

- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
11. 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.
12. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit;

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

**Notes:**

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

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 residents within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

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.

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

**Submission**

Ms Christina McRae addressed the Committee on behalf of the Applicant.

No further submissions were made.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Bosler

**Seconded:** Councillor Stone

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**

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**1.3 175 Burnley Street, Richmond - PLN17/0388 - Development of the land for construction of a 9 storey building (plus roof top plant and three basement levels), use of the land for offices, restaurant and associated sale and consumption of liquor and restricted retail premises, reduction in the car parking requirements and alteration of access to a Road Zone Category 1.**

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Trim Record Number: D17/184269

Responsible Officer: Principal Statutory Planner

### **RECOMMENDATION**

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN17/0388) for development of the land for construction of a 9 storey building (plus roof top plant and three basement levels), use of the land for offices, restaurant and associated sale and consumption of liquor and restricted retail premises, reduction in the car parking requirements and alteration of access to a Road Zone Category 1 at 175 Burnley Street, Richmond subject to the following conditions:

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 decision plans (dated 1 August 2017) but amended to show/include;
  - (a) A maximum of 250 patrons, with seating for 200 patrons internally and 50 patrons within the external space, shown on the ground floor and red line liquor plans;
  - (b) Dimensions of the following elements;
    - (i) visibility triangle for the exit lane of the vehicle entrance;
    - (ii) headroom clearance at the car park and loading bay entrances;
    - (iii) column depths and setbacks;
    - (iv) the clearances to walls for all car parking bays;
  - (c) Swept path diagrams demonstrating vehicle entry and exit movements onto Murphy Street;
  - (d) The accessible parking spaces to comply with the Australian/New Zealand Standard AS/NZS 2890.6:2009;
  - (e) The western side of the proposed vehicle crossing splay to Murphy Street to have a minimum clearance of 1m from the existing stormwater pit, or the stormwater pit to be relocated to the satisfaction of the responsible authority;
  - (f) Appropriate footpath treatment measures and line marking to reduce the likelihood of conflict between cyclists and pedestrians, and to reduce the likelihood of vehicles parking in front of the bicycle-crossover on Burnley Street;
  - (g) Any changes required by the amended SMP (condition 4), GTP (condition 6), NAAP (condition 8) and Landscape Plan (condition 10).
2. The use, development and 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.
3. As part of the ongoing consultant team, Jackson Clements Burrows Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

4. Before the development commences, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainability Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by Ark Resources and dated 24 July 2017, but modified to include:
  - (a) Details of the proposed hot water system, with confirmation that this system can meet the intended energy performance standard.
5. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
6. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 19 July 2017, but modified to include:
  - (a) Specifications of the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space.
7. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by SJB Planning and dated July 2017, but modified to include:
  - (a) A minimum of 200 seats internally and 100% seating for external terraces;
  - (b) Details noting that the sliding doors to the external terraces will be closed at 10pm, Sunday to Thursday;
  - (c) The number of patrons within the external terraces to be a maximum of 20 after 10pm, Sunday to Thursday, with these patrons to be located only within the northern section of the terrace (addressing Murphy Street);
  - (d) No patrons to be seated within the north-west corner of the terrace (consistent with notations on the endorsed plan) after 10pm, Friday and Saturday;
  - (e) Details of the noise limiter to be installed;
  - (f) Confirmation that no external speakers will be erected within the external terraces and no live music will be played on-site.
9. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated 1 August 2017, but modified to show:
  - (a) The two proposed southern-most footpath trees on Burnley Street to be located further to the south;

