



YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE
MINUTES

**held on Wednesday 12 December 2018 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Stephen Jolly
Councillor Mike McEvoy
Councillor James Searle

Mary Osman (Manager Statutory Planning)
Vicky Grillakis (Co-ordinator Statutory Planning)
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)

Councillor Jolly – Item 1.8

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

Moved: Councillor Jolly **Seconded:** Councillor Searle

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 21 November 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 Jolly nominated Councillor McEvoy as Chair.

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

Councillor McEvoy assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN18/0267 - 218 - 228 Hoddle Street Abbotsford - Development of the land for the construction of an eleven storey (plus three basement levels) building for use as office and food & drink premises (no permit required for use) and a reduction in the car parking requirements, and building and works and alteration of access to a Road Zone Category 1 Road.	7	19
1.2	PLN17/0833 - 69-71 Smith Street, Fitzroy - Partial demolition of the existing buildings for the construction of a multi-level building, sale and consumption of liquor and a reduction in the car parking requirement and bicycle parking requirement associated with a restaurant (no permit required for use).	32	37
1.3	PLN17/1016 - 221 Swan Street Richmond - Full demolition of the existing building and construction of a multi-storey building with roof terraces, display of internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)	38	43
1.4	PLN17/0276 – 262-264 Bridge Road, Richmond – Demolition of the existing building, construction of a part three and part four storey building plus roof terraces (including a shop canopy over a Road Zone, Category 1) containing a shop and five dwellings, removal of easements and a reduction of the car parking and visitor bicycle parking requirements.	50	55
1.5	PLN18/0239 - 12 - 20 Victoria Crescent Abbotsford - Use and development of the land for the construction of two office buildings (six and nine storeys in height, hours of operation 8am to 6pm Monday to Friday, 1200 staff) with two ground floor food and drinks premises (maximum 100 patrons and hours of operation 7am to 6pm, seven days per week), a reduction in car parking requirements and part demolition.	61	74
1.6	PLN17/0251 - 1090-1092 Lygon Street, North Carlton - Demolition of the existing building (walk-up-flats) to allow for the construction of eight dwellings.	87	92
1.7	271 Bridge Road, 208, 224,228,230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 39 Bank Street, Richmond - PLN11/0834.02 - Section 72 Amendment to the endorsed plans and permit conditions including: incorporating the approved development for 42 Cameron Street (PLN14/0314) into the permit, amendments to the plans to including modifications to the internal uses and layouts and exterior changes in height and design and increase in car parking, motorcycle and bike parking provision.	99	118

- 1.8 PLN17/0535 - 20 - 30 Mollison Street, Abbotsford - Use and development of the land for the construction of a mixed use building (with offices, food and drinks premises (cafe), arts and craft centres and restricted recreation facility) and a reduction in car parking requirements. [CONFIDENTIAL ITEM]

1.1 PLN18/0267 - 218 - 228 Hoddle Street Abbotsford - Development of the land for the construction of an eleven storey (plus three basement levels) building for use as office and food & drink premises (no permit required for use) and a reduction in the car parking requirements, and building and works and alteration of access to a Road Zone Category 1 Road.

Trim Record Number: D18/177532

Responsible Officer: Manager Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0267 for development of the land for the construction of a multi-storey building, a reduction in the car parking requirements, and building and works to a Road Zone Category 1 Road at 218 – 228 Hoddle Street, Abbotsford, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Architectus received by Council on 25 June 2018 but modified to show:
 - (a) deletion of the ninth floor with a reduction in building height (not inclusive of the parapet and lift core) from 43m to 39.15m;
 - (b) a 1.5m setback from the northern boundary, from the sixth floor and above;
 - (c) an additional 3m setback from the eastern boundary, between the sixth and eighth floors (resulting in a total setback from the eastern boundary of 7.07m);
 - (d) a notation on the ground floor plan confirming the retention of the existing one-way conditions along Stafford Street;
 - (e) a continuous awning along the Hoddle Street frontage with a width of at least 3m wide from the property boundary (taking into consideration any existing or future street tree locations);
 - (f) a continuous awning along the Stafford Street frontage with a width of at least 1.25m wide from the property boundary, but setback no less than 750mm from the kerb;
 - (g) a roof plan showing all plant and equipment with screening provided ensuring views from the public realm are obscured;
 - (h) the ground floor plan to show the 'retail' area as a 'food and drinks premises'.
 - (i) the awnings depicted on the first floor plan to show their design intent;
 - (j) the ground floor plan to show all existing trees to be removed or retained and all new street trees;
 - (k) the vehicle entry constructed of a perforated metal to provide visual transparency with a pattern of decorative work that integrates with the overall façade;
 - (l) deletion of any seating in front of boosters;
 - (m) unreasonable overlooking will be avoided to the private open spaces to the east (within 9m);
 - (n) the internal configuration of the ground floor as per the sketch plan provided to Council on 2 November 2018;
 - (o) an enhanced end of trip entry along the northern laneway;
 - (p) the ground floor setback from the northern laneway to provide for a widened public area as per the sketch plan provided to Council on 2 November 2018, but modified further to show a physical segregation between moving traffic and the food and drinks premises seating in the form of temporary barriers such as (but not limited to) planter boxes on wheels;

- (q) dimensions of the doorway entrance width, ramp grade sections (cross sections of the internal ramps provided to show the minimum headroom clearance);
 - (r) dimensions of the headroom clearance at the doorway and above the accessible parking space and the shared area;
 - (s) the water meter cabinet adjacent to the entrance doorway to swing 180-degrees and be latched to the building when opened;
 - (t) all secure bicycle compounds provided with reasonable access to end of trip facilities and building entrances;
 - (u) at least 20% of employee bicycle spaces provided as horizontal-at-ground-level spaces;
 - (v) access ways and storage space dimensions and spacing designed to comply with AS2890.3;
 - (w) the best practice provision of visitor bicycle spaces at a rate of one space per 500sqm of office floor area;
 - (x) the best practice provision of staff bicycle spaces at a rate of one space per 100sqm of office floor area;
 - (y) bicycle hoops aligned with the existing bus shelter on the footpath to not reduce the effective trafficable width of the footpath;
 - (z) bicycle hoop spacing designed to comply with AS2890.3;
 - (aa) any requirement of the endorsed Sustainable Management Plan (condition 4) (where relevant to show on plans);
 - (bb) any requirement of the endorsed Waste Management Plan (condition 7) (where relevant to show on plans);
 - (cc) any requirement of the endorsed Acoustic Report (condition 9) (where relevant to show on plans);
 - (dd) any requirement of the endorsed Landscape Plan report (condition 13) (where relevant to show on plans);
 - (ee) any requirement of the endorsed Wind Report (condition 17) (where relevant to show on plans);
 - (ff) any requirement of the endorsed Streetscape Works plan (condition 19) (where relevant to show on plans); and
 - (gg) any requirement of the endorsed Streetscape Works Landscape plan (condition 20) (where relevant to show on plans).
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. As part of the ongoing consultant team, Architectus or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Sustainable Management Plan

4. Before the 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 ADP (18th October 2018) but modified to include or show:
 - (c) A composting system;
 - (d) Electric vehicle charging facilities; and
 - (e) A minimum 80% recycling/reuse target for construction and demolition waste.

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

SMP Implementation Report

6. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Waste Management Plan

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

Acoustic report

9. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Compliance of the plant and equipment and vehicle entrance door operation with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1).

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

10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the endorsed acoustic report. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
 - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 9 have been implemented;
 - (b) Assess mechanical plant noise to SEPP N-1; and
 - (c) If non-compliance with Condition 10b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.

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

Landscape Plan

13. 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) include a planting plan;
 - (b) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (c) further details of the proposed planters – height, materials, depth and type of planting media, irrigation and drainage;
 - (d) confirm any green façade elements;
 - (e) show the materiality of the proposed spaces;
 - (f) detail the design (including the provision of detailed sections) and layout of the common area, planters and ground level planting areas;
 - (g) provide a specification of works to be undertaken prior to planting;
 - (h) further detail on any sustainable treatments and water harvesting methods ;and
 - (i) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

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

to the satisfaction of the Responsible Authority.

Street Trees

15. Before the development commences, the permit holder must make a one off contribution of \$2,859.75 (costs are adjusted to current CPI and are exclusive of GST) to the Responsible Authority to be used for:
 - (a) the cost of supply, planting and establishment maintenance of all new street tree that are required as a result of the development; and
 - (b) for the removal of the two street trees along the subject site's Stafford Street frontage.

16. Before the development starts, the permit holder must provide a security bond of \$5,000 for the Hoddle Street Plane tree street trees to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

Wind

17. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit.
The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPac and prepared on 10 April 2018, but modified to include (or show):
- (a) a wind tunnel model study of the environmental wind conditions which must explore the wind conditions of the terraces and whether additional mitigation treatments are required to satisfy the relevant criteria.
18. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Streetscape Works

19. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Works plan (inclusive of the widening of Hoddle and Stafford Street footpaths) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Streetscape Works plan will be endorsed and will form part of this permit. The plan is to show/include the following:
- (a) Plans updated to reflect current on site conditions, following civil works that have been carried out as part of the Streamlining Hoddle St project;
 - (b) Surface materials, treatments, fixtures (tactile) and TGSIs (to council satisfaction) ;
 - (c) Location of stormwater drainage pits;
 - (d) Location of the bus stop, post box, light poles, utility cabinets;
 - (e) Location of vehicle and pram crossings. Dimensions to be shown on plan;
 - (f) Dimensioned footpath clearances, where street furniture or trees encroach on useable footpath space;
 - (g) The delineation between public and privately owned land, through the use of alternating surface materials or treatments. Title Boundary shown in different colour or line style;
 - (h) Location and clearance distances from laneway/kerbs etc for bicycle hoops; and
 - (i) Location of new street trees and on-street parking.
20. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Works Landscape Plan (inclusive of the widening of Hoddle and Stafford Street footpaths) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Streetscape Works Landscape plan will be endorsed and will form part of this permit. The plan is to show/include the following:

- (a) Detailed planting plan showing the location, species, quantity, mature height and spread, of all proposed trees and raised garden bed planting on the ground floor;
- (b) Details including a section through the raised planter beds and tree planting, providing information on height, materials, depth of planting media, irrigation and drainage methods;
- (c) Further information on height and span of the trellis and vertical green system;
- (d) Details on the furniture proposed; and
- (e) Spot levels, including any information on level changes and the top heights of planter beds and furniture.

