



YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE

MINUTES

held on Wednesday 17 January 2018 at 6.30pm
in Meeting Rooms 1 & 2
at the Richmond Town Hall

I. ATTENDANCE

Councillor Mike McEvoy
Councillor James Searle
Councillor Amanda Stone (substitute for Cr Jolly)
Danielle Connell (Senior Coordinator Statutory Planning)
Gary O'Reilly (Senior Statutory Planner)
Rhys Thomas (Senior Governance Advisor)

II. APOLOGIES AND LEAVE OF ABSENCE

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

Mr Rhys Thomas (Senior Governance Advisor) made disclosures in relation to items 1.3 and 1.4.

IV. CONFIRMATION OF MINUTES

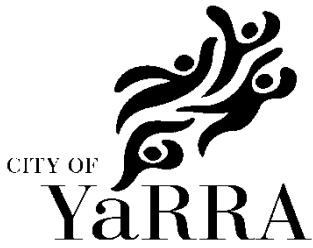
Internal Development Approvals Committee Resolution:

Moved: Councillor McEvoy **Seconded:** Councillor Stone

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 13 December 2017 be confirmed.

CARRIED UNANIMOUSLY

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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

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

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

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

**Governance Branch
2008**

Councillor Searle nominated Councillor McEvoy as Chair.

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

Councillor McEvoy assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN17/0456 – 594-612 Church Street, Cremorne - The construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land for a shop, a reduction in the car parking requirement associated with office and shop, a waiver of the loading bay requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Church Street.	6	13
1.2	PLN17/0177 - 57 Balmain Street, Cremorne - Part demolition and development of the land; use of part of the land as a food and drink premises (café); reduction in the car parking requirement associated with office, commercial display area and food and drink premises (café); and waiver of the loading bay requirement	22	31
1.3	PLN17/0131 - 150-152 Bridge Road & 1-3 Allowah Terrace, Richmond - 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.	40	48
1.4	115 Victoria Parade, Fitzroy - Heritage Victoria Referral - Partial demolition and construction of a multi storey building associated with the Australian Catholic University	57	57

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- 1.1 PLN17/0456 – 594-612 Church Street, Cremorne - The construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land for a shop, a reduction in the car parking requirement associated with office and shop, a waiver of the loading bay requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Church Street.**
-

Trim Record Number: D17/208842

Responsible Officer: Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN17/0456 for the construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land for a shop, a reduction in the car parking requirement associated with office and shop, a waiver of the loading bay requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Church Street at 594-612 Church Street, Cremorne, 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 Wood Marsh Architecture and dated 27 July 2017, but modified to show:
 - (a) The changes shown in the concept plans prepared by Wood Marsh Architecture and dated 14 December 2017, which generally show:
 - i) Ground floor building line set back 350mm from both the Church Street and Balmain Street boundaries.
 - ii) Ground floor shop front glazing altered from a zig-zag arrangement to a conventional vertical form.
 - iii) A canopy overhanging both the Church Street and Balmain Street footpaths provided by vertical glazing creating an overhang canopy over the footpath.
 - iv) The automatic revolving glass door on the corner of Church Street and Balmain Street changed to a pair of glass hinged doors.
 - v) Coloured translucent zig-zag panels with neon back-lighting to the ground floor west elevation.
 - vi) Enhanced architectural aesthetic of the building's façade flushed structural glazing system, by removal of the exoskeleton.
 - vii) Coloured rebate lines added onto the pre-cast concrete panels on the southern elevation.
 - viii) Coloured translucent panels added to the carpark entry/exit.
 - ix) The upper floors setback between 2.25 metres and 3 metre from the boundary on all sides except for the southern façade.

But further modified to show the following changes:

- (b) The canopy located along the Church Street façade at the corner of Balmain Street with a minimum setback of 0.5 metres from any part of the traffic signal at this location in accordance with VicRoads condition 35.

- (c) Any service cabinet or meter room doors that open outwards over public land as able to swing 180 degrees and be latched to the building when opened or serviced.
 - (d) The shared area adjacent to the accessible car parking bay with a bollard to prevent cars from parking in this space.
 - (e) A minimum headroom clearance of 2.5 metres must be provided above the dedicated accessible car parking space and adjacent shared area to comply with AS/NZS 2890.6:2009.
 - (f) Swept path diagrams for the B99 design vehicle showing acceptable vehicle entry and exit movements for the Balmain Street entrance. Parallel parking and nearby vehicle crossings must be accurately depicted on the swept path diagrams.
 - (g) The existing vehicle crossing to Balmain Street reconstructed to Council's satisfaction.
 - (h) The grated side entry pit in the Right of Way - 1116 on the north-west corner of the site's boundary.
 - (i) The property boundary between private and public property clearly delineated where this is not delineated by a building on boundary.
 - (j) The dimensions of column setbacks.
 - (k) A colour schedule of all proposed materials and finishes.
 - (l) Any requirement of the amended landscape plan required by condition 4 of this planning permit (where relevant to show on plans).
 - (m) Any requirement of the amended sustainable management plan required by condition 7 of this planning permit (where relevant to show on plans).
 - (n) Any requirement of the acoustic report required by condition 9 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.