- (b) Under-planting of all footpath trees to be replaced with gravel and mulch;
  - (c) A Water Sensitive Urban Design treatment provided on the Burnley Street kerb;
  - (d) The type of plants for the Burnley Street outstand restricted to;
    - (i) *Dianella revolute*;
    - (ii) *Lomandra filiformis*;
    - (iii) *Correa reflexa*.
  - (e) The tree species on the Murphy Street nature strip to be Watergum (*Tristaniopsis laurina*).
  - (f) The following changes to the Murphy Street kerb outstand;
    - (i) The proposed Melia to be positioned further north;
    - (ii) The two gravel areas to be replaced with mulched planting;
    - (iii) *Pennisetum alopecuroides* to be substituted with *Dichelachne crinita* (Plume Grass);
    - (iv) *Lomandra Tanika* to be substituted with *Lomandra filiformis* (Wattle Mat-rush);
    - (v) *Themeda australis* to be substituted with *Lomandra filiformis* (Wattle Mat-rush)
  - (g) The palette of ground finishes on both footpaths/setbacks to be reduced to two types; bluestone and asphalt or similar; to the satisfaction of the Responsible Authority;
  - (h) The proposed seating to be standard City of Yarra design.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the provisions, recommendations and requirements of the endorsed Landscape Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
  12. The landscaping works shown on the endorsed Landscape Plan within the subject site 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.
  13. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
  14. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
  15. 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.
  16. The provisions, recommendations and requirements of the endorsed Waste Management Plan (WMP), generally in accordance with the WMP prepared by Irwin Consult and dated 18th July 2017 must be implemented and complied with to the satisfaction of the Responsible Authority.
  17. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
    - (a) the number and location of car parking spaces allocated to each tenancy
    - (b) any tandem parking spaces allocated to a single tenancy;

- (c) details on the Car Sharing Space of the Basement 01 Level car parking.
- (d) security arrangements for occupants of the development;
- (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (f) 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 15; and
- (i) details regarding the management of loading and unloading of goods and materials.

18. 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.

#### Use

19. Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this permit may only operate between the hours of 7am to 1am – seven days;
20. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor authorised by this permit may only operate between the hours of 9am to 1am – seven days;
21. Except with the prior written consent of the Responsible Authority, no more than 250 patrons are permitted within the restaurant at any one time, with a minimum of 200 internal seats to be made available at all times.
22. Except with the prior written consent of the Responsible Authority, no more than 50 patrons are permitted within the external terraces at any one time, with 100% seating to be available for patrons at all times.
23. After 10pm Friday and Saturday, no patrons to be seated within the north-west corner of the external terrace;
24. After 10pm Sunday to Thursday, a maximum of 20 patrons are permitted within the external terraces, with these patrons to be located behind the noise attenuation barrier within the Burnley Street frontage.
25. After 10pm Sunday to Thursday, all sliding doors to the external terraces to be closed.
26. 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.
27. 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).
28. 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).

29. Prior to the commencement of the use authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
  - (a) be set at a level specified by a qualified acoustic engineer;
  - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2);
  - (c) be located within a secure location, accessible only to the duty/floor manager; and
  - (d) be maintained and operated at all times; to the satisfaction of the Responsible Authority.
30. The provision of music and entertainment on the land must be at a background noise level.
31. Speakers external to the building must not be erected or used.

#### Development

32. 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.
33. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing Murphy Street vehicle crossover must be fully demolished, with the new vehicle crossing to be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; andto the satisfaction of the Responsible Authority.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes and associated works must be:
  - (a) constructed and available for use in accordance with the endorsed plans; and
  - (b) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, and building entrances must be provided within the property boundary. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

38. 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.
39. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    - (i) using lower noise work practice and equipment;
    - (ii) the suitability of the land for the use of an electric crane;
    - (iii) silencing all mechanical plant by the best practical means using current technology;
    - (iv) fitting pneumatic tools with an effective silencer; and,
    - (v) other relevant considerations.

40. 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.
41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit.
  - (c) the use is not commenced within five years of the date of this permit;
  - (d) 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 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.

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

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

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

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

Submissions

Ms Elle Harrington and Mr Kel Twite addressed the Committee on behalf of the Applicant.

Mr Peter Headlam also addressed the Committee.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Bosler

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN17/0388) for development of the land for construction of a 9 storey building (plus roof top plant and three basement levels), use of the land for offices, restaurant and associated sale and consumption of liquor and restricted retail premises, reduction in the car parking requirements and alteration of access to a Road Zone Category 1 at 175 Burnley Street, Richmond subject to the following conditions:

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 decision plans (dated 1 August 2017) but amended to show/include;
  - (a) A maximum of 250 patrons, with seating for 200 patrons internally and 50 patrons within the external space, shown on the ground floor and red line liquor plans;
  - (b) Dimensions of the following elements;
    - (i) visibility triangle for the exit lane of the vehicle entrance;
    - (ii) headroom clearance at the car park and loading bay entrances;
    - (iii) column depths and setbacks;
    - (iv) the clearances to walls for all car parking bays;
  - (c) Swept path diagrams demonstrating vehicle entry and exit movements onto Murphy Street;
  - (d) The accessible parking spaces to comply with the Australian/New Zealand Standard AS/NZS 2890.6:2009;
  - (e) The western side of the proposed vehicle crossing splay to Murphy Street to have a minimum clearance of 1m from the existing stormwater pit, or the stormwater pit to be relocated to the satisfaction of the responsible authority;
  - (f) Appropriate footpath treatment measures and line marking to reduce the likelihood of conflict between cyclists and pedestrians, and to reduce the likelihood of vehicles parking in front of the bicycle-crossover on Burnley Street;
  - (g) Any changes required by the amended SMP (condition 4), GTP (condition 6), NAAP (condition 8) and Landscape Plan (condition 10).
2. The use, development and 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.
3. As part of the ongoing consultant team, Jackson Clements Burrows Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

4. Before the development commences, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainability Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by Ark Resources and dated 24 July 2017, but modified to include:
  - (a) Details of the proposed hot water system, with confirmation that this system can meet the intended energy performance standard.
5. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
6. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 19 July 2017, but modified to include:
  - (a) Specifications of the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space.
7. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by SJB Planning and dated July 2017, but modified to include:
  - (a) A minimum of 200 seats internally and 100% seating for external terraces;
  - (b) Details noting that the sliding doors to the external terraces will be closed at 10pm, Sunday to Thursday;
  - (c) The number of patrons within the external terraces to be a maximum of 20 after 10pm, Sunday to Thursday, with these patrons to be located behind the noise attenuation barrier within the Burnley Street frontage only;
  - (d) No patrons to be seated within the north-west corner of the terrace (consistent with notations on the endorsed plan) after 10pm, Friday and Saturday;
  - (e) Details of the noise limiter to be installed;
  - (f) Confirmation that no external speakers will be erected within the external terraces and no live music will be played on-site.
9. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated 1 August 2017, but modified to show:
  - (a) The two proposed southern-most footpath trees on Burnley Street to be located further to the south;
  - (b) Under-planting of all footpath trees to be replaced with gravel and mulch;

- (c) A Water Sensitive Urban Design treatment provided on the Burnley Street kerb;
  - (d) The type of plants for the Burnley Street outstand restricted to;
    - (i) *Dianella revolute*;
    - (ii) *Lomandra filiformis*;
    - (iii) *Correa reflexa*.
  - (e) The tree species on the Murphy Street nature strip to be Watergum (*Tristaniaopsis laurina*).
  - (f) The following changes to the Murphy Street kerb outstand;
    - (i) The proposed Melia to be positioned further north;
    - (ii) The two gravel areas to be replaced with mulched planting;
    - (iii) *Pennisetum alopecuroides* to be substituted with *Dichelachne crinita* (Plume Grass);
    - (iv) *Lomandra Tanika* to be substituted with *Lomandra filiformis* (Wattle Mat-rush);
    - (v) *Themeda australis* to be substituted with *Lomandra filiformis* (Wattle Mat-rush)
  - (g) The palette of ground finishes on both footpaths/setbacks to be reduced to two types; bluestone and asphalt or similar; to the satisfaction of the Responsible Authority;
  - (h) The proposed seating to be standard City of Yarra design.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the provisions, recommendations and requirements of the endorsed Landscape Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
  12. The landscaping works shown on the endorsed Landscape Plan within the subject site 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.
  13. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
  14. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
  15. 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.
  16. The provisions, recommendations and requirements of the endorsed Waste Management Plan (WMP), generally in accordance with the WMP prepared by Irwin Consult and dated 18th July 2017 must be implemented and complied with to the satisfaction of the Responsible Authority.
  17. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
    - (a) the number and location of car parking spaces allocated to each tenancy;
    - (b) any tandem parking spaces allocated to a single tenancy;
    - (c) details on the Car Sharing Space of the Basement 01 Level car parking;

- (d) security arrangements for occupants of the development;
- (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (f) 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 15; and
- (i) details regarding the management of loading and unloading of goods and materials.

18. 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.

#### Use

19. Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this permit may only operate between the hours of 7am to midnight – seven days;
20. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor authorised by this permit may only operate between the hours of 9am to midnight – seven days;
21. Except with the prior written consent of the Responsible Authority, no more than 250 patrons are permitted within the restaurant at any one time, with a minimum of 200 internal seats to be made available at all times.
22. Except with the prior written consent of the Responsible Authority, no more than 50 patrons are permitted within the external terraces at any one time, with 100% seating to be available for patrons at all times.
23. After 10pm Friday and Saturday, no patrons to be seated within the north-west corner of the external terrace;
24. After 10pm Sunday to Thursday, a maximum of 20 patrons are permitted within the external terraces, with these patrons to be located behind the noise attenuation barrier within the Burnley Street frontage.
25. After 10pm Sunday to Thursday, all sliding doors to the external terraces to be closed.
26. 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.
27. 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).
28. 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).

