

YARRA CITY COUNCIL INTERNAL DEVELOPMENT APPROVALS COMMITTEE MINUTES

**held on Wednesday 30 May 2018 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Misha Coleman
Councillor Danae Bosler
Councillor Daniel Nguyen

Nish Goonetilleke (Senior Statutory Planner) and
Ally Huynh (Senior Co-Ordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

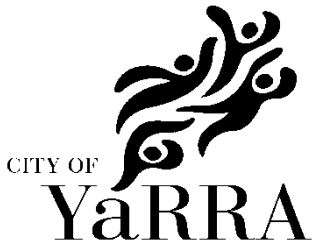
Moved: Councillor Nguyen **Seconded:** Councillor Coleman

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 16 May 2018 be confirmed.

CARRIED

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

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

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

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

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

**Governance Branch
2008**

Councillor Coleman nominated Councillor Bosler as Chair.

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

Councillor Bosler assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	3 Station Street, Fairfield - PLN17/0585 - Development of the land for the construction of a double storey building containing 10 dwellings with basement car park.	6	10
1.2	9-17 Smith Street, Fitzroy VIC 3065 - Planning Permit Application No. PLN13/0212.03 - Section 72 Amendment to replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor, and associated reduction in car parking requirements and amendments to conditions	11	21
1.3	10 and 20 River Boulevard, Richmond - PLN16/1156 - Development plan, Pedestrian amenity and access plan, Landscape plan, Transport plan and Management plan under sections 6, 7, 8, 9 and 10 of the Comprehensive Development Zone, Schedule 1) to allow for the construction of a 13 storey building (plus basement levels) containing dwellings shops, food and drinks premises (cafes), medical centre, childcare centre and restricted retail premises (noting a permit is not required for these uses) [Development plan application] PLN17/1143 - Car parking reduction associated with dwellings, retail, food and drinks premises, office, restricted retail premises, childcare centre and medical centre under Clause 52.06-3 and Section 18 of Clause 37.02, Schedule 1 of the Yarra Planning Scheme [Planning permit application]	32	44
1.4	PLN17/0370 - 198-242 Burnley St Richmond - Part demolition and the construction of buildings up to nine storeys including basement car parking and containing office, shop and restricted retail premises, a reduction in the car parking requirement, and alterations to the access to a road in a Road Zone, Category 1 (Burnley Street). [CONFIDENTIAL ITEM - VCAT COMPULSORY CONFERENCE WITHOUT PREJUDICE POSITION]		

1.1 3 Station Street, Fairfield - PLN17/0585 - Development of the land for the construction of a double storey building containing 10 dwellings with basement car park.

Trim Record Number: D18/81171

Responsible Officer: Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN17/0585 for the development of the land for the construction of a double storey building containing 10 dwellings with basement car park at 3 Station Street, Fairfield VIC 3078, 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 and sketch plans received on the 5 March 2018 and 15 May 2018 which show:
 - (a) The deletion of first floor communal balcony and replacement with glazing and roofing as per sketch plans received on the 15 May 2018;
 - (b) The revised internal layout to Apartments 1, 2 and 3 as per sketch plans received on the 5 March 2018;

but further modified to show:

 - (c) Plans drawn to accurately reflect title dimensions;
 - (d) A minimum garden area of 35% of the overall site;
 - (e) The deletion of all concrete panel frames over the driveway ramp;
 - (f) Details of the southern boundary fence to be in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme;
 - (g) All mechanical plant equipment (including heating and cooling units) to be clearly identified and not to be located near any bedrooms of immediately adjoining bedroom or noise sensitive rooms within the subject site;
 - (h) Locations of the heating and cooling units (not to be located on balconies);
 - (i) Notation on floor plans associated with TPA10 and TPA11 stating that all relevant showers are to be hobless (step free) in accordance with Clause 55.07-7 (Accessibility) of the Yarra Planning Scheme.
 - (j) The overall heights shown on all elevations (from natural ground level).
 - (k) The re-location of the visitor car spaces to the designated spaces for Apartments 1 and 2;
 - (l) Swept path diagrams to demonstrate vehicles passing movements within the curved internal ramps.
 - (m) The headroom clearances dimensioned at the development entrance.
 - (n) The installation of a 300mm wide kerb along the southern edge of the accessway.
 - (o) All car spaces along the southern side of the car park to have a minimum length of 4.9m (without encroaching onto the 6.4m wide aisle or car space lengths along the northern side), or otherwise designed to comply with Australian Standards;
 - (p) Deletion of the car share/go-get notation of visitor space;
 - (q) First floor windows to be shown as fixed and frosted glazing, or otherwise screened to comply with Standard B22 and B23 of clause 55 of the Yarra Planning Scheme; and
 - (r) Any requirements as a result of conditions 3 and 5.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit.

The Acoustic Report must assess the following:

- (a) The relevant requirements of Clause 55.07-6 (Noise impacts – Standard B40) of the Yarra Planning Scheme.
4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Passivenergy and dated 11 October 2017, but modified to include or show:
 - (a) External shading or demonstrate that no dwellings' cooling loads exceed 30MJ/m² (BADS standard);
6. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
 - (a) Show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) Indicate the location of all areas to be covered by lawn or other surface materials;
 - (c) Provide a specification of works to be undertaken prior to planting; and
 - (d) Deep soil area with provision for a canopy tree in accordance with Clause 55.07-4 of the Yarra Planning Scheme.
 - (e) All landscaping located within the visibility splays adjacent to the accessway entrance to have a mature height of no more than 900mm.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

To the satisfaction of the Responsible Authority.

11. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
12. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (a) to the satisfaction of the Responsible.
13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) Treated with an all-weather seal or some other durable surface; and
 - (d) Line-marked or provided with some adequate means of showing the car parking spaces.

To the satisfaction of the Responsible Authority.

14. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
15. 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.
16. 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) 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.

17. This permit will expire if:

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

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

Notes:

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

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

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

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

Submissions

Mr James Livingstone addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Gina Evans;
Ms Katherine Devine;
Mr Matthew Potter;
Ms Brigid Potter;
Mr Michael Long; and
Mr John Rojo.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Refusal to Grant Planning Permit PLN17/0585 for the development of the land for the construction of a double storey building containing 10 dwellings with basement car park at 3 Station Street, Fairfield VIC 3078, generally in accordance with the decision plans on the following grounds:

1. The proposal fails to meet the overarching objective and the strategies of Clause 15.01-2 (Urban Design Principles), Clause 21.05-2 (Urban Design), Clause 22.10 (Built Form and Design Policy), Clause 55.02-1 (Neighbourhood Character) and 55.06-1 (Design Detail Objective) of the Yarra Planning Scheme and would result in an urban design outcome that does not respect the character of the existing neighbourhood and that fails to positively contribute to the local character.
2. The proposal fails to satisfy the following standards contained within Clause 55 (Two or more dwellings on a lot) of the Yarra Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives (relative to the decision guidelines set out for each objective):
 - (a) Clause 55.04-1 (Side and Rear Setbacks Objective)
 - (b) Clause 55.05-4 (private Open Space Objective)
3. The proposal fails to meet the following design standards contained within Clause 52.06 (Car Parking) of the Yarra Planning Scheme:
 - (a) Design Standard 2 – Car Parking Spaces.