Section 173 Agreement

3. 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 footpath widenings on both Church Street and Balmain Street.
 - (b) The permit holder is responsible for maintaining at all times the areas that are private land open to the public described in condition 3(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 3(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

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 T.C.L and dated 1 August 2017, but modified to include (or show):
 - (a) Location of species proposed.
 - (b) Plant schedule indicating pot size, quantity, mature height and spread of all proposed planting.
 - (c) Details of raised garden beds.
 - (d) Planting details, including proposed planting media, climbing frames, irrigation and drainage.
 - (e) Appropriate protection measures for the two street trees (one on the Balmain Street frontage and one near the south-east corner of the site) documented and implemented during development. Protection measures should be consistent with AS4970 Protection of Trees on Development Sites.
5. 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.
6. Before the development starts, the permit holder must provide a bond to the Responsible Authority for the two street trees in proximity of the site. The bond:
 - (a) is to be to the value of the \$4,000.00 per street tree.
 - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (c) may be held by the Responsible Authority until the buildings and works are completed to the satisfaction of the Responsible Authority; and
 - (d) may be applied by the Responsible Authority to allow for a large replacement planting(s) and costs associated with establishment and maintenance.

Once the buildings and works are completed to the satisfaction of the Responsible Authority, any portion of the bond which has not been applied by the Responsible Authority will be refunded to the permit holder.

Sustainable Design

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 Edefice and dated 31 May 2017, but modified to include or show:
 - (a) Mechanical fresh air rates at least 50 per cent above AS1668 rates.
 - (b) The type of hot water system that will be used and its standard of energy efficiency.
 - (c) The overall site area consistent between the STORM report, sustainable management plan and development plans.
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.

Acoustic Report

9. 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 ensure the following:
 - (a) Noise impacts are 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.
10. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

11. 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) Initiatives that would encourage employees, visitors and customers of the development to utilise alternative travel methods and other measures that would assist in abating the amount of vehicle traffic generated by the site.
 - (b) An on-site bicycle parking and facilities map.
 - (c) A mechanism to advertise the lack of on-site vehicle parking.
 - (d) A mechanism to advertise non car based access possibilities to the site.
12. The provisions, recommendations and requirements of the endorsed green travel plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

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

Shop Use

14. Except with the prior written consent of the Responsible Authority, the shop use authorised by this permit may only operate between 9:00am and 9:00pm, Monday to Friday and 9:00am to 6:00pm, Saturday and Sunday.
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 7:00am and 10:00pm on any day.

General

16. 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.
17. 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).
18. 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).

19. 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 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.
20. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
21. 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.
22. 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.
23. 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.
24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7:00am 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

25. 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.

Civil Works

26. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the Balmain Street vehicle crossing(s) must be reconstructed:
 - (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 buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on Church Street must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
28. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, all Council stormwater pits along the Balmain Street road frontage are to be reconstructed as per Council's current pit standards and with bike safe grates. Works

are to be carried out to the satisfaction of the Responsible Authority and at the permit holder's cost.

29. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant legal point of discharge on the south side of Balmain Street is to be removed and reinstated with footpath, and kerb and channel to the satisfaction of the Responsible Authority and at the permit holder's cost.
30. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel and the concrete infill along the western boundary of the site must be reconstructed to the satisfaction of the Responsible Authority and at the permit holder's cost.
31. 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.
32. 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 Church Street and Balmain 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.
33. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in anyway.

Construction Management Plan

34. 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.

35. 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.

36. 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

37. 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 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Church Street street boundary (i.e. the canopies, fixed shading devices, awnings, etc.), 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.

38. The canopy located along the Church Street façade at the corner of Balmain Street must be revised to provide a minimum setback of 0.5 metres from any part of the traffic signal at this location.
39. All disused or redundant vehicle crossings must be removed and the area reinstated to kern and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the building/s hereby approved.

Permit Expiry

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

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

Notes:

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.

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.

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

Submissions

Shayne Linke of Contour addressed the Committee on behalf of the applicant.