Section 173 Agreement (widened Hoddle and Stafford Street footpaths)

21. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the widened Hoddle and Stafford Street footpaths;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 21(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 21 (a).
22. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Transport for Victoria Conditions (23 to 24)

23. The permit holder must take all responsible steps to ensure that disruption to bus operation along Hoddle Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigations must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au
24. The existing bus stop and associated infrastructure on Hoddle Street must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

VicRoads Condition (No. 25 Only)

25. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Hoddle Street boundary (i.e. canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Hoddle Street reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

Road Infrastructure

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

- (a) to accommodate the ground clearance of the B99 design vehicle;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the east-west Right of Way to the north of the subject site, (including the grated pit located inside the Right of Way) must be reconstructed:
- (a) with the grated pit be converted to a bike safe grate;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the north-south Right of Way to the east of the subject site, must be made good:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Hoddle Street frontage must be reconstructed:
- (a) with road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Stafford Street frontage must be stripped and re-sheeted:
- (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Stafford Street frontage must be reconstructed with bluestone:
- (a) at the permit holder's cost; and

(b) to the satisfaction of the Responsible Authority.

34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

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

Car parking

35. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
- (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (c) policing arrangements and formal agreements;
- (d) details of the electric car charging points;
- (e) 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;
- (f) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 7; and
- (g) details regarding the management of loading and unloading of goods and materials.

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

37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

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

to the satisfaction of the Responsible Authority.

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

39. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Green Travel Plan

40. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) the provision of real time passenger information displays for nearby stops within each lobby;
 - (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (f) details of bicycle parking and bicycle routes (which do not refer to the footpath at the south as a 'shared path');
 - (g) details of GTP funding and management responsibilities;
 - (h) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (j) security arrangements to access the employee bicycle storage spaces; and
 - (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.
41. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

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

General

43. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
44. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

45. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
46. 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.
47. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
48. 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.
49. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

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

- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

Time expiry

51. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VicRoads Note:

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

Submissions

Mr Tim Ryder and Daniel addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Peter Mitsios; and
Mr Raymond Endean.

PROPOSED INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Refusal to Grant a Planning Permit PLN18/0267 for development of the land for the construction of a multi-storey building, a reduction in the car parking requirements, and building and works to a Road Zone Category 1 Road at 218 – 228 Hoddle Street, Abbotsford, on the following grounds:

1. The height of the proposal does not comply with the preferred maximum height within the Johnston Street Local Area Plan.

Motion lapsed for want of a seconder.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor McEvoy

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0267 for development of the land for the construction of a multi-storey building, a reduction in the car parking requirements, and building and works to a Road Zone Category 1 Road at 218 – 228 Hoddle Street, Abbotsford, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Architectus received by Council on 25 June 2018 but modified to show:
 - (a) deletion of the eighth and ninth floors with a reduction in building height (not inclusive of the parapet and lift core) from 43m to 35.3m;
 - (b) a 1.5m setback from the northern boundary, from the sixth floor and above;
 - (c) an additional 3m setback from the eastern boundary, between the sixth and seventh floors (resulting in a total setback from the eastern boundary of 7.07m);
 - (d) a notation on the ground floor plan confirming the retention of the existing one-way conditions along Stafford Street;
 - (e) a continuous awning along the Hoddle Street frontage with a width of at least 3m wide from the property boundary (taking into consideration any existing or future street tree locations);
 - (f) a continuous awning along the Stafford Street frontage with a width of at least 1.25m wide from the property boundary, but setback no less than 750mm from the kerb;
 - (g) a roof plan showing all plant and equipment with screening provided ensuring views from the public realm are obscured;
 - (h) the ground floor plan to show the 'retail' area as a 'food and drinks premises'.
 - (i) the awnings depicted on the first floor plan to show their design intent;
 - (j) the ground floor plan to show all existing trees to be removed or retained and all new street trees;
 - (k) the vehicle entry constructed of a perforated metal to provide visual transparency with a pattern of decorative work that integrates with the overall façade;
 - (l) deletion of any seating in front of boosters;
 - (m) unreasonable overlooking will be avoided to the private open spaces to the east (within 9m);

- (n) the internal configuration of the ground floor as per the sketch plan provided to Council on 2 November 2018;
- (o) an enhanced end of trip entry along the northern laneway;
- (p) the ground floor setback from the northern laneway to provide for a widened public area as per the sketch plan provided to Council on 2 November 2018, but modified further to show a physical segregation between moving traffic and the food and drinks premises seating in the form of temporary barriers such as (but not limited to) planter boxes on wheels;
- (q) dimensions of the doorway entrance width, ramp grade sections (cross sections of the internal ramps provided to show the minimum headroom clearance);
- (r) dimensions of the headroom clearance at the doorway and above the accessible parking space and the shared area;
- (s) the water meter cabinet adjacent to the entrance doorway to swing 180-degrees and be latched to the building when opened;
- (t) all secure bicycle compounds provided with reasonable access to end of trip facilities and building entrances;
- (u) at least 20% of employee bicycle spaces provided as horizontal-at-ground-level spaces;
- (v) access ways and storage space dimensions and spacing designed to comply with AS2890.3;
- (w) the best practice provision of visitor bicycle spaces at a rate of one space per 500sqm of office floor area;
- (x) the best practice provision of staff bicycle spaces at a rate of one space per 100sqm of office floor area;
- (y) bicycle hoops aligned with the existing bus shelter on the footpath to not reduce the effective trafficable width of the footpath;
- (z) bicycle hoop spacing designed to comply with AS2890.3;
- (aa) any requirement of the endorsed Sustainable Management Plan (condition 4) (where relevant to show on plans);
- (bb) any requirement of the endorsed Waste Management Plan (condition 7) (where relevant to show on plans);
- (cc) any requirement of the endorsed Acoustic Report (condition 9) (where relevant to show on plans);
- (dd) any requirement of the endorsed Landscape Plan report (condition 13) (where relevant to show on plans);
- (ee) any requirement of the endorsed Wind Report (condition 17) (where relevant to show on plans);
- (ff) any requirement of the endorsed Streetscape Works plan (condition 19) (where relevant to show on plans);
- (gg) any requirement of the endorsed Streetscape Works Landscape plan (condition 20) (where relevant to show on plans);
- (hh) provision of one car share space on-site;
- (ii) a minimum 40A single phase electrical sub circuit installed in the basement level for electric vehicle charging; and
- (ij) deletion of one basement level and subsequent reduction in car parking spaces.

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. As part of the ongoing consultant team, Architectus or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

- (a) oversee design and construction of the development; and
- (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Sustainable Management Plan

4. Before the 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 ADP (18th October 2018) but modified to include or show:
- (c) A composting system;
 - (d) Electric vehicle charging facilities; and
 - (e) A minimum 80% recycling/reuse target for construction and demolition waste.
5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP Implementation Report

6. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Waste Management Plan

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

Acoustic report

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

- (a) Compliance of the plant and equipment and vehicle entrance door operation with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1).

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

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

11. Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the endorsed acoustic report. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
 - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 9 have been implemented;
 - (b) Assess mechanical plant noise to SEPP N-1; and
 - (c) If non-compliance with Condition 10b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.
12. The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

13. 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) include a planting plan;
 - (b) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (c) further details of the proposed planters – height, materials, depth and type of planting media, irrigation and drainage;
 - (d) confirm any green façade elements;
 - (e) show the materiality of the proposed spaces;
 - (f) detail the design (including the provision of detailed sections) and layout of the common area, planters and ground level planting areas;
 - (g) provide a specification of works to be undertaken prior to planting;
 - (h) further detail on any sustainable treatments and water harvesting methods ;and
 - (i) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

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

to the satisfaction of the Responsible Authority.

Street Trees

15. Before the development commences, the permit holder must make a one off contribution of \$2,859.75 (costs are adjusted to current CPI and are exclusive of GST) to the Responsible Authority to be used for:
 - (a) the cost of supply, planting and establishment maintenance of all new street tree that are required as a result of the development; and
 - (b) for the removal of the two street trees along the subject site's Stafford Street frontage.
16. Before the development starts, the permit holder must provide a security bond of \$5,000 for the Hoddle Street Plane tree street trees to the Responsible Authority. The security bond:
 - (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

Wind

17. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit.
The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPac and prepared on 10 April 2018, but modified to include (or show):
 - (a) a wind tunnel model study of the environmental wind conditions which must explore the wind conditions of the terraces and whether additional mitigation treatments are required to satisfy the relevant criteria.
18. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Streetscape Works

19. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Works plan (inclusive of the widening of Hoddle and Stafford Street footpaths) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Streetscape Works plan will be endorsed and will form part of this permit. The plan is to show/include the following:
 - (a) Plans updated to reflect current on site conditions, following civil works that have been carried out as part of the Streamlining Hoddle St project;
 - (b) Surface materials, treatments, fixtures (tactile) and TGSIs (to council satisfaction) ;
 - (c) Location of stormwater drainage pits;
 - (d) Location of the bus stop, post box, light poles, utility cabinets;

- (e) Location of vehicle and pram crossings. Dimensions to be shown on plan;
- (f) Dimensioned footpath clearances, where street furniture or trees encroach on useable footpath space;
- (g) The delineation between public and privately owned land, through the use of alternating surface materials or treatments. Title Boundary shown in different colour or line style;
- (h) Location and clearance distances from laneway/kerbs etc for bicycle hoops; and
- (i) Location of new street trees and on-street parking.

20. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Works Landscape Plan (inclusive of the widening of Hoddle and Stafford Street footpaths) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Streetscape Works Landscape plan will be endorsed and will form part of this permit. The plan is to show/include the following:

- (a) Detailed planting plan showing the location, species, quantity, mature height and spread, of all proposed trees and raised garden bed planting on the ground floor;
- (b) Details including a section through the raised planter beds and tree planting, providing information on height, materials, depth of planting media, irrigation and drainage methods;
- (c) Further information on height and span of the trellis and vertical green system;
- (d) Details on the furniture proposed; and
- (e) Spot levels, including any information on level changes and the top heights of planter beds and furniture.

Section 173 Agreement (widened Hoddle and Stafford Street footpaths)

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

- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the widened Hoddle and Stafford Street footpaths;
- (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 21(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 21 (a).

22. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Transport for Victoria Conditions (23 to 24)

23. The permit holder must take all responsible steps to ensure that disruption to bus operation along Hoddle Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigations must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au

24. The existing bus stop and associated infrastructure on Hoddle Street must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary

works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

VicRoads Condition (No. 25 Only)

25. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Hoddle Street boundary (i.e. canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Hoddle Street reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

Road Infrastructure

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) to accommodate the ground clearance of the B99 design vehicle;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the east-west Right of Way to the north of the subject site, (including the grated pit located inside the Right of Way) must be reconstructed:
 - (a) with the grated pit be converted to a bike safe grate;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the north-south Right of Way to the east of the subject site, must be made good:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Hoddle Street frontage must be reconstructed:
 - (a) with road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement;

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

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Stafford Street frontage must be stripped and re-sheeted:

- (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Stafford Street frontage must be reconstructed with bluestone:

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

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

Section 173 Agreement (Car Share Agreement)

35. Before the building is occupied, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under Section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for one car share vehicle on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years (or for another agreed to period of time, to the satisfaction of the Responsible Authority). The agreement will reflect that any costs associated with ensuring ongoing availability of at least one car share vehicle on site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Car parking

36. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
- (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (c) policing arrangements and formal agreements;
- (d) details of the electric car charging points;
- (e) 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;

- (f) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 7; and
- (g) details regarding the management of loading and unloading of goods and materials.

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

38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

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

to the satisfaction of the Responsible Authority.

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

40. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Green Travel Plan

41. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

- (a) a description of the location in the context of alternative modes of transport;
- (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
- (c) the provision of real time passenger information displays for nearby stops within each lobby;
- (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
- (f) details of bicycle parking and bicycle routes (which do not refer to the footpath at the south as a 'shared path');
- (g) details of GTP funding and management responsibilities;
- (h) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (j) security arrangements to access the employee bicycle storage spaces; and

- (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (l) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

Lighting

43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity,

to the satisfaction of the Responsible Authority.

General

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

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

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

to the satisfaction of the Responsible Authority.

46. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

47. 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.

48. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

49. 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.

50. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or

- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

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

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

During the construction:

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

Time expiry

52. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VicRoads Note:

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

CARRIED

Call for a division

For: Crs McEvoy and Searle

Against: Cr Jolly

1.2 PLN17/0833 - 69-71 Smith Street, Fitzroy - Partial demolition of the existing buildings for the construction of a multi-level building, sale and consumption of liquor and a reduction in the car parking requirement and bicycle parking requirement associated with a restaurant (no permit required for use).

Trim Record Number: D18/149198

Responsible Officer: Senior Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN17/0833) for partial demolition of the existing buildings for the construction of a multi-level building, sale and consumption of liquor and a reduction in the car parking requirement and bicycle parking requirement associated with a restaurant at 69-71 Smith Street, Fitzroy subject to the following conditions:

1. Before the sale and consumption of liquor and the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by George Livissianis, received by Council on 20/03/2018 (Drawings Nos. 01.01-01.06, 02.01.01-02.01.02, 02.02.01-02.02.02, 02.03, 03.01, 03.02 & SCH-00.01) but amended to include:
 - (a) A notation confirming that the door in the northern wall of No. 69 Smith Street will be used as an emergency exit only, with no patron access available at any other time;
 - (b) A solid roof over the western-most section of the ground floor courtyard (not less than 0.5mm thick steel) and the provision of a 1m high barrier above this roof, as shown in the Acoustic Report prepared by Acoustic Logic (dated 07/09/2017 (Revision 2));
 - (c) A roof plan, indicating all proposed areas of roofing, including sections of retractable roofing outlined in Condition (b);
 - (d) Notations confirming that the retractable roof above the ground floor courtyard will be closed at 6pm every day and the retractable roof above the first-floor terrace will be closed at 10pm every day;
 - (e) A notation confirming that the sliding doors to the ground floor courtyard bar will be closed at 10pm every day, except for patron egress;
 - (f) A notation confirming that all windows within the western and southern walls are to be fitted with a minimum of 10.38mm thick laminated glass with acoustic seals, with all windows to be closed after 6pm every day;
 - (g) The provision of timber flooring for No. 71 Smith Street;
 - (h) The removal of paint on the first-floor façade of No. 71 Smith Street. The removal of this paint may only be carried out via chemical peel process and light water spray. No sand blasting or heavy jet sprays may be used, and if repointing is required, mortar in accordance with AS3700 mortar class M2 is to be used, with the colour and aggregate to match the original mortar;

- (i) Provision for five employee bicycle parking spaces within the external ground floor courtyard;
 - (j) Any alterations to the development required by the updated Acoustic Report at Condition 5;
 - (k) Any alterations to the development required by the Landscape Management Plan at Condition 21.
2. The sale and consumption of liquor and 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.

Liquor Licence

3. No more than 225 patrons (overall) are permitted on the land at any time liquor is being sold or consumed, with a maximum of 20 patrons permitted within the ground floor courtyard and a maximum of 15 patrons permitted within the first-floor terrace.
4. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
- (a) Sunday to Thursday 9.00am – 11.00pm
 - (b) Friday and Saturday 9.00am – 1.00am

Acoustic Report

5. Before the sale and consumption of liquor and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 07/09/2017 (Revision 2), but modified to include;
- (a) An Rw specification for any operable barriers or roofs;
 - (b) A minimum surface area for any sound absorption material;
 - (c) Overall barrier heights specified as a minimum level above finished floor level;
 - (d) An acoustic specification provided for the roof of the courtyard bar to ensure that noise from within the bar does not appreciably contribute to overall levels at receiver locations;
 - (e) The installation of a music noise limiter, with this system to be calibrated to ensure that the specified noise levels for SEPP N-2 are not exceeded. This calibration must be undertaken by a qualified acoustic consultant.
6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Noise and Amenity Action Plan

7. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Perry Town Planning and dated March 2018, but modified to include the following;
- (a) The licensed operating hours to be Sunday to Thursday 9.00am – 11.00pm and Friday and Saturday 9.00am – 1.00am;
 - (b) Confirmation that the retractable roof above the first-floor roof terrace will be closed at 10pm every night;

- (c) The collection of waste and recycling will only occur between 7am and 6pm Monday to Saturday;
 - (d) Glass must not be emptied/transferred from one receptacle to another anywhere externally after 6pm or before 7am Monday to Saturday. Outside this time, all glass must be emptied/transferred within the premises and removed in containers;
 - (e) Staff are to be instructed not to drop heavy garbage items/bottles into bins – they should be placed to minimise impact noise; and;
 - (f) Deliveries shall not occur before 7am or after 6pm Monday to Saturday
8. The provisions, recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

9. Before the sale and consumption of liquor commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 17 August 2017 but modified to include the following;
- (a) The collection of waste and recycling will only occur between 7am and 6pm Monday to Saturday;
 - (b) Glass must not be emptied/transferred from one receptacle to another anywhere externally after 6pm or before 7am Monday to Saturday. Outside this time, all glass must be emptied/transferred within the premises and removed in containers;
 - (c) Staff are to be instructed not to drop heavy garbage items/bottles into bins – they should be placed to minimise impact noise.
10. The provisions, recommendation and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

11. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
12. Prior to the commencement of the sale and consumption of liquor, a Noise Limiter must be installed on the land. The Noise Limiter must:
- (a) be set at a level specified by a qualified acoustic engineer;
 - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and
 - (c) be maintained and operated at all times.
- to the satisfaction of the Responsible Authority.
13. The provision of music and entertainment on the land must be at a background noise level.
14. Speakers external to the building must not be erected or used.

15. The sale and consumption of liquor and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
16. The sale and consumption of liquor and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
17. The external emptying of bottles and cans into bins may only occur between 7am and 6pm on Monday to Saturday. At all other times, emptying of all bottles and cans must occur within the premises.
18. The collection of waste and recycling will only occur between 7am and 6pm Monday to Saturday.
19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
20. Delivery and collection of goods to and from the land may only occur between 7am and 6pm Monday to Saturday.

Landscape Plan

21. Before the sale and consumption of liquor and 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; and
 - (c) provide a specification of works to be undertaken prior to planting, to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

Building and works

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the reconstruction of the laneway/footpath immediately outside the property's Little Smith Street frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost,
 - (b) to the satisfaction of the Responsible Authority.
24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

25. 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.
26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

27. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit.
 - (c) the sale and consumption of liquor is not commenced within two years from the date of this permit; or
 - (d) The sale and consumption of liquor is discontinued for a period of two years.

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

Notes:

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

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

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.

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.

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

Submissions

The Applicant addressed the Committee.

The following people also addressed the Committee:

Mr Joe Arcuri;
Ms Helen McDonald;
Ms Claire Taylor;
Mr Justin McKenzie; and
Ms Lucia Clarke.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Jolly

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Refusal to Grant a Permit (PLN17/0833) for partial demolition of the existing buildings for the construction of a multi-level building, sale and consumption of liquor and a reduction in the car parking requirement and bicycle parking requirement associated with a restaurant at 69-71 Smith Street, Fitzroy on the following grounds:

1. The proposal results in unreasonable overshadowing and visual bulk impact to the site to the south.
2. The proposal is located outside the Core Entertainment Precinct.

CARRIED UNANIMOUSLY

1.3 PLN17/1016 - 221 Swan Street Richmond - Full demolition of the existing building and construction of a multi-storey building with roof terraces, display of internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)

Trim Record Number: D18/184836

Responsible Officer: Senior Co-ordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/1016 for full demolition of the existing building and construction of a multi-storey building with roof terraces, display of an internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use), at 221 Swan Street, Richmond, subject to the following conditions:

Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (prepared by YBL Remmus, Job No. 17062, Drawing Nos. TP-05 to TP-12 and TP-21, Rev. No. C, received by Council on 10 July 2018) but modified to show the following:
 - (a) Details depicted on the sketch plans prepared by YBL Remmus received by Council on 12 October 2018, as follows:
 - (i) A vent and duct system running from the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street façade;
 - (ii) Two canopy trees and planters on the second floor, lower level and upper level roof terraces.
 - (b) Clear transparent glazing to the ground floor front façade.
 - (c) The solar PV array on the roof plan in accordance with the commitments in the Sustainable Management Plan (referenced at condition 15 of this planning permit).
 - (d) The notation *"bins to be placed here for Council pick up"* deleted from the ground floor plan.
 - (e) The height of the acoustic barriers to the mechanical plant.
 - (f) The installation of one bicycle hoop on the footpath in accordance with condition 21 and deletion of all plan notations referencing 6 bicycle hoops.
 - (g) All buildings, works and licensed area within the title boundaries of the subject site.
2. The development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Restaurant and Café Liquor Licence

3. The sale and consumption of liquor on the premises must only occur between the hours of 11:00am and 11:00pm, seven days a week.
4. No more than 192 restaurant patrons are permitted on the land at any time liquor is being sold or consumed, and further restricted as follows:
 - (a) From 10pm to 11pm, patron numbers within the lower level roof terrace reduced from 48 to 22.