CARRIED

1.2 9-17 Smith Street, Fitzroy VIC 3065 - Planning Permit Application No. PLN13/0212.03 - Section 72 Amendment to replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor, and associated reduction in car parking requirements and amendments to conditions

Trim Record Number: D18/67062

Responsible Officer: Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN13/0212 to replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor and associated reduction in car parking requirements at 9-17 Smith Street, Fitzroy, subject to the following conditions (new or amended conditions highlighted in **bold and italics**):

- 1 Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the VCAT plans dated 11 October 2013 Revision C prepared by MA Architects but modified to show:

Building Design

Smith Street building

- (a) use of a light colour treatment to the mansard at the top two levels of the building;
- (b) a fixed and continuous folding arm awning for the full length of the Smith Street frontage at ground level;

Little Smith Street building

- (c) a 7.5m setback from the western title boundary to the 3rd floor (4th level) of the Little Smith Street building with balconies, pergolas and blinds moved accordingly and the consequential reconfiguration of affected units;
- (d) a 4.57m setback from the western title boundary to the 1st and 2nd floors (2nd and 3rd levels) with balconies, pergolas and blinds moved accordingly;
- (e) relocate access to the raised planter zone and services platform to the interface with the commercial premises, away from the residential unit;
- (f) the east-west walkway to be increased to 1.8m wide at all relevant levels;
- (g) the area between the lift and adjacent walkway to be increased to 1.8m wide at all relevant levels;
- (h) reconfiguration of units to provide a 6.0m separation between units 102 and 103; 107 and 108; 202 and 203; 207 and 208; 302 and 303; 307 and 308; and 402 and 403; 407 and 408;
- (i) 1.7m high privacy screen with 25% maximum transparency to common corridors to be shown on all relevant floors plans;

- (j) units with bedroom windows along the common corridors to be treated appropriately to prevent overlooking opportunities from the corridor, with treatment details to be shown on all relevant floor plans and a detailed section;
- (k) all pergolas on levels 4 and 5 (floors 3 and 4) are to incorporate battens to prevent overlooking into the private open space of properties on the west side of Lt Smith Street, but where pergolas are not present, 1700mm high screening is to be used for this purpose;
- (l) Screening along balconies to the first and second floors (2nd and 3rd levels) is to be 1550 mm high to infill rebates or recesses created by the spaces created by any angled balconies;
- (m) Any rooftop plant and equipment, platform, solar panels and associated screens are to be setback above Lt Smith Street at least 12 metres from the western property boundary;
- (n) Olive trees shown on the plans are to be replaced with an alternative variety, 3m high at planting;
- (o) The upstands to the balconies on first and second floor on the Lt Smith Street façade are to be a textured or patterned concrete and the undersides of these balconies are to be in a similar tone either by a wash or concrete colouring;
- (p) Sight screens to the first and second floor (2nd and 3rd levels) balconies are to be made from perforated metal with 25% openings to a minimum of 1550 mm high;
- (q) The precast concrete panel north boundary walls of the Lt Smith Street building on Drawing 11020TP202C are to be textured or patterned; and
- (r) The taper to the top floor of the East (Smith Street) Elevation is to be replicated on the top floor of the West (Lt Smith Street) Elevation (to the full extent of the north and south boundary).

Environmentally Sustainable Design Principles

- (s) all works recommended in the ESD report referred to in condition 18;

Car parking

- (t) the installation of a traffic signalling system to the basement car park;

Bicycle Parking

- (u) a minimum 1 bicycle parking space to each unit, 5 spaces for visitor; and 4 spaces for the commercial tenancies;

General

- (v) the specification and location of all proposed external plant and equipment (including roof top plant and equipment, car park ventilation and individual air conditioning and hot water units). All plant and equipment must be screened to prevent views from the street and habitable room windows of nearby dwellings; and
- (w) areas set aside within the property boundaries for pits, meters and essential services.

Endorsed Plans

- 2 All development and use must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.
- 3 Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.

General

- 4 Before the dwellings are occupied, privacy screens as required in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority.
- 5 Prior to the completion of the development, all new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6 All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Sale and Consumption of Liquor

Restaurant

- 7 Unless with the prior written consent of the Responsible Authority, the sale or consumption of liquor may only be offered between 7am - 11pm Monday to Sunday.
- 8 No more than 100 patrons are permitted on the premises at any one time, unless with the prior written consent of the Responsible Authority.

Restaurant – north side

- 9 Unless with the prior written consent of the Responsible Authority, the sale or consumption of liquor may only be offered between 7am - **11pm** Monday to Sunday.
- 10 No more than 70 patrons are to be permitted on the premises at any one time, unless with the prior written consent of the Responsible Authority.

Use

- 11 The communal courtyard must not to be used by patrons of the **restaurants**.
- 12 Doors to the **restaurants** from the communal courtyard are to be kept closed at all times except for access use to the premises.
- 13 No emptying of bottles (glass) into garbage bins is permitted after 10pm on any night, or before 7am on any day.
- 14 During all hours in which the **restaurant** businesses are open to the public, entry must be made freely available to any authorised officer(s) of the Responsible Authority for the carrying out of any investigations associated with the sale and consumption of alcohol on the site.
- 15 During all operating hours of the **restaurants**, there must be present on the site a person above the age of 18 years, who is authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").
- 16 The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.

- 17 The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the sale and consumption of liquor.

Environmentally Sustainable Design Principles

- 18 The recommendations of the Environmentally Sustainable Report (22 March 2013) prepared by Ark Resources and any updates must be implemented into the development to the satisfaction of the Responsible Authority with details submitted to the Responsible Authority demonstrating compliance with the report and addressing the following:
 - (a) provision of adjustable shading or other appropriate devices to the east and west facing windows of units at upper most level of Smith Street building;

Waste Management

- 19 All waste must be collected via a private collection service, to the satisfaction of the Responsible Authority.
- 20 Before the occupation of the development, an updated Waste Management Plan generally in accordance with the Leigh Design report dated 20 March 2013 must be submitted to Council in consultation with and to the approval of the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must include:
 - (a) the frequency and time of collection; and
 - (b) a mechanism to ensure future owners and occupiers of the development (residential and commercial) are made aware of all collection agreements.
- 21 Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and managed in accordance with the approved Waste Management Plan. All waste and recycling collect to be undertaken between the hours specified in Council's Local Law No. 3.

Green Travel Plan [GTP]

- 22 Before the development is occupied, a Green Travel Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit.

The plan must encourage the use of non-private vehicle transport modes by the occupiers of the land by addressing at a minimum:

- (a) the objectives for the Green Travel Plan;
- (b) the location in the context of alternative modes of transport;
- (c) the provision of real time passenger information displays for nearby stops within the residential lobby;
- (d) welcome packs of information provided to staff and residents upon commencement of employment/occupation of residence (e.g. provision of Met Cards/Myki);

- (e) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (f) details of bicycle parking and bicycle routes;
- (g) details of GTP funding and management responsibilities; and
- (h) include provisions to be updated not less than every 5 years.