The following people also addressed the Committee:

*Andrew Doyle
George Mariotto*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN17/0456 for the construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land for a shop, a reduction in the car parking requirement associated with office and shop, ~~a waiver of the loading bay requirement~~ and alterations to the access to a road in a Road

Zone, Category 1 by removing the crossover to Church Street at 594-612 Church Street, Cremorne, 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 Wood Marsh Architecture and dated 27 July 2017, but modified to show:
 - (a) The changes shown in the concept plans prepared by Wood Marsh Architecture and dated 14 December 2017, which generally show:
 - i) Ground floor building line set back 350mm from both the Church Street and Balmain Street boundaries.
 - ii) Ground floor shop front glazing altered from a zig-zag arrangement to a conventional vertical form.
 - iii) A canopy overhanging both the Church Street and Balmain Street footpaths provided by vertical glazing creating an overhang canopy over the footpath.
 - iv) The automatic revolving glass door on the corner of Church Street and Balmain Street changed to a pair of glass hinged doors.
 - v) Coloured translucent zig-zag panels with neon back-lighting to the ground floor west elevation.
 - vi) Enhanced architectural aesthetic of the building's façade flushed structural glazing system, by removal of the exoskeleton.
 - vii) Coloured rebate lines added onto the pre-cast concrete panels on the southern elevation.
 - viii) Coloured translucent panels added to the carpark entry/exit.
 - ix) The upper floors setback between 2.25 metres and 3 metre from the boundary on all sides except for the southern façade.

But further modified to show the following changes:

- (b) The canopy located along the Church Street façade at the corner of Balmain Street with a minimum setback of 0.5 metres from any part of the traffic signal at this location in accordance with VicRoads condition 35.
- (c) Any service cabinet or meter room doors that open outwards over public land as able to swing 180 degrees and be latched to the building when opened or serviced.
- (d) The shared area adjacent to the accessible car parking bay with a bollard to prevent cars from parking in this space.
- (e) A minimum headroom clearance of 2.5 metres must be provided above the dedicated accessible car parking space and adjacent shared area to comply with AS/NZS 2890.6:2009.
- (f) Swept path diagrams for the B99 design vehicle showing acceptable vehicle entry and exit movements for the Balmain Street entrance. Parallel parking and nearby vehicle crossings must be accurately depicted on the swept path diagrams.
- (g) The existing vehicle crossing to Balmain Street reconstructed to Council's satisfaction.
- (h) The grated side entry pit in the Right of Way - 1116 on the north-west corner of the site's boundary.
- (i) The property boundary between private and public property clearly delineated where this is not delineated by a building on boundary.

- (j) The dimensions of column setbacks.
 - (k) A colour schedule of all proposed materials and finishes.
 - (l) Any requirement of the amended landscape plan required by condition 4 of this planning permit (where relevant to show on plans).
 - (m) Any requirement of the amended sustainable management plan required by condition 7 of this planning permit (where relevant to show on plans).
 - (n) Any requirement of the acoustic report required by condition 9 of this planning permit (where relevant to show on plans).
 - (o) The deletion of one level.
 - (p) Either the retention of the existing Nuttelex sign in some form (e.g. lobby display) or, alternatively, interpretative signage recognising the site's industrial heritage and Nuttelex signage.
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.

Section 173 Agreement

3. 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 footpath widenings on both Church Street and Balmain Street.
 - (b) The permit holder is responsible for maintaining at all times the areas that are private land open to the public described in condition 3(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 3(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

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 T.C.L and dated 1 August 2017, but modified to include (or show):
- (a) Location of species proposed.
 - (b) Plant schedule indicating pot size, quantity, mature height and spread of all proposed planting.
 - (c) Details of raised garden beds.
 - (d) Planting details, including proposed planting media, climbing frames, irrigation and drainage.
 - (e) Appropriate protection measures for the two street trees (one on the Balmain Street frontage and one near the south-east corner of the site) documented and implemented

during development. Protection measures should be consistent with AS4970 Protection of Trees on Development Sites.

5. 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.
6. Before the development starts, the permit holder must provide a bond to the Responsible Authority for the two street trees in proximity of the site. The bond:
 - (a) is to be to the value of the \$4,000.00 per street tree.
 - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (c) may be held by the Responsible Authority until the buildings and works are completed to the satisfaction of the Responsible Authority; and
 - (d) may be applied by the Responsible Authority to allow for a large replacement planting(s) and costs associated with establishment and maintenance.

Once the buildings and works are completed to the satisfaction of the Responsible Authority, any portion of the bond which has not been applied by the Responsible Authority will be refunded to the permit holder.