5. No patrons are permitted within the upper level roof terrace beyond 10:00pm on any night, as per the commitment reference in the correspondence from Metropol Planning Solutions dated 4 July 2018.
6. The predominant activity in the restaurant, at all times, must be the preparation and serving of meals for consumption by patrons on the premises, during the times that liquor is allowed to be sold and consumed under this permit.
7. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons / customers to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
8. Deliveries associated with liquor may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority.

Acoustic Report

9. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Cogent Acoustics and dated 02 July 2018, but modified to include (or show, or address) the following:
 - (a) The evening period SEPP N-1 noise limits (used for the mechanical services noise assessment and patron noise assessment) revert to the zoning levels (based on neutral background levels), making the evening targets 2dBA lower than currently shown in the report.
 - (b) The operator to undertake a full acoustical review of the mechanical plant (by an acoustic consultant) to ensure the final selected equipment and acoustic treatments will be sufficient to ensure SEPP N-1 compliance.
 - (c) The lowest 15 minute background level collected for the day/evening period be used for setting the day/evening period SEPP N-2 noise limits.
 - (d) The provision of electronic noise limiters/compressors on the amplifiers/speakers within the indoor and outdoor dining areas of the venue with setup guided by an acoustic consultant prior to operations commencing.
 - (e) The music levels to have minimal bass content during the SEPP N-2 Night period.
 - (f) The ventilation duct system running along the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street frontage in accordance with the architectural drawings.
 - (g) The setbacks of the mechanical plant acoustic barriers from the boundaries in accordance with the architectural drawings.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The provision of music and entertainment on the land must be at a background noise level.
12. The sound system on the premises must not consist of bass speakers.

Waste Management Plan

13. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 10 January 2018, but modified to include the following:

- (h) The collection times for the bins rather than saying outside of peak hours.
 - (i) How the private collection contractor will avoid double parking in Swan Street during collection.
 - (j) How the private collection contractor will avoid causing delays to trams operating along Swan Street during collection.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

15. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (prepared by Sustainable Development Consultants, dated December 2017) must be implemented and complied with at all times to the satisfaction of the Responsible Authority.
16. Before the building is occupied, a completed JV3 energy modelling report must be prepared by a suitably qualified person and submitted to the Responsible Authority demonstrating that the 10% energy efficiency target committed to in endorsed Sustainable Management Plan will be reached.

Landscaping Plan Required

17. 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) be in accordance with the draft landscape plan prepared by TT Design, dated 01/10/2018 showing two trees and planters on the second floor and lower level and upper level roof terraces, including details of species, size, irrigation method and plant spacing.
18. 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.

Arborist Report

19. Before the development commences, an amended Arborist Report prepared by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Arborist Report will be endorsed and will form part of this permit. The Arborist Report must:
- (a) be in accordance with the draft arborist report prepared by Bluegum, dated 13 February 2018 & 11 October 2018, identifying Trees 6 and 7 consistently throughout the report and showing additional tree protection measures for Tree 7.

Street Trees

20. Before the development starts, the permit holder must provide an Asset Protection Bond of \$2,193.45 (or an amount as agreed with Council's Streetscapes and Natural Values Unit) for the street tree to the Responsible Authority. The bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise, to the satisfaction of the Responsible Authority.

Bicycle hoop provision

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one (1) bicycle hoop must be installed:
- (a) on the footpath, aligned with the awning post of the western adjoining property, between the awning post and the existing parking sign pole;
 - (b) at the permit holder's cost and all costs borne by the permit holder; and
 - (c) in a location and manner, all to the satisfaction of the Responsible Authority.

Sign

22. The location and details of the sign 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.
23. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
24. The sign must not include any flashing or intermittent light.

Construction Management Required

25. 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;

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.

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

General

- 27. The sale and consumption of liquor must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 28. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 29. Emptying of bottles and cans (associated with liquor) into bins may only occur between 7:00am and 10:00pm on any day.
- 30. 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.
- 31. The sale of liquor for consumption on the premises must be managed so that the amenity of the area is not detrimentally affected 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.
- 32. Within two months of the completion of development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 33. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (c) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (d) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (e) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Permit Expiry

34. This permit will expire if:

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

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

35. The signage approved under this permit expires 15 years from the date of the permit.

NOTES:

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

The site is subject to a Heritage Overlay. A planning permit may be required for any external works or advertising signage.

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

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

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

Submissions

Mr Michael Dunn addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Peter Ashton;
Ms Vicky Stratis;
Ms Rhonda Krake; and
Mr Nick Howson.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor McEvoy

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/1016 for full demolition of the existing building and construction of a multi-storey building with roof terraces, display of an internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use), at 221 Swan Street, Richmond, subject to the following conditions:

Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (prepared by YBL Remmus, Job No. 17062, Drawing Nos. TP-05 to TP-12 and TP-21, Rev. No. C, received by Council on 10 July 2018) but modified to show the following:
 - (a) Details depicted on the sketch plans prepared by YBL Remmus received by Council on 12 October 2018, as follows:
 - (i) A vent and duct system running from the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street façade;
 - (ii) Two canopy trees and planters on the second floor, lower level and upper level roof terraces.
 - (b) Clear transparent glazing to the ground floor front façade.
 - (c) The solar PV array on the roof plan in accordance with the commitments in the Sustainable Management Plan (referenced at condition 15 of this planning permit).
 - (d) The notation *"bins to be placed here for Council pick up"* deleted from the ground floor plan.
 - (e) The height of the acoustic barriers to the mechanical plant.
 - (f) The installation of one bicycle hoop on the footpath in accordance with condition 21 and deletion of all plan notations referencing 6 bicycle hoops.
 - (g) All buildings, works and licensed area within the title boundaries of the subject site; and
 - (h) The provision of at least 2 on-site bicycle spaces for staff.
2. The development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Restaurant and Café Liquor Licence

3. The sale and consumption of liquor on the premises must only occur between the hours of 11:00am and 11:00pm, seven days a week.
4. No more than 192 restaurant patrons are permitted on the land at any time liquor is being sold or consumed, and further restricted as follows:
 - (a) From 10pm to 11pm, patron numbers within the lower level roof terrace reduced from 48 to 22.
5. No patrons are permitted within the upper level roof terrace beyond 10:00pm on any night, as per the commitment reference in the correspondence from Metropol Planning Solutions dated 4 July 2018.
6. The predominant activity in the restaurant, at all times, must be the preparation and serving of meals for consumption by patrons on the premises, during the times that liquor is allowed to be sold and consumed under this permit.
7. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons / customers to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
8. Deliveries associated with liquor may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority.

Acoustic Report

9. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Cogent Acoustics and dated 02 July 2018, but modified to include (or show, or address) the following:
 - (a) The evening period SEPP N-1 noise limits (used for the mechanical services noise assessment and patron noise assessment) revert to the zoning levels (based on neutral background levels), making the evening targets 2dBA lower than currently shown in the report.
 - (b) The operator to undertake a full acoustical review of the mechanical plant (by an acoustic consultant) to ensure the final selected equipment and acoustic treatments will be sufficient to ensure SEPP N-1 compliance.
 - (c) The lowest 15 minute background level collected for the day/evening period be used for setting the day/evening period SEPP N-2 noise limits.
 - (d) The provision of electronic noise limiters/compressors on the amplifiers/speakers within the indoor and outdoor dining areas of the venue with setup guided by an acoustic consultant prior to operations commencing.
 - (e) The music levels to have minimal bass content during the SEPP N-2 Night period.
 - (f) The ventilation duct system running along the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street frontage in accordance with the architectural drawings.
 - (g) The setbacks of the mechanical plant acoustic barriers from the boundaries in accordance with the architectural drawings.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The provision of music and entertainment on the land must be at a background noise level.
12. The sound system on the premises must not consist of bass speakers.

Waste Management Plan

13. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 10 January 2018, but modified to include the following:
 - (h) The collection times for the bins rather than saying outside of peak hours.
 - (i) How the private collection contractor will avoid double parking in Swan Street during collection.
 - (j) How the private collection contractor will avoid causing delays to trams operating along Swan Street during collection.
 - (k) An organic waste collection or a composting system.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

15. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (prepared by Sustainable Development Consultants, dated December 2017) must be implemented and complied with at all times to the satisfaction of the Responsible Authority.
16. Before the building is occupied, a completed JV3 energy modelling report must be prepared by a suitably qualified person and submitted to the Responsible Authority demonstrating that the 10% energy efficiency target committed to in endorsed Sustainable Management Plan will be reached.

Landscaping Plan Required

17. 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) be in accordance with the draft landscape plan prepared by TT Design, dated 01/10/2018 showing two trees and planters on the second floor and lower level and upper level roof terraces, including details of species, size, irrigation method and plant spacing.
18. 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.

Arborist Report

19. Before the development commences, an amended Arborist Report prepared by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Arborist Report will be endorsed and will form part of this permit. The Arborist Report must:
 - (a) be in accordance with the draft arborist report prepared by Bluegum, dated 13 February 2018 & 11 October 2018, identifying Trees 6 and 7 consistently throughout the report and showing additional tree protection measures for Tree 7.

Street Trees

20. Before the development starts, the permit holder must provide an Asset Protection Bond of \$2,193.45 (or an amount as agreed with Council's Streetscapes and Natural Values Unit) for the street tree to the Responsible Authority. The bond:
 - (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise, to the satisfaction of the Responsible Authority.

Bicycle hoop provision

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one (1) bicycle hoop must be installed:
 - (a) on the footpath, aligned with the awning post of the western adjoining property, between the awning post and the existing parking sign pole;
 - (b) at the permit holder's cost and all costs borne by the permit holder; and
 - (c) in a location and manner, all to the satisfaction of the Responsible Authority.

Sign

22. The location and details of the sign 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.
23. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
24. The sign must not include any flashing or intermittent light.

Construction Management Required

25. 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;

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.

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

General

27. The sale and consumption of liquor must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
28. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
29. Emptying of bottles and cans (associated with liquor) into bins may only occur between 7:00am and 10:00pm on any day.
30. 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.
31. The sale of liquor for consumption on the premises must be managed so that the amenity of the area is not detrimentally affected 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.
32. Within two months of the completion of development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
33. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (c) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (d) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (e) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Permit Expiry

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

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

35. The signage approved under this permit expires 15 years from the date of the permit.

NOTES:

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

The site is subject to a Heritage Overlay. A planning permit may be required for any external works or advertising signage.