Transport Management

- 23 Before the development is occupied, a Car Parking Management Plan prepared by an appropriately qualified traffic engineer must be submitted to and approved by the Responsible Authority. When approved, the Car Parking Management Plan will be endorsed and form part of this permit. The Car Parking Management Plan must address:
- (a) An internal signage plan distinguishing permanent parking areas from visitor parking areas, directional arrows and signage, informative signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc;
 - (b) The number and location of the car parking spaces to each commercial tenancy and dwelling, and the clear identification of dwelling or commercial uses without any car parking;
 - (c) The number and location of car spaces for shared use, including time of shared use;
 - (d) Details of way finding, cleaning, security of end of trip bicycle facilities;
 - (e) Policing arrangements and/or formal agreements; and
 - (f) Details regarding the management of loading and unloading of goods and materials for the commercial and residential uses;
- 24 The Car Parking Management Plan must be implemented to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority. No alterations may be made without the prior written approval of the Responsible Authority.

General parking areas

- 25 Unless with the prior written consent of the Responsible Authority, no fewer than 42 car parking spaces and 49 bicycle parking spaces must be provided at all times once the development is completed.
- 26 The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
- (a) be designed, provided and completed to the satisfaction of the Responsible Authority before the development is occupied;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all weather seal coat.

- 27 Bicycle access must at all times be clearly signed and marked, to the satisfaction of the Responsible Authority.
- 28 Before the occupation of any dwelling, car parking must be allocated in accordance with the Car Parking Management Plan.
- 29 The car stacker must be installed and thereafter maintained as per manufacturer requirements all to the satisfaction of the Responsible Authority.

Landscaping

- 30 Before the development starts, updated landscape plans generally in accordance with the Landscape plans prepared by Oculus Landscape Architects Revision B dated November 2013 to the satisfaction of the Responsible Authority and prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the landscape plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show/include:
 - (a) an existing conditions plan and the tree and tree guard protection measures for the street trees along Smith Street;
 - (b) the replacement of two weed species (*Olea europea* and *Hedera helix*) with an alternative specie i.e. *Olea paniculata* and *Notelaea venosa* & *N. longifolia*;
 - (c) details of the raised planters to communal courtyard including (height, construction and tree planting details);
 - (d) details on the semi-transparent fence treatment and how this integrates with the planting bed;
 - (e) details of an automatic irrigation system for the watering of the ground floor communal spaces (including trees), the Smith Street façade and Little Smith Street façade.
 - (f) details about the on-going maintenance and upkeep of the landscape works including:
 - (i) the trimming/pruning, hedging, fertilising, mulching, weeding and spraying, watering and staking etc of all planted areas within the development;
 - (ii) details of annual fertilisation to the topsoil by hand;
 - (iii) the de-heading of feature planting following flowering;
 - (iv) replacing, as appropriate, any dead, diseased, damaged or stolen plants;
 - (v) the regular inspection and collection of rubbish from garden beds;
 - (vi) regular weeding;
 - (vii) removal of all clippings off-site; and
 - (viii) regular maintenance inspections of the automatic irrigation systems.

- 31 Before the development is occupied or by such later date as it approved by the Responsible Authority in writing, the landscaping works shown on the endorsed landscaping plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 32 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority in accordance with the approved landscaping plans.

Crossovers and footpaths

- 33 Before the development starts, plans must be submitted to the satisfaction of the Responsible Authority confirming the construction of a new vehicle crossing on the east side of Little Smith Street addressing the following:
 - (a) The vehicle crossing must be constructed in accordance with City of Yarra Standard Drawings and Specifications;
 - (b) A 1 in 20 cross-sectional drawing is to be prepared showing the proposed crossing, the existing road carriageway (entire width), the existing kerb and channel, the existing footpath and the new basement ramp for the first 10 metres inside the building line;
 - (c) A 30 mm high bull-nose may be permitted;
 - (d) The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
 - (e) Existing kerb and channel, and road pavement surface levels should not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004.
- 34 Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
- 35 The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
- 36 All existing kerb and channel, and road pavement surface levels must not be altered unless with the prior written consent of the Responsible Authority.
- 37 Prior to completion the DDA compliant ramp crossing to Little Smith Street must be designed to Council's satisfaction.
- 38 All redundant vehicle crossings along the property's Smith Street and Little Smith Street road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction. All costs associated with these reinstatement works shall be borne by the permit holder.

General amenity

- 39 Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.

- 40 The development and use must be managed so that the amenity of the area is not detrimentally including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.
- 41 All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 42 Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 to the satisfaction of the Responsible Authority.
- 43 Noise emanating from the commercial uses within the development must comply with the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

Lighting

- 44 Before the development is occupied, lighting capable of illuminating access to each car parking space, storage, rubbish bins, recycling bins, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of limited intensity so that no unreasonable loss of amenity is caused within and beyond the site, to the satisfaction of the Responsible Authority.
- 45 Before the development is occupied, the permit holder must confirm if the two street lights on Little Smith Street closest to the site have the minimum lighting level of P4 required by the Australian Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. The permit holder must ensure adequate lighting is installed to the satisfaction of the Responsible Authority, with all costs borne by the permit holder.
- 46 Before the development is occupied and in consultation with the relevant authorities, the permit holder must investigate if street light baffles are required to protect the new dwellings from light pole No. 21794 on Little Smith Street. If baffling is required, all costs associated with their installation must be paid for by the permit holder and installed to the satisfaction of the Responsible Authority.

Construction

- 47 Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
- 48 During the construction, the following must occur:
- (a) any stormwater discharged into the stormwater drainage system to comply with EPA 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 premises enters the stormwater drainage system;
 - (c) vehicle borne material must not accumulate on the roads abutting the site;
 - (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - (f) all site operations must comply with the EPA Publication TG302/92.
- 49 The development once commenced, must be completed to the satisfaction of the Responsible Authority.
- 50 Before any 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 as evidence of its approval. The plan must provide:
- (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
 - (e) on site facilities for vehicle washing;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
 - (i) construction program;
 - (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that sub-contractors/tradespersons operate 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, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - (i) using lower noise work practice and equipment
 - (ii) the suitability of the site for the use of an electric crane
 - (iii) silencing all mechanical plant by the best practical means using current technology; and
 - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

Soil conditions

- 51 Before commencement of construction or carrying out of any buildings and works, save for demolition, bulk excavation and site preparation/remediation works, the permit holder must submit to the satisfaction of the Responsible Authority either:
 - (a) A site assessment prepared by a suitably qualified environmental professional that determines if an environmental audit is required and, if not, the assessment:
 - (i) confirms that the site is or can be made suitable for sensitive uses (residential); and
 - (ii) specifies requirements to effectively manage contamination prior to the occupation of the land for residential use; or
 - (b) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - (c) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the residential and childcare uses.
- 52 A copy of the site assessment, certificate of environmental audit and/or statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.
- 53 The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any site assessment or statement of environmental audit issued for the land.