29. Prior to the commencement of the use authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
  - (a) be set at a level specified by a qualified acoustic engineer;
  - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2);
  - (c) be located within a secure location, accessible only to the duty/floor manager; and
  - (d) be maintained and operated at all times; to the satisfaction of the Responsible Authority.
30. The provision of music and entertainment on the land must be at a background noise level.
31. Speakers external to the building must not be erected or used.

#### Development

32. 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.
33. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing Murphy Street vehicle crossover must be fully demolished, with the new vehicle crossing to be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; andto the satisfaction of the Responsible Authority.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes and associated works must be:
  - (a) constructed and available for use in accordance with the endorsed plans; and
  - (b) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, and building entrances must be provided within the property boundary. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
38. 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.

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

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

40. 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.
41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit.
  - (c) the use is not commenced within five years of the date of this permit;
  - (d) The sale and consumption of liquor is not commenced within five 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 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.

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

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

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

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

**CARRIED UNANIMOUSLY**

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**1.4 208-224 Wellington Street, Collingwood VIC 3066 - Planning Permit Application No.PLN17/0423 (Change of use to education centre, including associated buildings and works and reduction in car parking requirements).**

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Trim Record Number: D17/185983

Responsible Officer: Senior Coordinator Statutory Planning

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0423 for change of use to education centre, including associated building and works and reduction in car parking requirements at 208-224 Wellington Street Collingwood, 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 (dated 10/05/17) but amended to show/include:
  - (a) Car parking areas allocated to staff only, including associated signage;
  - (b) The recommendations under Section 7.0 of the acoustic report;
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Prior the commencement of the use, the provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
4. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. 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.
6. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
7. 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.
8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) constructed and available for use in accordance with the endorsed plans;

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

to the satisfaction of the Responsible Authority.

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access John Street 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.

10. 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.

## **Use**

11. No more than 230 students are permitted on the land at any one time.
12. No more than fifteen (15) staff are permitted on the land at any one time.
13. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Friday - 8:00am to 7:00pm;
  - (b) Saturday - 9:00am to 4:00pm.
14. 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.

15. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
16. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
17. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
18. 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.

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.
- (c) the use is not commenced within five years of the date of this permit.

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

Notes:

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

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

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

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

### Submission

The Applicant, Mr Ben O'Hara addressed the Committee.

No further submissions were made.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Bosler

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**

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**1.5 Floor 1, 439-441 Swan Street, Richmond - Planning Permit Application No. PLN17/0525 (Change of use to indoor recreation facility, a reduction in bicycle parking and display of internally illuminated and business identification signage).**

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Trim Record Number: D17/191952

Responsible Officer: Senior Coordinator Statutory Planning

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0525 for change of use to indoor recreation facility, a reduction in bicycle parking facilities, and display of internally-illuminated and business identification signage at Floor 1, 439-441 Swan Street, Richmond subject to the following conditions:

1. The use and signage 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. A minimum of 2 car spaces must be provided on site at all times during the operation of the permitted use to the satisfaction of the Responsible Authority.
3. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

*Use*

4. No more than 57 patrons are permitted on the land at any one time.
5. No more than 3 staff are permitted on the land at any one time.
6. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
  - (a) Monday - Friday 7.00am – 9.00pm
  - (b) Saturday - Sunday 9.00am – 5.00pm
7. 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.

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

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. This permit will expire if the use is not commenced within twelve months from the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

*VicRoads conditions (15 and 16 only).*

15. The sign(s) is not reflective.
16. The signs are secured in a safe manner.

*Signage*

17. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
18. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
19. The signs must not be illuminated by external lights.
20. The signs must not include any flashing or intermittent light.
21. This signage component of this permit expires 15 years from the date of the permit.

Notes:

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

Submission

Ms Pip Connelly addressed the Committee.

No further submissions were made.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Bosler

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**

Meeting 1 closed at 10.37pm.

Meeting 2 closed at 8.39pm.

**Confirmed at the meeting held on Wednesday 17 January 2018**

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**Chair**