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

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

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

CARRIED

-
- 1.4 PLN17/0276 – 262-264 Bridge Road, Richmond – Demolition of the existing building, construction of a part three and part four storey building plus roof terraces (including a shop canopy over a Road Zone, Category 1) containing a shop and five dwellings, removal of easements and a reduction of the car parking and visitor bicycle parking requirements.**
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Trim Record Number: D18/178018

Responsible Officer: Senior Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for demolition of the existing building, construction of a multi-storey building (including a canopy over a Road Zone, Category 1), removal of easements and a reduction of the car parking and visitor bicycle parking requirements at 262-264 Bridge Road, Richmond generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by MC² Architects Pty Ltd, Issue No. TP7, dated 22.08.2018, but modified to show:
 - (a) Level 2 to Dwelling 5 deleted.
 - (b) The projecting element along the northern perimeter of Roof Terrace 3 as shown on the east and west elevations deleted.
 - (c) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the roof terrace of Dwelling 5 into the secluded private open space areas and habitable room windows within 9 metres. Any additional measures used to achieve compliance are to be shown.
 - (d) Detailed diagrams demonstrating compliance with Clause 55.04-7 Internal Views (Standard B23) between:
 - (i) The roof terraces of Dwellings 3, 4 and 5; and
 - (ii) The balconies of Dwellings 1 and 2.
 Any additional measures used to achieve compliance are to be shown.
 - (e) The eastern and western elevations updated to show the staggered floor to ceiling height between level 2 and 3 in accordance with the ‘Part Section’ shown on TP-13A.
 - (f) The garage door widths dimensioned.
 - (g) Mailboxes located adjacent to residential entrances.
 - (h) A complete schedule of colours and finishes specifying:
 - (i) The colours and finishes to the operable shading over west facing windows and the projecting stairwell shafts;
 - (ii) Material 5 to be nominated as colorbond or zinc, not both.
 All materials selected are to blend in with the overall development to the satisfaction of the Responsible Authority.
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.

Sustainable Design Assessment

3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by MC² Energy Consultants and dated 25/05/2018, but updated to reflect the amended development plans received on 27/08/2018, to the satisfaction of the Responsible Authority.
4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

5. 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) Noise impacts from the surrounding non-residential uses (vehicles, trams and commercial premises) and the proposed ground floor tenancy to the proposed dwelling uses within the development.

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

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

Waste Management Plan

7. Before the 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.

Road Infrastructure

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
10. All redundant property drains must be removed and reinstated to Council's satisfaction and at the Permit Holder's cost.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Tullo Place frontage must be reconstructed:

- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
13. The public light directly facing the development (on the west side of Tullo Place) should be provided with baffling or shielding to minimise light spilling into the habitable windows of the development. The supply and installation of any baffling or shielding is to be funded by the Permit Holder.
14. 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.

General

15. 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.
16. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
17. 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.
18. 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.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating 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.

VicRoads Condition (Condition 20)

20. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Bridge Road street boundary (i.e. canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Bridge Road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

Construction Management

21. 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 detailed dilapidation report to detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties;
 - (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;

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.

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

23. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any assets necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
24. 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.
25. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

Permit Expiry

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

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

Notes:

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

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

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.

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.

Under the provisions of the *Building Regulations* 2006 (Reg. 310), a Report and Consent of a service authority is required to construct a building over an easement vested in that service authority. In this case, City West Water is the relevant authority vested in the easement at the subject site and not Council.

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

It is proposed to relocate the existing speed limit sign on the east side of Tullo Place. Before authorisation can be granted to relocate the sign, the applicant/land owner must consult with VicRoads and Council's Traffic unit.

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

VicRoads Note:

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

Submissions

The Applicant addressed the Committee.

The following people also addressed the Committee:

Ms Janet McFarland;
Ms Suzette Ng;
Mr Jarryd Hood;
Ms Zoe Cramond;
Mr Damien Ellul; and
Ms Anna Mckindlay.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor McEvoy

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for demolition of the existing building, construction of a multi-storey building (including a canopy over a Road Zone, Category 1), removal of easements and a reduction of the car parking and visitor bicycle parking requirements at 262-264 Bridge Road, Richmond generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by MC² Architects Pty Ltd, Issue No. TP7, dated 22.08.2018, but modified to show:
 - (a) Level 2 to Dwelling 5 deleted.
 - (b) The projecting element along the northern perimeter of Roof Terrace 3 as shown on the east and west elevations deleted.
 - (c) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the roof terrace of Dwelling 5 into the secluded private open space areas and habitable room windows within 9 metres. Any additional measures used to achieve compliance are to be shown.
 - (d) Detailed diagrams demonstrating compliance with Clause 55.04-7 Internal Views (Standard B23) between:
 - (i) The roof terraces of Dwellings 3, 4 and 5; and

- (ii) The balconies of Dwellings 1 and 2.

Any additional measures used to achieve compliance are to be shown.

- (e) The eastern and western elevations updated to show the staggered floor to ceiling height between level 2 and 3 in accordance with the 'Part Section' shown on TP-13A.
- (f) The garage door widths dimensioned.
- (g) Mailboxes located adjacent to residential entrances.
- (h) A complete schedule of colours and finishes specifying:
 - (i) The colours and finishes to the operable shading over west facing windows and the projecting stairwell shafts;
 - (ii) Material 5 to be nominated as colorbond or zinc, not both.

All materials selected are to blend in with the overall development to the satisfaction of the Responsible Authority.

- (i) Any alterations to the development required by the Sustainable Design Assessment at Condition 3.

- (i) Any alterations to the development required by the Waste Management Plan at Condition 7.

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.

Sustainable Design Assessment

3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by MC² Energy Consultants and dated 25/05/2018, but updated to:

- (a) reflect the amended development plans received on 27/08/2018,
 - (b) include solar panels on the roof of the building (the solar panels are to be appropriately screened);
 - (c) include the provision of EV charging points within each garage; and
 - (d) provision of bicycle parking on-site for Dwellings 1 and 2.
- to the satisfaction of the Responsible Authority.

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

Acoustic Report

5. 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) Noise impacts from the surrounding non-residential uses (vehicles, trams and commercial premises) and the proposed ground floor tenancy to the proposed dwelling uses within the development.

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

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

Waste Management Plan

7. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must address organic waste collection or composting on site. 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.

Road Infrastructure

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
10. All redundant property drains must be removed and reinstated to Council's satisfaction and at the Permit Holder's cost.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Tullo Place frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
13. The public light directly facing the development (on the west side of Tullo Place) should be provided with baffling or shielding to minimise light spilling into the habitable windows of the development. The supply and installation of any baffling or shielding is to be funded by the Permit Holder.
14. 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.

General

- 15. 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.
- 16. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
- 17. 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.
- 18. 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.
- 19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating 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.

VicRoads Condition (Condition 20)

- 20. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Bridge Road street boundary (i.e. canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Bridge Road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

Construction Management

- 21. 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 detailed dilapidation report to detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties;
 - (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;

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.

- 22. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 23. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any assets necessary to facilitate the development must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 24. 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.
- 25. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

Permit Expiry

- 26. This permit will expire if:

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

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

Notes:

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

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

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.

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.

Under the provisions of the *Building Regulations* 2006 (Reg. 310), a Report and Consent of a service authority is required to construct a building over an easement vested in that service authority. In this case, City West Water is the relevant authority vested in the easement at the subject site and not Council.

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

It is proposed to relocate the existing speed limit sign on the east side of Tullo Place. Before authorisation can be granted to relocate the sign, the applicant/land owner must consult with VicRoads and Council's Traffic unit.

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

VicRoads Note:

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

CARRIED

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- 1.5 PLN18/0239 - 12 - 20 Victoria Crescent Abbotsford - Use and development of the land for the construction of two office buildings (six and nine storeys in height, hours of operation 8am to 6pm Monday to Friday, 1200 staff) with two ground floor food and drinks premises (maximum 100 patrons and hours of operation 7am to 6pm, seven days per week), a reduction in car parking requirements and part demolition.**
-

Trim Record Number: D18/200886

Responsible Officer: Manager Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0239 for the use and development of the land for the construction of two office buildings with two ground floor food and drinks premises, a reduction in car parking requirements and part demolition at 12 – 20 Victoria Crescent, Abbotsford, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Fieldwork projects received by Council on 9 July 2018 but modified to show:
 - (a) an additional setback (approximately between 1.5m and 1.6m) along the western boundary which widens Little Nicholson Street to a minimum width of 6.5m and provides a minimum ground clearance height of 4.7m;
 - (b) a minimum 4.5m setback from the centreline of Little Nicholson Street and the southern laneway from the fifth floor (TP215) and above of Building 2;
 - (c) deletion of the vehicle access from Victoria Crescent (including the ramp) and replaced with an enlarged shared forecourt area (to include, but not limited to, tree planting/landscaping, additional bike space provision and expansion of sitting zones) in the south-eastern corner of the site;
 - (d) deletion of all mezzanine level car parking spaces (with the mezzanine car parking area to either be deleted or replaced with non-net floor area uses);
 - (e) relocate deleted office floor area resultant from Condition 1(b) to the first floor of Building 1 facing Victoria Crescent in lieu of car parking with a corresponding amendment to floor to ceiling clearances;
 - (f) reduction in the car parking provision rate to be no more than 1 space per 100sqm of net office floor area;
 - (g) a more visually permeable material used for the front façade of the first floor of Building 1 and revised soffit and boundary treatments to the forecourt entry;
 - (h) the original and proposed treatment of the vermiculated pilasters and parapet consoles;
 - (i) the provision of a plaque detailing the history of the subject site and use. The plaque must be interpreted in a public area and the details of any text, photographs and the like must be submitted for approval by the Responsible Authority;
 - (j) the southern elevation including the vehicle entry and details regarding the ramp along the southern laneway;
 - (k) the doorway entry off the southern laneway dimensioned;
 - (l) the provision of convex mirrors on the eastern side of the access way to the southern laneway;
 - (m) the provision of sightline diagrams to confirm if an exiting motorist is able to view the access of No. 20-30 Mollison Street, and if not, a CCTV camera and monitor is to be provided;