- 54 Prior to the occupation of dwellings a letter must be submitted to the Responsible Authority by a suitably qualified environmental consultant, to advise that all construction and remediation works necessary and required by a site assessment or an environmental audit or statement have been carried out.
- 55 Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the *Environment Protection Act 1970*.

Expiry

- 56 This permit will expire if one of the following circumstances applies:
- (a) the development is not started within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; and
 - (c) the uses are not commenced within four years of the date of this permit.

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

Submissions

Mr Rob Kelman and Mr Lachlan Sincliff addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Peter Murphy;
Ms Julie Lui; and
Mr Torrent Woodard.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN13/0212 to replace the cafe with 'restaurant' including increased hours for sale and consumption of liquor and associated reduction in car parking requirements at 9-17 Smith Street, Fitzroy, subject to the following conditions (new or amended conditions highlighted in **bold and italics**):

- 1 Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the VCAT plans dated 11 October 2013 Revision C prepared by MA Architects but modified to show:

Building Design

Smith Street building

- (a) use of a light colour treatment to the mansard at the top two levels of the building;
- (b) a fixed and continuous folding arm awning for the full length of the Smith Street frontage at ground level;

Little Smith Street building

- (c) a 7.5m setback from the western title boundary to the 3rd floor (4th level) of the Little Smith Street building with balconies, pergolas and blinds moved accordingly and the consequential reconfiguration of affected units;
- (d) a 4.57m setback from the western title boundary to the 1st and 2nd floors (2nd and 3rd levels) with balconies, pergolas and blinds moved accordingly;
- (e) relocate access to the raised planter zone and services platform to the interface with the commercial premises, away from the residential unit;
- (f) the east-west walkway to be increased to 1.8m wide at all relevant levels;
- (g) the area between the lift and adjacent walkway to be increased to 1.8m wide at all relevant levels;
- (h) reconfiguration of units to provide a 6.0m separation between units 102 and 103; 107 and 108; 202 and 203; 207 and 208; 302 and 303; 307 and 308; and 402 and 403; 407 and 408;
- (i) 1.7m high privacy screen with 25% maximum transparency to common corridors to be shown on all relevant floors plans;
- (j) units with bedroom windows along the common corridors to be treated appropriately to prevent overlooking opportunities from the corridor, with treatment details to be shown on all relevant floor plans and a detailed section;
- (k) all pergolas on levels 4 and 5 (floors 3 and 4) are to incorporate battens to prevent overlooking into the private open space of properties on the west side of Lt Smith Street, but where pergolas are not present, 1700mm high screening is to be used for this purpose;
- (l) Screening along balconies to the first and second floors (2nd and 3rd levels) is to be 1550 mm high to infill rebates or recesses created by the spaces created by any angled balconies;
- (m) Any rooftop plant and equipment, platform, solar panels and associated screens are to be setback above Lt Smith Street at least 12 metres from the western property boundary;
- (n) Olive trees shown on the plans are to be replaced with an alternative variety, 3m high at planting;
- (o) The upstands to the balconies on first and second floor on the Lt Smith Street façade are to be a textured or patterned concrete and the undersides of these balconies are to be in a similar tone either by a wash or concrete colouring;
- (p) Sight screens to the first and second floor (2nd and 3rd levels) balconies are to be made from perforated metal with 25% openings to a minimum of 1550 mm high;
- (q) The precast concrete panel north boundary walls of the Lt Smith Street building on Drawing 11020TP202C are to be textured or patterned; and

- (r) The taper to the top floor of the East (Smith Street) Elevation is to be replicated on the top floor of the West (Lt Smith Street) Elevation (to the full extent of the north and south boundary).

Environmentally Sustainable Design Principles

- (s) all works recommended in the ESD report referred to in condition 18;

Car parking

- (t) the installation of a traffic signalling system to the basement car park;

Bicycle Parking

- (u) a minimum 1 bicycle parking space to each unit, 5 spaces for visitor; and 4 spaces for the commercial tenancies;

General

- (v) the specification and location of all proposed external plant and equipment (including roof top plant and equipment, car park ventilation and individual air conditioning and hot water units). All plant and equipment must be screened to prevent views from the street and habitable room windows of nearby dwellings; and
- (w) areas set aside within the property boundaries for pits, meters and essential services.

Endorsed Plans

- 2 All development and use must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.
- 3 Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.

General

- 4 Before the dwellings are occupied, privacy screens as required in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority.
- 5 Prior to the completion of the development, all new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6 All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Sale and Consumption of Liquor

Restaurant

- 7 Unless with the prior written consent of the Responsible Authority, the sale or consumption of liquor may only be offered between 7am - 11pm Monday to Sunday.
- 8 No more than 100 patrons are permitted on the premises at any one time, unless with the prior written consent of the Responsible Authority.

Restaurant – north side

- 9 Unless with the prior written consent of the Responsible Authority, the sale or consumption of liquor may only be offered between 7am - **11pm** Monday to Sunday.
- 10 Before the extended license hours of the northern most restaurant commences, the door to the communal courtyard must be fitted with swipe card access and may only be used by employees of the premises.
- 11 No more than 70 patrons are to be permitted on the premises at any one time, unless with the prior written consent of the Responsible Authority.

Use

- 12 The communal courtyard must not to be used by patrons of the **restaurants**.
- 13 Doors to the southern most **restaurant** from the communal courtyard are to be kept closed at all times except for access use to the premises.
- 14 No emptying of bottles (glass) into garbage bins is permitted after 10pm on any night, or before 7am on any day.
- 15 During all hours in which the **restaurant** businesses are open to the public, entry must be made freely available to any authorised officer(s) of the Responsible Authority for the carrying out of any investigations associated with the sale and consumption of alcohol on the site.
- 16 During all operating hours of the **restaurants**, there must be present on the site a person above the age of 18 years, who is authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").
- 17 The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
- 18 The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the sale and consumption of liquor.

Environmentally Sustainable Design Principles

- 19 The recommendations of the Environmentally Sustainable Report (22 March 2013) prepared by Ark Resources and any updates must be implemented into the development to the satisfaction of the Responsible Authority with details submitted to the Responsible Authority demonstrating compliance with the report and addressing the following:
 - (a) provision of adjustable shading or other appropriate devices to the east and west facing windows of units at upper most level of Smith Street building;

Waste Management

- 20 All waste must be collected via a private collection service, to the satisfaction of the Responsible Authority.

- 21 Before the occupation of the development, an updated Waste Management Plan generally in accordance with the Leigh Design report dated 20 March 2013 must be submitted to Council in consultation with and to the approval of the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must include:
- (a) the frequency and time of collection; and
 - (b) a mechanism to ensure future owners and occupiers of the development (residential and commercial) are made aware of all collection agreements.
- 22 Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and managed in accordance with the approved Waste Management Plan. All waste and recycling collect to be undertaken between the hours specified in Council's Local Law No. 3.

Green Travel Plan [GTP]

- 23 Before the development is occupied, a Green Travel Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit.