Sustainable Design

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 Edefice and dated 31 May 2017, but modified to include or show:
 - (a) Mechanical fresh air rates at least 50 per cent above AS1668 rates.
 - (b) The type of hot water system that will be used and its standard of energy efficiency.
 - (c) The overall site area consistent between the STORM report, sustainable management plan and development plans.
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.

Acoustic Report

9. 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 ensure the following:
 - (a) Noise impacts are 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.
10. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

11. 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) Initiatives that would encourage employees, visitors and customers of the development to utilise alternative travel methods and other measures that would assist in abating the amount of vehicle traffic generated by the site.
 - (b) An on-site bicycle parking and facilities map.
 - (c) A mechanism to advertise the lack of on-site vehicle parking.
 - (d) A mechanism to advertise non car based access possibilities to the site.
12. The provisions, recommendations and requirements of the endorsed green travel plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

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

Shop Use

14. Except with the prior written consent of the Responsible Authority, the shop use authorised by this permit may only operate between 9:00am and 9:00pm, Monday to Friday and 9:00am to 6:00pm, Saturday and Sunday.
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 7:00am and 10:00pm on any day.

General

16. 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.
17. 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).
18. 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).
19. 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 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.
20. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
21. 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.

22. 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.
23. 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.
24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7:00am 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

25. 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.

Civil Works

26. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the Balmain Street vehicle crossing(s) must be reconstructed:
 - (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 buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on Church Street must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
28. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, all Council stormwater pits along the Balmain Street road frontage are to be reconstructed as per Council's current pit standards and with bike safe grates. Works are to be carried out to the satisfaction of the Responsible Authority and at the permit holder's cost.
29. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant legal point of discharge on the south side of Balmain Street is to be removed and reinstated with footpath, and kerb and channel to the satisfaction of the Responsible Authority and at the permit holder's cost.
30. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel and the concrete infill along the western boundary of the site must be reconstructed to the satisfaction of the Responsible Authority and at the permit holder's cost.
31. 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.

32. 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 Church Street and Balmain 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.
33. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in anyway.

Construction Management Plan

34. 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.

35. 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.

36. 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

- 37. 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 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Church Street street boundary (i.e. the canopies, fixed shading devices, awnings, etc.), 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.
- 38. The canopy located along the Church Street façade at the corner of Balmain Street must be revised to provide a minimum setback of 0.5 metres from any part of the traffic signal at this location.
- 39. All disused or redundant vehicle crossings must be removed and the area reinstated to kern and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the building/s hereby approved.

Permit Expiry

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

The Responsible Authority may extend the periods referred to if a request is made in writing

before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

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.

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.

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

CARRIED UNANIMOUSLY

1.2 PLN17/0177 - 57 Balmain Street, Cremorne - Part demolition and development of the land; use of part of the land as a food and drink premises (café); reduction in the car parking requirement associated with office, commercial display area and food and drink premises (café); and waiver of the loading bay requirement

Trim Record Number: D18/1100

Responsible Officer: Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0177 be issued for the part demolition and development of the land; use of part of the land as a food and drink premises (café); reduction in the car parking requirement associated with office, commercial display area and food and drink premises (café); and waiver of the loading bay requirement at 57 Balmain Street, Cremorne VIC 3121 generally in accordance with the decision plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) demolition elevations;
 - (b) the location of mailboxes, pits and metres;
 - (c) levels 1 to the roof generally as per the sketch plans dated 21 September 2017, but further modified to show:
 - (i) a minimum 2m south-west and south setback from level 3 and above, with levels 1 and 2 setback a minimum 5m;
 - (ii) plant area south-west and south setback a minimum 3m from the level below and the colours/materials of the screen to complement or match the façade below;
 - (iii) either wrap the screen under the soffit or extend the screen below the soffit and cladding at the base of level 3;
 - (d) details of the façade screen/fins, ensuring it does not appear too solid;
 - (e) the service/waste cupboard doors adjacent to the western footpath (within the site) able to be fixed to the façade when open;
 - (f) the fire escape door to Stephenson Street recessed so as to not obstruct the footpath when open;
 - (g) widths of small car bays dimensioned;
 - (r) dimensions of motorbike spaces;
 - (s) demonstration via a ground clearance check that B99 design vehicles can access the Stephenson Street crossover;
 - (t) a CCTV and monitor for motorists exiting the site (should be mounted at the left [south side] of the exit);
 - (u) the footpath along the indented loading bay DDA compliant in terms of width and cross-fall;
 - (v) a fully dimensioned, detailed engineering design of the indented loading bay;
 - (g) dimensions of all bicycle parking spaces and access ways, demonstrating compliance with Australian Standard AS2890.3;
 - (h) details of lighting for the footpath within the site;
 - (i) all doors that provide access to bicycle parking spaces must be at least 1m wide; and
 - (j) bicycle parking signage as per clause 52.34- of the Scheme.
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.