- (i) in a location within the vehicle entrance that is visible to drivers exiting the car park;
 - (ii) with a view of the junction of the Right of Way/Little Nicholson Street/the access point of 20-30 Mollison Street; and
 - (iii) in accordance with the Car Parking Management Plan required by condition 40;
 - (n) dimensions of headroom clearances, first floor regular car parking spaces and accessible spaces on the first floor;
 - (o) dimensions for column depths and column setbacks to satisfy Diagram 1 Clearance to car parking spaces in Clause 52.06-9;
 - (p) dimensions of clearances to walls dimensioned, with these to be no less than 300mm;
 - (q) the dimension of each ramp grade length;
 - (r) deletion of the bike space shown in the end-of-trip-facilities mezzanine level (clerical error on plan);
 - (s) grades of all ramps between the cyclist entrance, and bicycle storage compound no steeper than 1:12;
 - (t) the best practice provision of visitor bicycle spaces at a rate of one space per 500sqm of office floor area with:
 - (i) all visitor spaces provided as horizontal-at-ground-level spaces.
 - (ii) visitor spaces provided in publically accessible locations, with convenient access to building entrances, lift shafts, etc; and
 - (iii) access ways and storage spaces designed to comply with AS2890.3
 - (u) notations indicating which employee bicycle spaces are horizontal, at-grade spaces and which spaces are hanging spaces, with at least 20% of these provided as horizontal-at-ground-level spaces;
 - (v) detail of the end-of-trip facilities with at least 14 showers/change rooms or notations added indicating the end-of-trip facilities will include at least 14 showers/change rooms;
 - (w) one locker provided per employee bicycle space;
 - (x) any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans);
 - (y) any requirement of the endorsed Waste Management Plan (condition 12) (where relevant to show on plans);
 - (z) any requirement of the endorsed Acoustic Report (condition 15) (where relevant to show on plans);
 - (aa) any requirement of the endorsed Landscape Plan report (condition 17) (where relevant to show on plans);
 - (bb) any requirement of the endorsed Wind Report (condition 23) (where relevant to show on plans); and
 - (cc) any requirement of the endorsed Conservation Management Plan (condition 25) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, Fieldwork Projects Pty Ltd 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.

Road Discontinuance

4. Prior to the commencement of works, the 'road' (Lot 1 on TP383523N) as shown on Title plan No. 377740P and 395171B associated with the land must be discontinued and form part of the subject site.

Office Use

5. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the hours of 8am to 6pm, seven days per week.
6. Except with the prior written consent of the Responsible Authority, no more than 1200 staff are permitted on the land at any one time.

Food and drinks premises (café) Use

7. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) use authorised by this permit may only operate between the hours of 7am and 6pm, seven days per week.
8. Except with the prior written consent of the Responsible Authority, no more than 100 patrons are permitted on the land at any one time (with each tenancy having a maximum of 50 patrons).

Sustainable Management Plan

9. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Intrax (26 July 2018) but modified to include or show:
 - (a) A completed JV3 energy modelling report, or equivalent, demonstrating 10% improvement in thermal energy efficiency of the building shell and at least 40% reduction in greenhouse gas emissions;
 - (b) Include the type and efficiency standard of the hot water system in the JV3 energy modelling report;
 - (c) Ensure that the WMP has sufficient spaces allocated to recycling and all waste streams;
 - (d) An independent commissioning agent.
 - (e) A solar PV array to contribute to onsite electricity demands.
 - (f) Provision of a composting system.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP Implementation Report

11. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Waste Management Plan

12. Before the development commences, an amended Waste Management Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit.

The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design (dated 26 July 2018), but modified to include:

- (a) waste collection from within the development and collected by a private contractor;
 - (b) detail how e-waste will be separated and disposed of accordingly; and
 - (c) a bin room with sufficient size to allow for circulation.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
14. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic report

15. 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) Compliance of the plant and equipment and vehicle entrance door operation with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1).

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

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

Landscape Plan

17. 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 include:
- (a) Provision of an enlarged shared forecourt area (to include, but not limited to, tree planting/landscaping, additional bike space provision and expansion of sitting zones) in the south-eastern corner of the site;
 - (b) A planting plan;
 - (c) The substitution of *Lonicera japonica* Japanese Honeysuckle (environmental weed in Victoria) with another substitute plant;
 - (d) Details of tree anchoring or stabilisation for the rooftop tree;
 - (e) A plant schedule with botanical and common name, mature height and spread, installation size, spacing, location and quantities;
 - (f) Further details of the proposed planters/garden beds/climbing structures – height (including all dimensions), materials, depth and type of planting media, irrigation (confirm if rainwater is to be collected for re-use) and drainage;
 - (g) The materiality of the proposed spaces;

- (h) Detail the design (including the provision of detailed sections) and layout of the common area, planters/garden beds and ground level planting areas;
- (i) Details or descriptive notes for the landscape materials e.g. the seating or paving;
- (j) Provide a specification of works to be undertaken prior to planting;
- (k) Further detail on any sustainable treatments and water harvesting methods; and
- (l) Plant/planting maintenance schedules and requirements both long and short term.

to the satisfaction of the Responsible Authority.

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

to the satisfaction of the Responsible Authority.

Street Trees

19. Before the development commences, the permit holder must make a one off contribution of \$1752.42 (costs are adjusted to current CPI and are exclusive of GST) to the Responsible Authority to be used for:
- (a) the cost of supply, planting and establishment maintenance of one new street tree (Plane Tree) that are required as a result of the development to be planted in the road reserve of Victoria Crescent;
20. Before the development starts, the permit holder must provide a security bond of \$30,000 for the 3 x London Plane Trees (*Platanus x acerifolia*) in the Victoria Crescent road reserve to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

Tree Management Plan

21. Before the development commences, a Tree Management Plan prepared to the satisfaction of the Responsible Authority and by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of the permit. The Tree Management Plan must make recommendations for:
- (a) the protection of 3 x London Plane Trees (*Platanus x acerifolia*) in the Victoria Crescent road reserve:

- (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
- (b) the provision of any barriers;
- (c) any pruning necessary; and
- (d) watering and maintenance regimes,
- all to the satisfaction of the Responsible Authority.

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

Wind

23. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit. The Wind Assessment Report must include a wind tunnel model study of the environmental wind conditions which must explore the wind conditions of the terraces and whether additional mitigation treatments are required to satisfy the relevant criteria.
24. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Conservation Management Plan

25. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
- (e) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
 - (i) The existing front façade, roof and return walls as shown in the decision plans dated 9 July 2018, including sections to how the thickness of architectural elements;
 - (ii) The proposed reconstruction, restoration or works to the existing façade, and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
 - (iii) the retention of any original painted signage;
 - (f) A written description of the demolition and construction methods to be used.
26. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Archival Record

27. Prior to any demolition an archival photographic survey must be undertaken in accord with Heritage Victoria's Technical Note Photographic Recording for Heritage Places and Objects and a copy lodged in the Collingwood library.

https://www.heritage.vic.gov.au/data/assets/pdf_file/0015/61521/Photographic_Recording_Tech_Note.pdf

Widening of Little Nicholson Street

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the section of Little Nicholson Street between the subject site's northern and southern boundaries must be widened and reconstructed for the full length of the subject site's eastern boundary:
 - (a) and must include the following works:
 - (i) drainage along this section of roadway reconstructed;
 - (ii) full-depth pavement;
 - (b) at no cost to the Responsible Authority;
 - (c) to the satisfaction of the Responsible Authority.
29. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
 - (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the widened section of Little Nicholson Street between Mollison Street and the subject site's northern boundary;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition X(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 X(a).
30. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Road Infrastructure

31. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the site's vehicular entrance, showing the internal slab; the existing bluestone invert; the lip of the bluestone channel, and the existing road profile of the Unnamed Laneway. It must be demonstrated that the accessway slab and the Unnamed Laneway profile will not result in cars scraping or bottoming out. The plans submitted to Council must be accurately drawn, showing actual reduced levels of the invert and profile of the Unnamed Laneway. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.
32. 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.

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant property drains must be removed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement of Victoria Crescent (from centre line of road to west kerb line) along the property frontage must be profiled and re-sheeted:
 - (a) with any isolated areas of pavement failure requiring full depth road pavement reconstruction;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Victoria Crescent road frontage must be reconstructed:
 - (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Victoria Crescent road frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the laneway abutting the southern boundary of the site must be reconstructed:
 - (a) maintained and designed for a B99 design vehicle;
 - (b) with all metal plates within the laneway removed;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Car parking

40. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
 - (a) the location and operation of the CCTV camera and monitor required by Condition 1(m) and details of how it will provide adequate views of the access of No. 20-30 Mollison Street;
 - (b) the number of car parking spaces allocated to each tenancy and that each space is allocated;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) policing arrangements and formal agreements;
 - (e) details of the electric car charging points;
 - (f) 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;
 - (g) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 12; and
 - (h) details regarding the management of loading and unloading of goods and materials.
41. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
44. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Green Travel Plan

45. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
 - (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;

- (e) details of bicycle parking and bicycle routes (which do not refer to the footpath at the south as a 'shared path');
- (f) details of GTP funding and management responsibilities;
- (g) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (i) security arrangements to access the employee bicycle storage spaces; and
- (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (k) reference to EV charging points within the car park and provision of electrical infrastructure for future expanded provision; and
- (l) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

Lighting

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

General

48. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
49. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
50. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
52. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

53. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
54. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

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

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

During the construction:

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

Time expiry

56. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant is to liaise with Citipower regarding the relocation of the light pole (20764) to accommodate the new vehicle crossing. All cost for the relocation will be at the applicant's cost.

The applicant is to liaise with the relevant Service Authority in relation to the relocation of the substation.

The applicant is to liaise with the relevant Service Authority in relation to the relocation of the gas pipe and valves.