The plan must encourage the use of non-private vehicle transport modes by the occupiers of the land by addressing at a minimum:

- (a) the objectives for the Green Travel Plan;
- (b) the location in the context of alternative modes of transport;
- (c) the provision of real time passenger information displays for nearby stops within the residential lobby;
- (d) welcome packs of information provided to staff and residents upon commencement of employment/occupation of residence (e.g. provision of Met Cards/Myki);
- (e) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (f) details of bicycle parking and bicycle routes;
- (g) details of GTP funding and management responsibilities; and
- (h) include provisions to be updated not less than every 5 years.

Transport Management

- 24 Before the development is occupied, a Car Parking Management Plan prepared by an appropriately qualified traffic engineer must be submitted to and approved by the Responsible Authority. When approved, the Car Parking Management Plan will be endorsed and form part of this permit. The Car Parking Management Plan must address:
- (a) An internal signage plan distinguishing permanent parking areas from visitor parking areas, directional arrows and signage, informative signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc;

- (b) The number and location of the car parking spaces to each commercial tenancy and dwelling, and the clear identification of dwelling or commercial uses without any car parking;
- (c) The number and location of car spaces for shared use, including time of shared use;
- (d) Details of way finding, cleaning, security of end of trip bicycle facilities;
- (e) Policing arrangements and/or formal agreements; and
- (f) Details regarding the management of loading and unloading of goods and materials for the commercial and residential uses;

25 The Car Parking Management Plan must be implemented to the satisfaction of the Responsible Authority and thereafter maintained to the satisfaction of the Responsible Authority. No alterations may be made without the prior written approval of the Responsible Authority.

General parking areas

- 26 Unless with the prior written consent of the Responsible Authority, no fewer than 42 car parking spaces and 49 bicycle parking spaces must be provided at all times once the development is completed.
- 27 The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
 - (a) be designed, provided and completed to the satisfaction of the Responsible Authority before the development is occupied;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all weather seal coat.
- 28 Bicycle access must at all times be clearly signed and marked, to the satisfaction of the Responsible Authority.
- 29 Before the occupation of any dwelling, car parking must be allocated in accordance with the Car Parking Management Plan.
- 30 The car stacker must be installed and thereafter maintained as per manufacturer requirements all to the satisfaction of the Responsible Authority.

Landscaping

- 31 Before the development starts, updated landscape plans generally in accordance with the Landscape plans prepared by Oculus Landscape Architects Revision B dated November 2013 to the satisfaction of the Responsible Authority and prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the landscape plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show/include:

- (a) an existing conditions plan and the tree and tree guard protection measures for the street trees along Smith Street;
- (b) the replacement of two weed species (*Olea europea* and *Hedera helix*) with an alternative specie i.e. *Olea paniculata* and *Notelaea venosa* & *N. longifolia*’;
- (c) details of the raised planters to communal courtyard including (height, construction and tree planting details);
- (d) details on the semi-transparent fence treatment and how this integrates with the planting bed;
- (e) details of an automatic irrigation system for the watering of the ground floor communal spaces (including trees), the Smith Street façade and Little Smith Street façade.
- (f) details about the on-going maintenance and upkeep of the landscape works including:
 - (i) the trimming/pruning, hedging, fertilising, mulching, weeding and spraying, watering and staking etc of all planted areas within the development;
 - (ii) details of annual fertilisation to the topsoil by hand;
 - (iii) the de-heading of feature planting following flowering;
 - (iv) replacing, as appropriate, any dead, diseased, damaged or stolen plants;
 - (v) the regular inspection and collection of rubbish from garden beds;
 - (vi) regular weeding;
 - (vii) removal of all clippings off-site; and
 - (viii) regular maintenance inspections of the automatic irrigation systems.

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

33 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority in accordance with the approved landscaping plans.

Crossovers and footpaths

34 Before the development starts, plans must be submitted to the satisfaction of the Responsible Authority confirming the construction of a new vehicle crossing on the east side of Little Smith Street addressing the following:

- (a) The vehicle crossing must be constructed in accordance with City of Yarra Standard Drawings and Specifications;
- (b) A 1 in 20 cross-sectional drawing is to be prepared showing the proposed crossing, the existing road carriageway (entire width), the existing kerb and channel, the existing footpath and the new basement ramp for the first 10 metres inside the building line;
- (c) A 30 mm high bull-nose may be permitted;

- (d) The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
 - (e) Existing kerb and channel, and road pavement surface levels should not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004.
- 35 Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
- 36 The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
- 37 All existing kerb and channel, and road pavement surface levels must not be altered unless with the prior written consent of the Responsible Authority.
- 38 Prior to completion the DDA compliant ramp crossing to Little Smith Street must be designed to Council's satisfaction.
- 39 All redundant vehicle crossings along the property's Smith Street and Little Smith Street road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction. All costs associated with these reinstatement works shall be borne by the permit holder.

General amenity

- 40 Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.
- 41 The development and use must be managed so that the amenity of the area is not detrimentally including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.
- 42 All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 43 Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 to the satisfaction of the Responsible Authority.
- 44 Noise emanating from the commercial uses within the development must comply with the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

Lighting

- 45 Before the development is occupied, lighting capable of illuminating access to each car parking space, storage, rubbish bins, recycling bins, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of limited intensity so that no unreasonable loss of amenity is caused within and beyond the site, to the satisfaction of the Responsible Authority.
- 46 Before the development is occupied, the permit holder must confirm if the two street lights on Little Smith Street closest to the site have the minimum lighting level of P4 required by the Australian Standard AS AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. The permit holder must ensure adequate lighting is installed to the satisfaction of the Responsible Authority, with all costs borne by the permit holder.
- 47 Before the development is occupied and in consultation with the relevant authorities, the permit holder must investigate if street light baffles are required to protect the new dwellings from light pole No. 21794 on Little Smith Street. If baffling is required, all costs associated with their installation must be paid for by the permit holder and installed to the satisfaction of the Responsible Authority.

Construction

- 48 Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
- 49 During the construction, the following must occur:
 - (a) any stormwater discharged into the stormwater drainage system to comply with EPA 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 premises enters the stormwater drainage system;
 - (c) vehicle borne material must not accumulate on the roads abutting the site;
 - (d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - (f) all site operations must comply with the EPA Publication TG302/92.
- 50 The development once commenced, must be completed to the satisfaction of the Responsible Authority.
- 51 Before any 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 as evidence of its approval. The plan must provide:
 - (a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;

- (b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
- (c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
- (d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
- (e) on site facilities for vehicle washing;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
- (i) construction program;
- (j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that sub-contractors/tradespersons operate 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, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - (i) using lower noise work practice and equipment
 - (ii) the suitability of the site for the use of an electric crane
 - (iii) silencing all mechanical plant by the best practical means using current technology; and
 - (iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

Soil conditions

- 52 Before commencement of construction or carrying out of any buildings and works, save for demolition, bulk excavation and site preparation/remediation works, the permit holder must submit to the satisfaction of the Responsible Authority either:
- (a) A site assessment prepared by a suitably qualified environmental professional that determines if an environmental audit is required and, if not, the assessment:
 - (i) confirms that the site is or can be made suitable for sensitive uses (residential); and
 - (ii) specifies requirements to effectively manage contamination prior to the occupation of the land for residential use; or
 - (b) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - (c) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the residential and childcare uses.
- 53 A copy of the site assessment, certificate of environmental audit and/or statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.
- 54 The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any site assessment or statement of environmental audit issued for the land.
- 55 Prior to the occupation of dwellings a letter must be submitted to the Responsible Authority by a suitably qualified environmental consultant, to advise that all construction and remediation works necessary and required by a site assessment or an environmental audit or statement have been carried out.
- 56 Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirements of the Environment Protection Authority and the *Environment Protection Act 1970*.