Structural report

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

SMP

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 Arup and dated 1 February 2016, but modified to include or show:
 - (a) at least 40% of office areas will reach a daylight factor of 2%;
 - (b) the type of hot water system to be used, confirming the intended energy performance to be met;
 - (c) the type of HVAC system to be used, confirming the intended energy performance to be met. It is recommended that a heat recovery and 100% economy cycle be used;
 - (d) the type of lighting system to be used, confirming the intended energy performance to be met. It is recommended that LED be used with suitable controls;
 - (e) solar PV system capacity (also shown on the plans);
 - (f) the WELS Star ratings;
 - (g) confirm rainwater tank size and connections (also shown on the plans). It is recommended that all toilets are flushed with rainwater;
 - (h) details on sub-metering;
 - (i) irrigation systems, recommending rainwater re-use, where possible;
 - (j) confirm if electric vehicle car charging facilities are proposed (also shown on the plans);
 - (k) a target of 90% recycling/reuse of construction and demolition waste;
 - (l) consider using recycled materials in products such as insulation;
 - (m) use of recycled concrete (minimum 40%); and
 - (n) timber used in the project will be FDC/PEFC timber or reused timber.
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.

Arborist report

7. Before the development commences, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Tree Radar Australia and dated 8 December 2016, but modified to include (or show):
 - (a) protection measures for the 3 street trees to the south; and
 - (b) reference to the trees in the north-west corner of the site.
8. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Street Trees

9. Before the development starts, the permit holder must provide a security bond to the Responsible Authority to secure the 3 street trees adjacent to the site along Balmain Street ("bonded works"). The security bond would cover the amenity value of each tree as follows and:
 - (a) is to be:
 1. \$26,974.00;
 2. \$22,908.00; and
 3. \$25,927.00.
 - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority; and
 - (c) may be held by the Responsible Authority until the construction works are completed to the satisfaction of the Responsible Authority.

Once the construction works are completed to the satisfaction of the Responsible Authority, the Responsible Authority will inspect the trees and provided they are found to be in good condition, the security bond will be refunded to the permit holder.

10. Prior to the occupation of the building, or by such later date as approved in writing by the Responsible Authority, any damaged street trees must be replaced:
 - (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.

Food and drinks premises (café) use

11. Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) use authorised by this permit may only operate between the hours of 6.00 am and 8.00 pm, Monday to Sunday.
12. No more than 91 patrons are permitted in the food and drinks premises (café) at any one time.
13. The provision of music and entertainment on the land for the food and drinks premises (café) use must be at a background noise level.
14. Emptying of bottles and cans into bins for the food and drinks premises (café) use may only occur between 7am and 10pm on any day.
15. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land 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.

Acoustic report

16. 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 be updated to reflect any necessary changes as a result of condition 1.

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.

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

General

18. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
19. 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).
20. 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).
21. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, laneway and 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.
23. 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.
24. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
25. 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.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Section 173 agreement

27. Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:

- (a) the Owner must provide unfettered 24 hour public access over that part of the land to be used for the new Stephenson Street footpath (segment within the site);
- (b) until such time as such the land is vested in the Yarra City Council, the owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 27(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 27(a).

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

GTP

28. Before the use and/or 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) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (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;
 - (g) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces;
 - (j) signage and wayfinding information for bicycle facilities and pedestrians, pursuant to Australian Standard AS2890.3; and
 - (k) provisions for the Green Travel Plan to be updated not less than every 5 years.
29. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

WMP

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

Construction

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) protection of the 3 street trees adjacent to the site along Balmain Street;
- (i) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations;
- (r) any site-specific requirements;
- (s) there are currently 4 lights attached to the walls of the property at 57 Balmain Street. These lights are as follows:
 - Two T5 2x14 Watts
 - One MV125
 - One LED 18 W

The developer must ensure that all the above lights remain operation for the duration of demolition and construction works;
- (t) the commitment to comply with the following VicTrack requirements:
 - (i) before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land;

- (ii) prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into any Construction Control and Indemnity Agreements as required by Public Transport Victoria and VicTrack (including if required by Public Transport Victoria an agreement with the MTM);
- (iii) during the construction of the development, including demolition and bulk excavation, the permit holder must:
 - take all reasonable steps to avoid disruptions to rail operations; and
 - comply with:
 - the Rail Operator's safety and environmental requirements; and
 - the requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.
- (iv) the permit holder must, at all times, ensure that the common boundary with railway land is fenced at the permit holder's expense to prohibit unauthorised access to the railway land.
- (v) all works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
- (vi) the permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers; and
- (vii) the permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.