Overhead power lines run along the west side of Victoria Crescent, close to the property boundary.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website:

<http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

Submissions

Mr Hugh McKenzie and Mr Kino Holland addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Michael Roof;

Ms Judy Pile; and

Ms Carla Thompson.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor McEvoy

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0239 for the use and development of the land for the construction of two office buildings with two ground floor food and drinks premises, a reduction in car parking requirements and part demolition at 12 – 20 Victoria Crescent, Abbotsford, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Fieldwork projects received by Council on 9 July 2018 but modified to show:
 - (a) an additional setback (approximately between 1.5m and 1.6m) along the western boundary which widens Little Nicholson Street to a minimum width of 6.5m and provides a minimum ground clearance height of 4.7m;
 - (b) a minimum 4.5m setback from the centreline of Little Nicholson Street and the southern laneway from the fifth floor (TP215) and above of Building 2;
 - (c) deletion of the vehicle access from Victoria Crescent (including the ramp) and replaced with an enlarged shared forecourt area (to include, but not limited to, tree planting/landscaping, additional bike space provision and expansion of sitting zones) in the south-eastern corner of the site;
 - (d) deletion of all mezzanine level car parking spaces (with the mezzanine car parking area to either be deleted or replaced with non-net floor area uses);
 - (e) relocate deleted office floor area resultant from Condition 1(b) to the first floor of Building 1 facing Victoria Crescent in lieu of car parking with a corresponding amendment to floor to ceiling clearances;
 - (f) reduction in the car parking provision rate to be no more than 1 space per 100sqm of net office floor area;
 - (g) a more visually permeable material used for the front façade of the first floor of Building 1 and revised soffit and boundary treatments to the forecourt entry;
 - (h) the original and proposed treatment of the vermiculated pilasters and parapet consoles;
 - (i) the provision of a plaque detailing the history of the subject site and use. The plaque must be interpreted in a public area and the details of any text, photographs and the like must be submitted for approval by the Responsible Authority;
 - (j) the southern elevation including the vehicle entry and details regarding the ramp along the southern laneway;
 - (k) the doorway entry off the southern laneway dimensioned;
 - (l) the provision of convex mirrors on the eastern side of the access way to the southern laneway;
 - (m) the provision of sightline diagrams to confirm if an exiting motorist is able to view the access of No. 20-30 Mollison Street, and if not, a CCTV camera and monitor is to be provided:
 - (i) in a location within the vehicle entrance that is visible to drivers exiting the car park;
 - (ii) with a view of the junction of the Right of Way/Little Nicholson Street/the access point of 20-30 Mollison Street; and
 - (iii) in accordance with the Car Parking Management Plan required by condition 40;
 - (n) dimensions of headroom clearances, first floor regular car parking spaces and accessible spaces on the first floor;
 - (o) dimensions for column depths and column setbacks to satisfy Diagram 1 Clearance to car parking spaces in Clause 52.06-9;

- (p) dimensions of clearances to walls dimensioned, with these to be no less than 300mm;
 - (q) the dimension of each ramp grade length;
 - (r) deletion of the bike space shown in the end-of-trip-facilities mezzanine level (clerical error on plan);
 - (s) grades of all ramps between the cyclist entrance, and bicycle storage compound no steeper than 1:12;
 - (t) the best practice provision of visitor bicycle spaces at a rate of one space per 500sqm of office floor area with:
 - (i) all visitor spaces provided as horizontal-at-ground-level spaces.
 - (ii) visitor spaces provided in publically accessible locations, with convenient access to building entrances, lift shafts, etc; and
 - (iii) access ways and storage spaces designed to comply with AS2890.3
 - (u) notations indicating which employee bicycle spaces are horizontal, at-grade spaces and which spaces are hanging spaces, with at least 20% of these provided as horizontal-at-ground-level spaces;
 - (v) detail of the end-of-trip facilities with at least 14 showers/change rooms or notations added indicating the end-of-trip facilities will include at least 14 showers/change rooms;
 - (w) one locker provided per employee bicycle space;
 - (x) any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans);
 - (y) any requirement of the endorsed Waste Management Plan (condition 12) (where relevant to show on plans);
 - (z) any requirement of the endorsed Acoustic Report (condition 15) (where relevant to show on plans);
 - (aa) any requirement of the endorsed Landscape Plan report (condition 17) (where relevant to show on plans);
 - (bb) any requirement of the endorsed Wind Report (condition 23) (where relevant to show on plans);
 - (cc) any requirement of the endorsed Conservation Management Plan (condition 25) (where relevant to show on plans).
 - (dd) deletion of one level from the rear building; and
 - (ee) a minimum 40A single phase electrical sub circuit installed in the car parking levels for electric vehicle charging.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. As part of the ongoing consultant team, Fieldwork Projects Pty Ltd 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.

Road Discontinuance

4. Prior to the commencement of works, the 'road' (Lot 1 on TP383523N) as shown on Title plan No. 377740P and 395171B associated with the land must be discontinued and form part of the subject site.

Office Use

5. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the hours of 8am to 6pm, seven days per week.

6. Except with the prior written consent of the Responsible Authority, no more than 1200 staff are permitted on the land at any one time.

Food and drinks premises (café) Use

7. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) use authorised by this permit may only operate between the hours of 7am and 6pm, seven days per week.
8. Except with the prior written consent of the Responsible Authority, no more than 100 patrons are permitted on the land at any one time (with each tenancy having a maximum of 50 patrons).

Sustainable Management Plan

9. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Intrax (26 July 2018) but modified to include or show:
 - (a) A completed JV3 energy modelling report, or equivalent, demonstrating 10% improvement in thermal energy efficiency of the building shell and at least 40% reduction in greenhouse gas emissions;
 - (b) Include the type and efficiency standard of the hot water system in the JV3 energy modelling report;
 - (c) Ensure that the WMP has sufficient spaces allocated to recycling and all waste streams;
 - (d) An independent commissioning agent.
 - (e) A solar PV array to contribute to onsite electricity demands.
 - (f) Provision of a composting system.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP Implementation Report

11. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Waste Management Plan

12. Before the development commences, an amended Waste Management Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design (dated 26 July 2018), but modified to include:
 - (a) waste collection from within the development and collected by a private contractor;
 - (b) detail how e-waste will be separated and disposed of accordingly;
 - (c) a bin room with sufficient size to allow for circulation; and

(d) an organic waste collection or a composting system.

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

Acoustic report

15. 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) Compliance of the plant and equipment and vehicle entrance door operation with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1).

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

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

Landscape Plan

17. 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 include:
 - (a) Provision of an enlarged shared forecourt area (to include, but not limited to, tree planting/landscaping, additional bike space provision and expansion of sitting zones) in the south-eastern corner of the site;
 - (b) A planting plan;
 - (c) The substitution of *Lonicera japonica* Japanese Honeysuckle (environmental weed in Victoria) with another substitute plant;
 - (d) Details of tree anchoring or stabilisation for the rooftop tree;
 - (e) A plant schedule with botanical and common name, mature height and spread, installation size, spacing, location and quantities;
 - (f) Further details of the proposed planters/garden beds/climbing structures – height (including all dimensions), materials, depth and type of planting media, irrigation (confirm if rainwater is to be collected for re-use) and drainage;
 - (g) The materiality of the proposed spaces;
 - (h) Detail the design (including the provision of detailed sections) and layout of the common area, planters/garden beds and ground level planting areas;
 - (i) Details or descriptive notes for the landscape materials e.g. the seating or paving;

- (j) Provide a specification of works to be undertaken prior to planting;
- (k) Further detail on any sustainable treatments and water harvesting methods; and
- (l) Plant/planting maintenance schedules and requirements both long and short term.

to the satisfaction of the Responsible Authority.

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

to the satisfaction of the Responsible Authority.

Street Trees

19. Before the development commences, the permit holder must make a one off contribution of \$1752.42 (costs are adjusted to current CPI and are exclusive of GST) to the Responsible Authority to be used for:
- (a) the cost of supply, planting and establishment maintenance of one new street tree (Plane Tree) that are required as a result of the development to be planted in the road reserve of Victoria Crescent;
20. Before the development starts, the permit holder must provide a security bond of \$30,000 for the 3 x London Plane Trees (*Platanus x acerifolia*) in the Victoria Crescent road reserve to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

Tree Management Plan

21. Before the development commences, a Tree Management Plan prepared to the satisfaction of the Responsible Authority and by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of the permit. The Tree Management Plan must make recommendations for:
- (a) the protection of 3 x London Plane Trees (*Platanus x acerifolia*) in the Victoria Crescent road reserve:
 - (i) pre-construction;
 - (ii) during construction; and

- (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- all to the satisfaction of the Responsible Authority.
22. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented thereafter to the satisfaction of the Responsible Authority.

Wind

23. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit. The Wind Assessment Report must include a wind tunnel model study of the environmental wind conditions which must explore the wind conditions of the terraces and whether additional mitigation treatments are required to satisfy the relevant criteria.
24. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Conservation Management Plan

25. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
- (e) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
 - (i) The existing front façade, roof and return walls as shown in the decision plans dated 9 July 2018, including sections to show the thickness of architectural elements;
 - (ii) The proposed reconstruction, restoration or works to the existing façade, and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
 - (iii) the retention of any original painted signage;
 - (f) A written description of the demolition and construction methods to be used.
26. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Archival Record

27. Prior to any demolition an archival photographic survey must be undertaken in accord with Heritage Victoria's Technical Note Photographic Recording for Heritage Places and Objects and a copy lodged in the Collingwood library. https://www.heritage.vic.gov.au/_data/assets/pdf_file/0015/61521/Photographic_Recording_Tech_Note.pdf

Widening of Little Nicholson Street

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the section of Little Nicholson Street between the subject site's northern and southern boundaries must be widened and reconstructed for the full length of the subject site's eastern boundary:
- (a) and must include the following works:
 - (i) drainage along this section of roadway reconstructed;
 - (ii) full-depth pavement;
 - (b) at no cost to the Responsible Authority;
 - (c) to the satisfaction of the Responsible Authority.
29. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the widened section of Little Nicholson Street between the subject site's northern boundary and southern title boundaries;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 29(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 29(a).
30. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Road Infrastructure

31. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the site's vehicular entrance, showing the internal slab; the existing bluestone invert; the lip of the bluestone channel, and the existing road profile of the Unnamed Laneway. It must be demonstrated that the accessway slab and the Unnamed Laneway profile will not result in cars scraping or bottoming out. The plans submitted to Council must be accurately drawn, showing actual reduced levels of the invert and profile of the Unnamed Laneway. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.
32. 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.

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant property drains must be removed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement of Victoria Crescent (from centre line of road to west kerb line) along the property frontage must be profiled and re-sheeted:
 - (a) with any isolated areas of pavement failure requiring full depth road pavement reconstruction;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Victoria Crescent road frontage must be reconstructed:
 - (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Victoria Crescent road frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the laneway abutting the southern boundary of the site must be reconstructed:
 - (a) maintained and designed for a B99 design vehicle;
 - (b) with all metal plates within the laneway removed;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Car parking

40. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
 - (a) the location and operation of the CCTV camera and monitor required by Condition 1(m) and details of how it will provide adequate views of the access of No. 20-30 Mollison Street;
 - (b) the number of car parking spaces allocated to each tenancy and that each space is allocated;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) policing arrangements and formal agreements;
 - (e) details of the electric car charging points;
 - (f) 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;
 - (g) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 12; and
 - (h) details regarding the management of loading and unloading of goods and materials.
41. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
44. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Green Travel Plan

45. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
 - (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;

- (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
- (e) details of bicycle parking and bicycle routes (which do not refer to the footpath at the south as a 'shared path');
- (f) details of GTP funding and management responsibilities;
- (g) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (i) security arrangements to access the employee bicycle storage spaces; and
- (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (k) reference to EV charging points within the car park and provision of electrical infrastructure for future expanded provision;
- (l) provisions for the Green Travel Plan to be updated not less than every 5 years; and
- (mm) the provision of real time passenger information displays for nearby stops within the entry lobby.