Expiry

- 57 This permit will expire if one of the following circumstances applies:
- (a) the development is not started within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; and
 - (c) the uses are not commenced within four years of the date of this permit.

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

CARRIED UNANIMOUSLY

- 1.3 10 and 20 River Boulevard, Richmond -
PLN16/1156 - Development plan, Pedestrian amenity and access plan, Landscape plan, Transport plan and Management plan under sections 6, 7, 8, 9 and 10 of the Comprehensive Development Zone, Schedule 1) to allow for the construction of a 13 storey building (plus basement levels) containing dwellings shops, food and drinks premises (cafes), medical centre, childcare centre and restricted retail premises (noting a permit is not required for these uses) [Development plan application]**

PLN17/1143 - Car parking reduction associated with dwellings, retail, food and drinks premises, office, restricted retail premises, childcare centre and medical centre under Clause 52.06-3 and Section 18 of Clause 37.02, Schedule 1 of the Yarra Planning Scheme [Planning permit application]

Trim Record Number: D18/86245

Responsible Officer: Senior Coordinator Statutory Planning

RECOMMENDATION – Development plan application PLN16/1156

That development plan application PLN16/1156 for 10 and 20 River Boulevard, Richmond for the Development plan, Pedestrian amenity and access plan, Landscape plan, Transport plan and Management plan under sections 6, 7, 8, 9 and 10 of the Comprehensive Development Zone, Schedule 1) to allow for the construction of buildings and works be approved subject to conditions:

1. Prior to the endorsement of the development plan, an amended acoustic report must be submitted to the satisfaction of the Responsible Authority. The report must be prepared by a suitably qualified consultant and be generally as per the Acoustic Logic report dated 19/09/2017, but modified to show/address:
 - (a) hours of deliveries/loading bay use;
 - (b) SEPP N-1 criteria re-evaluated to ensure the correct criteria are provided for more shielded locations on the site. The presented criteria (and the associated internal SEPP N-1 criteria) are in the order of 2 dBA too high. This will have implications in the mechanical design targets, and in the assessment of existing loading dock / plant equipment noise to the western interface apartments;
 - (c) Traffic noise assessed to the recommended criteria in this report, which are more in line with the current clause 58 targets. This will have implications on the selected glazing for traffic noise control;
 - (d) Domestic Noise Guideline Criteria need to be reviewed and must be based on the lowest short term background levels at a shielded / setback location on the site;
 - (e) confirmation if the mechanical plant noise assessment from the Victoria Gardens shopping centre (undertaken by Acoustic Logic) is still representative of current plant equipment installation and noise emissions;
 - (f) loading dock noise, if it occurs at night, assessed to sleep disturbance criteria at the future apartments;
 - (g) Noise from any loading dock and gates / doors on the site has not been commented on. There would be a number of apartments overlooking Vickers Drive (and also directly above the loading areas) that could potentially be exposed to this. The report recommends restricted loading access (7am -6pm weekdays and Saturdays, 9am - 6pm Sunday). This is a reasonable amenity protection approach, but must be implemented. Noise from commercial loading docks must comply with SEPP N-1;
 - (h) An assessment of the impact of the open childcare centre area on the southern end of the apartments with regard to SEPP N-1 based targets (or lowest background + 10 dB). Provision of perimeter screening, or upgraded glazing may suffice given the nature of the noise source;
 - (i) a commitment to a full detailed acoustical mechanical review during the design stage of the development, given the scale and significant sources of noise likely;
 - (j) a commitment to post construction noise testing to confirm that targeted noise levels are achieved;

- (k) consideration of the recently approved amendment to the IKEA home delivery area on the proposed dwellings.
2. Prior to the endorsement of the development plan, an amended Sustainability Management Plan must be submitted to the satisfaction of the Responsible Authority. The report must be prepared by a suitably qualified consultant and be generally as per the Norman Disney and Young report dated 12 September 2017, but modified to show/address:
 - (a) commitments further confirmed in NDY memo dated 11 April 2018;
 - (b) sample NatHERS ratings for dwellings, demonstrating that cooling loads do not exceed the 30MJ/m² threshold. Glazing VLT must be no less than 0.6% in daylight modelling;
 - (c) details of the solar PV array size and capacity to contribute to onsite electricity consumption;
 - (d) the number of location of electric vehicle charging infrastructure.
 3. Prior to the endorsement of the development plan, an amended Stormwater Management Plan must be submitted to the satisfaction of the Responsible Authority. The report must be prepared by a suitably qualified consultant and be generally as per the Bonacci report dated May 2017, but modified to:
 - (a) reflect the architectural drawings;
 - (b) include all areas to collect stormwater; and
 - (c) detail re-use (including which toilets, how many and what the actual demand will be).
 4. Prior to the commencement of the development, an amended development plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the development plan will be endorsed and will then form part of this permit. The development plan must be drawn to scale with dimensions, and three copies must be provided. The development plan must be generally in accordance with the decision plans but modified to show:
 - (a) a maximum street wall of RL31 for a depth of 12m;
 - (b) the correct location of bicycle lanes within River Boulevard;
 - (c) a maximum of 100 children within the child care centre (not 120 as shown);
 - (d) deletion of reference to works outside the site (including 'relocation of existing sign' and 'new roof' to the west);
 - (e) weather protection to part or all of the River Boulevard façade;
 - (f) confirmation the food and drinks premises do not include hotel or tavern uses;
 - (g) an improved pedestrian experience along Vickers Drive, with the southern footpath prioritised for pedestrians, including lighting, wayfinding signage and public art to activate this space;
 - (h) control points/gates to prevent public access into the level 1 communal area and into the ground level western services area (adjacent to the northern building segment);
 - (i) a minimum additional 1m northern setback (as shown on the sketch plan received by Council on 4 May 2018);
 - (j) residential corridors a minimum 1.8m wide, with residential lift lobbies being a minimum 2.1m wide and dwelling entry doors recessed a further minimum 100mm;
 - (k) windows to corridors must be operable;
 - (l) all habitable rooms with at least one operable window;
 - (m) a schedule of colours and materials, including samples. The schedule must confirm limited reflectivity of glazing;
 - (n) internal overlooking screening treatments between habitable room windows/balconies/communal open space areas within a 9m radius and 45 degree arc;
 - (o) additional glazing to the south-east corner of the building to activate this area;
 - (p) the use of the level 4, northernmost rooms (south of the communal open space area);
 - (q) the following minimum dimensions for each dwelling:
 - (i) main bedroom – minimum 3m wide and 3.4m deep;
 - (ii) all other bedrooms – minimum 3m wide and 3m deep;
 - (iii) 1 bedroom living area – minimum 3.3m wide and 10m²; and
 - (iv) 2+ bedroom living area – minimum 3.6m wide and 12m².
 - (r) minimum ceiling heights of at least 2.7m (excluding services above the kitchen);