32. 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.

33. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with 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. Prior to the commencement of the development, subject to the relevant authority's consent, the relocation of the power pole in Stephenson Street and any other asset(s) 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.

36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be constructed:

- (d) in accordance with any requirements or conditions imposed by Council;
- (e) at the permit holder's cost; and
- (f) 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 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.
38. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
39. 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.
40. 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.
41. Prior to the occupation of the development, the footpath immediately outside the property's Stephenson Street and Balmain Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
42. Prior to the occupation of the development, the kerb and channel along the property's Stephenson Street and Balmain Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
43. Prior to the occupation of the development, the road pavement of Stephenson Street outside the development must be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's expense. These works must also include the reinstatement of line marking for the on-street parking bays.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces.to the satisfaction of the Responsible Authority.

Expiry

45. 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.

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.

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

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

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.

Access to the site during construction may be limited and difficult due to the geometry and traffic flow of the surrounding streets (including the power pole, power supply to neighbouring properties, landscaping nature garden on the S/E corner of Balmain and Stephenson Streets).

The rear ROW has restricted access. Currently it is only 2.7m wide and limiting larger sized construction vehicles is advised. The fact that part of the R.O.W. has been encroached over and possibly illegally occupied, it may be difficult to ascertain whether the R.O.W could be used at all for construction activity until issues relating to encroachments have been resolved.

Architectural features that encroach into the road reserve must satisfy the Building Regulations 2006. The applicant must apply for a Report and Consent (when applying for a Building Permit).

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.

VicTrack NOTE:

The development including temporary structures must maintain the required clearances from all railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the *Electrical Safety Act 2009* (Vic) and the *Electrical Safety Regulations* (including the *Energy Safety (Installation) Regulations 2009*).

Submissions

Shayne Linke of Contour addressed the Committee on behalf of the applicant.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: 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 PLN17/0177 be issued for the part demolition and development of the land; use of part of the land as a food and drink premises (café); reduction in the car parking requirement associated with office, commercial display area and food and drink premises (café); ~~and waiver of the loading bay requirement~~ at 57 Balmain Street, Cremorne VIC 3121 generally in accordance with the decision plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) demolition elevations;
 - (b) the location of mailboxes, pits and metres;
 - (c) levels 1 to the roof generally as per the sketch plans dated 21 September 2017, but further modified to show:
 - (i) a minimum 4m south-west and south setback from level 3 and above, with levels 1 and 2 setback a minimum 7m;
 - (ii) plant area south-west and south setback a minimum 3m from the level below and the colours/materials of the screen to complement or match the façade below;
 - (iii) either wrap the screen under the soffit or extend the screen below the soffit and cladding at the base of level 3;
 - (d) details of the façade screen/fins, ensuring it does not appear too solid;
 - (e) the service/waste cupboard doors adjacent to the western footpath (within the site) able to be fixed to the façade when open;
 - (f) the fire escape door to Stephenson Street recessed so as to not obstruct the footpath when open;
 - (g) widths of small car bays dimensioned;
 - (h) dimensions of motorbike spaces;
 - (i) demonstration via a ground clearance check that B99 design vehicles can access the Stephenson Street crossover;
 - (j) a CCTV and monitor for motorists exiting the site (should be mounted at the left [south side] of the exit);
 - (k) the footpath along the indented loading bay DDA compliant in terms of width and cross-fall;
 - (l) a fully dimensioned, detailed engineering design of the indented loading bay;
 - (m) dimensions of all bicycle parking spaces and access ways, demonstrating compliance with Australian Standard AS2890.3;
 - (n) details of lighting for the footpath within the site;
 - (o) all doors that provide access to bicycle parking spaces must be at least 1m wide; and
 - (p) bicycle parking signage as per clause 52.34- of the Scheme.
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.

Structural report

3. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and

construction works to ensure their retention.

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

SMP

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 Arup and dated 1 February 2016, but modified to include or show:
 - (a) at least 40% of office areas will reach a daylight factor of 2%;
 - (b) the type of hot water system to be used, confirming the intended energy performance to be met;
 - (c) the type of HVAC system to be used, confirming the intended energy performance to be met. It is recommended that a heat recovery and 100% economy cycle be used;
 - (d) the type of lighting system to be used, confirming the intended energy performance to be met. It is recommended that LED be used with suitable controls;
 - (e) solar PV system capacity (also shown on the plans);
 - (f) the WELS Star ratings;
 - (g) confirm rainwater tank size and connections (also shown on the plans). It is recommended that all toilets are flushed with rainwater;
 - (h) details on sub-metering;
 - (i) irrigation systems, recommending rainwater re-use, where possible;
 - (j) confirm if electric vehicle car charging facilities are proposed (also shown on the plans);
 - (k) a target of 90% recycling/reuse of construction and demolition waste;
 - (l) consider using recycled materials in products such as insulation;
 - (m) use of recycled concrete (minimum 40%); and
 - (n) timber used in the project will be FDC/PEFC timber or reused timber.
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.

Arborist report

7. Before the development commences, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Tree Radar Australia and dated 8 December 2016, but modified to include (or show):
 - (a) protection measures for the 3 street trees to the south; and
 - (b) reference to the trees in the north-west corner of the site.
8. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Street Trees

9. Before the development starts, the permit holder must provide a security bond to the Responsible Authority to secure the 3 street trees adjacent to the site along Balmain Street ("bonded works"). The security bond would cover the amenity value of each tree as follows and:
 - (a) is to be:
 1. \$26,974.00;

2. \$22,908.00; and
3. \$25,927.00.
- (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority; and
- (c) may be held by the Responsible Authority until the construction works are completed to the satisfaction of the Responsible Authority.

Once the construction works are completed to the satisfaction of the Responsible Authority, the Responsible Authority will inspect the trees and provided they are found to be in good condition, the security bond will be refunded to the permit holder.

10. Prior to the occupation of the building, or by such later date as approved in writing by the Responsible Authority, any damaged street trees must be replaced:
 - (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.

Food and drinks premises (café) use

11. Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) use authorised by this permit may only operate between the hours of 6.00 am and 8.00 pm, Monday to Sunday.
12. No more than 91 patrons are permitted in the food and drinks premises (café) at any one time.
13. The provision of music and entertainment on the land for the food and drinks premises (café) use must be at a background noise level.
14. Emptying of bottles and cans into bins for the food and drinks premises (café) use may only occur between 7am and 10pm on any day.
15. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land 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.

Acoustic report

16. 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 be updated to reflect any necessary changes as a result of condition 1.

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.

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

General

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

19. 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).
20. 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).
21. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, laneway and 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.
23. 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.
24. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
25. 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.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Section 173 agreement

27. Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
 - (a) the Owner must provide unfettered 24 hour public access over that part of the land to be used for the new Stephenson Street footpath (segment within the site);
 - (b) until such time as such the land is vested in the Yarra City Council, the owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 27(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 27(a).

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

GTP

28. Before the use and/or 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) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (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;
 - (g) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces;
 - (j) signage and wayfinding information for bicycle facilities and pedestrians, pursuant to Australian Standard AS2890.3; and
 - (k) provisions for the Green Travel Plan to be updated not less than every 5 years.
29. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

WMP

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

Construction

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) protection of the 3 street trees adjacent to the site along Balmain Street;
 - (i) management of any environmental hazards including, but not limited to,:

- (i) contaminated soil;
- (ii) materials and waste;
- (iii) dust;
- (iv) stormwater contamination from run-off and wash-waters;
- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations;
- (r) any site-specific requirements;
- (s) there are currently 4 lights attached to the walls of the property at 57 Balmain Street. These lights are as follows:
 - Two T5 2x14 Watts
 - One MV125
 - One LED 18 W

The developer must ensure that all the above lights remain operation for the duration of demolition and construction works;
- (t) the commitment to comply with the following VicTrack requirements:
 - (i) before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land;
 - (ii) prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into any Construction Control and Indemnity Agreements as required by Public Transport Victoria and VicTrack (including if required by Public Transport Victoria an agreement with the MTM);
 - (iii) during the construction of the development, including demolition and bulk excavation, the permit holder must:
 - take all reasonable steps to avoid disruptions to rail operations; and
 - comply with:
 - the Rail Operator's safety and environmental requirements; and
 - the requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.

- (iv) the permit holder must, at all times, ensure that the common boundary with railway land is fenced at the permit holder's expense to prohibit unauthorised access to the railway land.
 - (v) all works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
 - (vi) the permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers; and
 - (vii) the permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.
32. 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.
33. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with 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. Prior to the commencement of the development, subject to the relevant authority's consent, the relocation of the power pole in Stephenson Street and any other asset(s) 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.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be constructed:
- (d) in accordance with any requirements or conditions imposed by Council;
 - (e) at the permit holder's cost; and
 - (f) 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 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.
38. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
39. 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.

- 40. 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.
- 41. Prior to the occupation of the development, the footpath immediately outside the property's Stephenson Street and Balmain Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- 42. Prior to the occupation of the development, the kerb and channel along the property's Stephenson Street and Balmain Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's expense.
- 43. Prior to the occupation of the development, the road pavement of Stephenson Street outside the development must be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's expense. These works must also include the reinstatement of line marking for the on-street parking bays.
- 44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces.to the satisfaction of the Responsible Authority.