- (s) wayfinding signage (in particular for visitors, customers and tradespersons, etc.) to both the commercial and residential components of the development;
- (t) external, operable screens to the bedroom windows at levels 1-5 or internal blinds/screens to enable occupants to be able to block out illuminated signs associated with the shopping centre at night;
- (u) a minimum of 426 resident/employee bicycle parking spaces;
- (v) a minimum of 6 shower/change room facilities for cyclists;
- (w) walkways and storage area dimensions to demonstrate compliance with Australian Standard AS2890.3;
- (x) at least 20% of bicycle spaces within each floor, to each basement provided as horizontal rails as per the requirements of AS2890.3;
- (y) any vertical wall-mounted racks with an offset of at least 500mm;
- (z) all additional bicycle parking spaces (as required in these conditions) located between Basement Levels 2 and Ground Floor;
- (aa) at least 30% of all residential cars able to be connected to electric car charging;
- (bb) the taxi rank be deleted or relocated further south along River Boulevard to avoid taxi/bicycle conflict;
- (cc) cross-sections and treatments of the southern footpath to relate to the office building footpath further south;
- (dd) confirmation the steps to level 1 meet the relevant Australian Standards;
- (ee) footpaths along Victoria Street and River Boulevard as asphalt or otherwise to the satisfaction of the Responsible Authority;
- (ff) the 'loading bay' along River Boulevard only used as a 'kiss and drive' bay (not used by trucks);
- (gg) the entry door to the 94 space bicycle storage room repositioned closer to River Boulevard (the door is currently setback);
- (hh) River Boulevard bicycle parking spaces spread apart further along the footpath (not in 2 large bays or blocks);
- (ii) bicycle parking signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (jj) deletion of the landscaping area west of the Vickers Drive footpath, with a pedestrian link from River Boulevard to the shopping centre;
- (kk) deletion of the loading bay in the south-west corner of the site;
- (ll) turning circles for vehicles using the left turn lane into the car park;
- (mm) a minimum 300mm offset between car parking spaces L 10-B2-006 and L 10-B2-008;
- (nn) a green travel plan, outlining:
 - (i) a description of the location in the context of alternative modes of transport;
 - (ii) employee and resident welcome packs (e.g. provision of Myki/transport ticketing);
 - (iii) the provision of real time passenger information displays for nearby stops within each lobby;
 - (iv) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (v) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (vi) details of bicycle parking and bicycle routes;
 - (vii) details of GTP funding and management responsibilities;
 - (viii) security arrangements to access the employee bicycle storage spaces; and
 - (ix) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (x) Reference to a minimum 40A single phase electrical sub circuit should be installed to the basement levels for 'EV readiness'; and
- (xi) provisions for the Green Travel Plan to be updated not less than every 5 years.
- (oo) a public lighting plan including:
 - (i) a lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (ii) the control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";

- (iii) the locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
- (iv) lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
- (v) a maintenance regime for the lighting scheme within the curtilage of the property; and
- (vi) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission, if possible.
- (pp) provision of sightline triangles for the exit lane of the entrance onto Vickers Drive and on the north side of the River Boulevard entrance, or provision of a CCTV monitor to view pedestrians walking along the relevant footpath areas;
- (qq) headroom clearances dimensioned;
- (rr) all columns within car parking areas shown, with depths and setbacks as per clause 52.06;
- (ss) clearances to walls and blind aisle extensions dimensioned on plans;
- (tt) lengths of the ramp grades for the internal ramps in the north building dimensioned;
- (uu) deletion of the indented loading bay on the west side of River Boulevard and replacement with a short-stay car parking space/drop off bay;
- (vv) the height clearance above Vickers Drive dimensioned and at least 4.8m;
- (ww) a notation confirming that loading and unloading may only be undertaken on the site between 7.00am and 6.00pm weekdays and Saturdays and between 9.00am and 6.00pm Sundays;
- (xx) all commitments and amendments to the plans as per the Acoustic report (condition 1), ESD report (condition 2), stormwater management plan (condition 3) and submitted wind report; and
- (yy) all changes to the landscape, pedestrian amenity and access plan, including bicycle parking locations, location of pedestrian crossings, footpaths, loading bay locations as per the above conditions.

5. 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;
 - (viii) the construction program;
- (i) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (j) parking facilities for construction workers;
- (k) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

- (l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (m) 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;
- (n) 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;

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.

- (o) 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
- (p) any site-specific requirements.

6. 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.

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

8. Before the building is occupied, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) 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:
 - (e) materials;
 - (f) colours;
 - (g) dimensions;
 - (h) conceptual and site context rationale;
 - (i) special features (for example lighting);
 - (j) details of the installation process;
 - (k) details of art work maintenance schedule and ongoing ownership/caretaker details; and
 - (l) attribution plans (e.g. signage or plaque)

9. 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.
10. Before the development commences, either:
 - (a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - (b) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
11. If, pursuant to condition 10, a Statement is issued:
 - (a) the
 - (i) use; and
 - (ii) development,authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**development pre-commencement conditions**);
 - (c) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (**use pre-commencement conditions**);
 - (d) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
 - (e) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
 - (f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
12. Prior to the occupation of the dwellings, a completed JV3 model or DTS Section J report must be provided demonstrating non-residential energy efficiency standards have been met.
13. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
14. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or

- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
15. 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 dwelling 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.
 16. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
 17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 18. As part of the ongoing consultant team, Rothe Lowman 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.
 19. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
 20. 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.
 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. The use and/or development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
 23. The use and/or development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
 24. 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.
 25. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

26. 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.
27. 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.
28. Before the buildings 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.
29. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's River Boulevard, Vickers Drive and Victoria Street road frontages must be reconstructed to Council's satisfaction and at the landowners cost.
30. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath along the property's River Boulevard, Vickers Drive and Victoria Street road frontages must be reconstructed to Council's satisfaction and at the landowners cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
31. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossings servicing the development's entrances on the north side of Vickers Drive and the west side of River Boulevard must be constructed to Council's satisfaction. Materials to be used must comply with Council's *Infrastructure Road Materials Policy*. The vehicle crossings must satisfy the vehicle ground clearance requirements for the B99 design vehicle.
32. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the northbound carriageway of River Boulevard, from the south end to the intersection with Victoria Street must be profiled (grind the top layer of asphalt, up to a depth of 50 mm) and re-sheeted to Council's satisfaction and at the landowners cost.
33. All redundant vehicle crossings within and surrounding the site must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.
34. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external public lighting capable of illuminating footpaths, pedestrian walkways and dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority by way of a Public Lighting Plan.

35. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
36. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
37. Before the development is occupied, the owner (or another person in anticipation of becoming the owner) must enter into an amended 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 those parts of the land to be used for the widened Victoria Street, modified River Boulevard, new Vickers Drive and new south boundary link footpaths;
 - (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 37(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 37(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.

VicRoads Condition

38. Prior to the occupation of the building the following roadworks at the intersection of Victoria Street and River Boulevard, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:
 - (a) The modification and relocation of various elements of the intersection of Victoria Street and River Boulevard adjacent to the development, including (but not limited to) any such inclusions or changes to the traffic signal phasing and associated road works.

Pedestrian amenity and access plan

39. Before the development commences, an amended Pedestrian Amenity and Access Plan 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) additional details of the pedestrian link through Vickers Drive, including wayfinding signage and lighting;
 - (b) details of the pedestrian, cyclist and vehicular link delineation as per page 4 of the Town Planning Submission/landscape plan; and
 - (c) details generally as per the development plan (i.e. the plans must correlate).

Landscape plan

40. 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 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) deletion of the proposed planter bed at the western end of Vickers Drive to enable a pedestrian link to the shopping centre to the west;
 - (b) materials of the footpath to the west adjacent to the Victoria Gardens Shopping centre as per Council Standard Drawing YSD416;
 - (c) details as to how the level 1 podium would be secured for residents only;
 - (d) the River Boulevard street tree planting consistent with the dominant native species in the street [Rose Gum (*Angophora costata*)] and/or local indigenous trees that enhance urban biodiversity values .i.e. Yellow Box (*Eucalyptus Melliodora*) and Melbourne Yellow Gum (*Eucalyptus leucoxylon ssp. connata*). London Plane trees are not supported for any new tree planting;
 - (e) *Eucalyptus leucoxylon megalocarpa* 'Elite' (Large Fruited Yellow Gum) should be replaced with the local indigenous Melbourne Yellow Gum (*Eucalyptus leucoxylon ssp. connata*);
 - (f) The River Boulevard street tree planting regularly spaced;
 - (g) no trees in the small outstand at the Victoria Street intersection;
 - (h) all street lights, poles, gas metres, public infrastructure, etc. with confirmation that planting would not impact this infrastructure;
 - (i) the correct number of median street trees in the northern most section, with no additional trees in this section due to a street light pole and a pedestrian link;
 - (j) deletion or relocation of the proposed River Boulevard taxi rank further south;
 - (k) low planting areas closer to Victoria Street (maintaining pedestrian, cyclist and vehicular safety);
 - (l) the new tree at the western end of the southern pedestrian link as a palm to match the adjacent species;
 - (m) the provision of small footpath trees along the Victoria Street frontage. Native trees such as Water Gum (*Tristanopsis laurina* 'Luscious') are preferable due to the proximity of the Yarra River;
 - (n) provision of a Tree Management Plan (TMP), including:
 - (i) a non-destructive exploratory root excavation for all street trees along the west boundary of the current carpark area;
 - (i) consideration of the canopies of trees along River Blvd; and
 - (ii) consideration of the potential impact on the Pyrus on the west boundary (east of the neighbouring property).
 - (o) a notation confirming the landowner will pay for reinstatement costs associated with the removal of the one juvenile Council tree at the south western end of River Boulevard;
 - (p) the species list must include accurate names and mature heights/spreads;
 - (q) water systems utilising on-site water must be shown and detail ongoing maintenance requirements;
 - (r) tree planting spaces need to be defined to provide accurate soils areas, volumes and if planting spaces are planned to extend below hard landscape areas; and
 - (s) details generally as per the development plan (i.e. the plans must correlate).

Transport plan

41. Before the development commences, an amended Transport Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Transport Plan will be endorsed and will then form part of this permit. The plan must be drawn to scale with dimensions, and three copies must be provided. The plan must be generally in accordance with the plan prepared by GTA but modified to show:
- (a) the number and location of car parking spaces allocated to each tenancy;
 - (b) any tandem parking spaces allocated to a single tenancy;
 - (c) the number and location of car spaces for shared use, including time of shared use;

- (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (f) policing arrangements and formal agreements (e.g. ticketing systems);
- (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
- (h) management of the ticketed parking system;
- (i) security systems (e.g. boom gates, intercoms for residential visitors, etc) for entries/exits into/out of the car park areas;
- (j) a traffic safety audit (addressing loading dock and crossover interfaces with footpaths). This must be undertaken in accordance with the guidelines set out in Austroads *Guide to Road Safety Part 6: Road Safety Audits.*;
- (k) additional information to support the queuing analysis at section 8.7, including cycle time and phase-specific details; and
- (l) details generally as per the development plan (i.e. the plans must correlate).

Management plan

42. Before the development commences, an amended Management Plan 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:
- (a) Show the plan correctly referring to the site as 10-20 River Boulevard;
 - (b) incorporate the details/recommendations of the WMP prepared by Leigh Design and dated 16 October 2017, but further modified to include a medical waste plan;
 - (c) correctly identify that the River Boulevard footpath is a private road (not Council responsibility);
 - (d) include details of the car park payment system;
 - (e) include details as to how loading/deliveries will be managed; and
 - (f) include details as to how residential loading (deliveries and people moving in and out) will be managed.

NOTES:

The following trees which may require a local law permit for removal:

- (a) one (1) London Plane tree in the Vickers Drive centre median;
- (b) three (3) Poplars located in the south west corner; and
- (c) the palms at the southern end of the site.

Please contact Council's Compliance Branch on 9205 5166 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.

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

These premises will be required to comply with the Public Health and Wellbeing Act 2008. The use must not commence until registration has been granted by Council's Health Protection Unit.

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

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

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easements.

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

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.

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.

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the landowner to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

VicRoads NOTES:

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

- (a) Works associated with the new and or modified traffic signal phasing adjacent to the development site,
- (b) Signs and associated road works.
- (c) Road line marking, kerb and channel.
- (d) Appropriate lighting of roadway.

Signage has not been considered as part of this application. VicRoads requests further details to be submitted in due course for its consideration and consent/approval.

Separate Consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for all buildings and works (including canopies and projections) undertaken outside the title boundary within a Road Zone Category 1 (Victoria Street). Please contact VicRoads prior to commencing any works.

RECOMMENDATION – Planning permit PLN17/1143

That a Notice of Decision to Grant a Permit (PLN17/1143) for 10 and 20 River Boulevard, Richmond be approved a reduction in parking subject to the following conditions:

1. The floor area / childcare centre numbers / number of people providing health services as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. No more than 282 seats are to be provided in association with the food and drinks premises at any one time.
3. No more than 100 children are permitted to be in the child care centre at any one time.
4. No more than 8 medical centre practitioners are permitted to operate from the land at any one time.
5. This permit will expire if the use is not commenced within three years from the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

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

Submissions

Mr Kel Twite addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Virginia Dodds; and
Mr Mike Waller.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Bosler

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

The meeting closed at 8.40pm.

Confirmed at the meeting held on Wednesday 13 June 2018

Chair