Expiry

- 45. 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.

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.

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

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

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.

Access to the site during construction may be limited and difficult due to the geometry and traffic flow of the surrounding streets (including the power pole, power supply to neighbouring properties, landscaping nature garden on the S/E corner of Balmain and Stephenson Streets).

The rear ROW has restricted access. Currently it is only 2.7m wide and limiting larger sized construction vehicles is advised. The fact that part of the R.O.W. has been encroached over and possibly illegally occupied, it may be difficult to ascertain whether the R.O.W could be used at all for construction activity until issues relating to encroachments have been resolved.

Architectural features that encroach into the road reserve must satisfy the Building Regulations 2006. The applicant must apply for a Report and Consent (when applying for a Building Permit).

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.

VicTrack NOTE:

The development including temporary structures must maintain the required clearances from all railway infrastructure (including without limitation 22kV AC lines and overhead wiring structures) under the *Electrical Safety Act 2009* (Vic) and the *Electrical Safety Regulations* (including the *Energy Safety (Installation) Regulations 2009*).

CARRIED UNANIMOUSLY

-
- 1.3 PLN17/0131 - 150-152 Bridge Road & 1-3 Allowah Terrace, Richmond - 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.**
- Internal Development Approvals Committee at its meeting on 13 December 2017 resolved that the matter be deferred to the meeting to be held on 17 January 2018.**
-

Trim Record Number: D17/176330

Responsible Officer: Senior Coordinator Statutory Planning

[Help](#)

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).

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 had not been involved in the preparation of the officer's report or recommendations.

Submissions

This item was deferred from the meeting on 13 December 2017, and the Committee heard submissions at that meeting. No further submissions were heard at this meeting.

Councillors invited Roger Wettenhall, Urbis to respond to questions on behalf of the applicant.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit 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;
 - (vi) deletion of the gate across the easement.
 - (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) Setback the ground floor (including bicycle parking spaces) with no protrusion into the northern carriageway easement , i.e. 4.57m; and
- (aa) Provision for temporary hard waste storage and organic waste receptacle in the waste storage area.

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 and Wustemenn Place 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 and Wustemenn Place 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).

CARRIED UNANIMOUSLY

1.4 115 Victoria Parade, Fitzroy - Heritage Victoria Referral - Partial demolition and construction of a multi storey building associated with the Australian Catholic University

Trim Record Number: D18/7758

Responsible Officer: Director Planning and Place Making

[Help](#)

RECOMMENDATION

1. That Council:
 - (a) note the officer's report in relation to the Heritage Victoria referral regarding the site at 115 Victoria Parade, Fitzroy.
 - (b) note the expert advice of Trethowan Architecture as shown in Attachment 2.
 - (b) Authorise officers to write to Heritage Victoria advising no support for the proposal for the following reason:

The proposal in its current form represents as an overwhelming form that fails to respect the significance of the heritage place and would result in an adverse impact on both the registered place and the surrounding South Fitzroy Precinct through the:

 - (i) proposed lack of setbacks,.
 - (ii) proposed height of the proposed building;
 - (iii) incongruous form and massing of the building;
 - (iv) dominating use of materials and articulation.
 - (c) Attach to the response to Heritage Victoria a full copy of the heritage advice received from Trethowan Architecture dated 11 January 2018.

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 had not been involved in the preparation of the officer's report or recommendations.

Submissions

Christina MacRae, Urbis, addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Phillip Campbell, South Fitzroy Protection Group

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Stone

1. That Council:
 - (a) note the officer's report in relation to the Heritage Victoria referral regarding the site at 115 Victoria Parade, Fitzroy.
 - (b) note the expert advice of Trethowan Architecture as shown in Attachment 2.
 - (c) Authorise officers to write to Heritage Victoria advising no support for the proposal for

the following reason:

The proposal in its current form represents as an overwhelming form that fails to respect the significance of the heritage place and would result in an adverse impact on both the registered place and the surrounding South Fitzroy Precinct through the:

- (i) proposed lack of setbacks,.
 - (ii) proposed height of the proposed building;
 - (iii) incongruous form and massing of the building;
 - (iv) dominating use of materials and articulation.
- (d) Attach to the response to Heritage Victoria a full copy of the heritage advice received from Trethowan Architecture dated 11 January 2018 and a notation encouraging Heritage Victoria to consider the wider context in their determination.

CARRIED UNANIMOUSLY

The meeting closed at 8.25pm.

Confirmed at the meeting held on Wednesday 31 January 2018

Chair