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

Lighting

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

General

48. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
49. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
50. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

52. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
53. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
54. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

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

- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008.
The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
- (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

Time expiry

56. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant is to liaise with Citipower regarding the relocation of the light pole (20764) to accommodate the new vehicle crossing. All cost for the relocation will be at the applicant's cost.

The applicant is to liaise with the relevant Service Authority in relation to the relocation of the substation.

The applicant is to liaise with the relevant Service Authority in relation to the relocation of the gas pipe and valves.

Overhead power lines run along the west side of Victoria Crescent, close to the property boundary.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website:

<http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

CARRIED UNANIMOUSLY

1.6 PLN17/0251 - 1090-1092 Lygon Street, North Carlton - Demolition of the existing building (walk-up-flats) to allow for the construction of eight dwellings.

Trim Record Number: D18/193901

Responsible Officer: Senior Co-ordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0251 for the demolition of the existing building and the development of the land with eight dwellings at 1090 – 1092 Lygon Street North Carlton subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans received by Council on 26 July 2017 but modified to show the following:
 - (a) Design changes shown on the “amended plans” submitted to Council on 24 October 2018, including:
 - (i) The deletion of the ground floor store room and the first floor kitchen pantry (Unit 1);
 - (ii) The setbacks from the northern boundary increased to between 2.9m and 3.64m at the first floor and to between 1.95m and 3.64m at the second floor;
 - (iii) The setbacks from the southern boundary increased to between 1.47m and 2m at the first floor and to between 1.66m and 2.92m at the second floor; and
 - (iv) The adoption of a minimum setback of 879mm from the eastern (rear) boundary at the first and second floors (Unit 8).
 - (b) Demolition plan to include all fencing;
 - (c) A clearly delineated footpath / line of travel for pedestrians within the shared driveway achieved with a variation in surface material and / or colour;
 - (d) The garage doorway widths dimensioned and the finished floor levels along the edge of the slab of the driveway set 40mm above the edge of the laneway;
 - (e) All Melbourne Water requirements (Conditions 7 to 11 of this permit), including the floor levels in accordance with Melbourne Water’s conditions at 8 and 9 with no increase to the overall building height, vehicle access or vehicle manoeuvrability on site ;
 - (f) Plan notations confirming that the storm water collected on site will be used for irrigation and the flushing of toilets within the development;
 - (g) Details to demonstrate that overlooking is limited (i.e. the louvered screens to be no more than 25% transparent), in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme;
 - (h) Provision of screens between the balconies in accordance with Clause 55.04-7 (Internal views) of the Yarra Planning Scheme;
 - (i) The provision of lighting to the primary pedestrian entrance and under-croft entrances of each dwelling including garages, appropriately shielded and of limited intensity so as to avoid any light spillage into existing adjoining properties;
 - (j) All site services including meters (to be designed and integrated into the development where possible);
 - (k) A landscape plan that includes irrigation methods to ensure the survival of all plants within the front and side setbacks;
 - (l) Any changes to implement recommendations of the Sustainable Management Plan under condition 11;

- (m) An updated schedule of all external materials and finishes showing the materials colour, finish and application methods of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences (the materials of all front fencing and level of transparency in accordance with Melbourne Water's condition 10 and a lighter colour palette at the second floor of Unit 1).
- (n) Further design changes required by any other condition of this permit.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
- 3. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
- 6. 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.

Melbourne Water's Conditions 7 - 11

- 7. Amended plans must be submitted to Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and finished floor levels to Australian Height Datum (AHD).
- 8. The dwellings must be constructed with finished floor levels a minimum of 400 mm above natural ground surface level.
- 9. The garages must be constructed with finished floor levels a minimum of 250 mm above natural ground surface level.
- 10. Open style fencing (e.g. paling fences) will allow the free passage of flood flows through the fence, and thereby preventing floodwaters backing up behind solid structures which can increase flood levels on neighbouring properties. More resilient brick and steel fences may increase upstream flood levels, if not provided with a means to allow the passage of floodwaters. Any new front boundary fences or gates must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.
- 11. No fill is permitted outside of the proposed dwelling envelope with the exception of achieving minimal ramping into proposed garages.

Environmentally Sustainable Design Principles (SMP)

- 12. Before the plans are endorsed, 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 include the details in the Sustainable Management Plan prepared by Rachael Stefanis dated July 2017 and must include:

- (a) reference to the modified development as required by Condition 1 (a);
- (b) reference to the provision of adjustable shading devices to the east, west and north facing windows;
- (c) provision of double glazing to all windows;
- (d) the adoption of either gas boosted solar hot water or high efficiency electric pumps and solar PV arrays to each dwelling;
- (e) confirmation that the development will achieve a minimum average NaTHERS rating of 6.3 Stars;
- (f) operable windows described as "Natural Ventilation" in lieu of "Mechanical Ventilation"; and
- (g) Inclusion of a STORM report ensuring compliance with the Best Practice Standards outlined in Clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)* and Clause 22.17 – *Environmentally Sustainable Design*.

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

Lighting

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian entries and ground level car parking area must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity.

to the satisfaction of the Responsible Authority.

General Parking Areas

15. 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;
 - (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.

all to the satisfaction of the Responsible Authority.

Council Infrastructure

16. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the footpath at the front of the property if required by Council):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

17. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Waste Management

18. Before the plans are endorsed, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by David Fairbairn Consulting Engineer dated 15th June 2017 but modified to include:
 - (a) Reference to the modified development as required by all Condition 1 requirements of this permit.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction

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

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
21. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 22. Noise emissions from plant and equipment must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (including but not limited to SEPP N-1).
 23. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
 24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-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;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
 25. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

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.

Public lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements*.

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

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

Submissions

The Applicant, Mr Mat Ryan addressed the Committee.

The following people also addressed the Committee:

Ms Patricia Wales;
Mr Simon Walker;
Ms Sandra Turich; and
Mr Ewan Brown.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Jolly

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0251 for the demolition of the existing building and the development of the land with eight dwellings at 1090 – 1092 Lygon Street North Carlton subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans received by Council on 26 July 2017 but modified to show the following:

- (a) Design changes shown on the “amended plans” submitted to Council on 24 October 2018, including:
 - (i) The deletion of the ground floor store room and the first floor kitchen pantry (Unit 1);
 - (ii) The setbacks from the northern boundary increased to between 2.9m and 3.64m at the first floor and to between 1.95m and 3.64m at the second floor;
 - (iii) The setbacks from the southern boundary increased to between 1.47m and 2m at the first floor and to between 1.66m and 2.92m at the second floor; and
 - (iv) The adoption of a minimum setback of 879mm from the eastern (rear) boundary at the first and second floors (Unit 8).
- (b) Demolition plan to include all fencing;
- (c) A clearly delineated footpath / line of travel for pedestrians within the shared driveway achieved with a variation in surface material and / or colour;
- (d) The garage doorway widths dimensioned and the finished floor levels along the edge of the slab of the driveway set 40mm above the edge of the laneway;
- (e) All Melbourne Water requirements (Conditions 7 to 11 of this permit), including the floor levels in accordance with Melbourne Water’s conditions at 8 and 9 with no increase to the overall building height, vehicle access or vehicle manoeuvrability on site ;
- (f) Plan notations confirming that the storm water collected on site will be used for irrigation and the flushing of toilets within the development;
- (g) Details to demonstrate that overlooking is limited (i.e. the louvered screens to be no more than 25% transparent), in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme;
- (h) Provision of screens between the balconies in accordance with Clause 55.04-7 (Internal views) of the Yarra Planning Scheme;
- (i) The provision of lighting to the primary pedestrian entrance and under-croft entrances of each dwelling including garages, appropriately shielded and of limited intensity so as to avoid any light spillage into existing adjoining properties;
- (j) All site services including meters (to be designed and integrated into the development where possible);
- (k) A landscape plan that includes irrigation methods to ensure the survival of all plants within the front and side setbacks;
- (l) Any changes to implement recommendations of the Sustainable Management Plan under condition 12;
- (m) An updated schedule of all external materials and finishes showing the materials colour, finish and application methods of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences (the materials of all front fencing and level of transparency in accordance with Melbourne Water’s condition 10 and a lighter colour palette at the second floor of Unit 1).
- (n) Further design changes required by any other condition of this permit.
- (o) Deletion of the south-facing kitchen window at first floor of Unit 8.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
- 3. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
6. 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.

Melbourne Water's Conditions 7 - 11

7. Amended plans must be submitted to Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and finished floor levels to Australian Height Datum (AHD).
8. The dwellings must be constructed with finished floor levels a minimum of 400 mm above natural ground surface level.
9. The garages must be constructed with finished floor levels a minimum of 250 mm above natural ground surface level.
10. Open style fencing (e.g. paling fences) will allow the free passage of flood flows through the fence, and thereby preventing floodwaters backing up behind solid structures which can increase flood levels on neighbouring properties. More resilient brick and steel fences may increase upstream flood levels, if not provided with a means to allow the passage of floodwaters. Any new front boundary fences or gates must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.
11. No fill is permitted outside of the proposed dwelling envelope with the exception of achieving minimal ramping into proposed garages.

Environmentally Sustainable Design Principles (SMP)

12. Before the plans are endorsed, 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 include the details in the Sustainable Management Plan prepared by Rachael Stefanis dated July 2017 and must include:
 - (a) reference to the modified development as required by Condition 1 (a);
 - (b) reference to the provision of adjustable shading devices to the east, west and north facing windows;
 - (c) provision of double glazing to all windows;
 - (d) the adoption of either gas boosted solar hot water or high efficiency electric pumps and solar PV arrays to each dwelling;
 - (e) confirmation that the development will achieve a minimum average NaTHERS rating of 6.3 Stars;
 - (f) operable windows described as "Natural Ventilation" in lieu of "Mechanical Ventilation";
 - (g) Inclusion of a STORM report ensuring compliance with the Best Practice Standards outlined in Clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)* and Clause 22.17 – *Environmentally Sustainable Design*;
 - (h) EV charging points in the garages of each dwelling; and
 - (i) One bicycle space per dwelling.

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

Lighting

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian entries and ground level car parking area must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity.

to the satisfaction of the Responsible Authority.

General Parking Areas

15. 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;
 - (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.

all to the satisfaction of the Responsible Authority.

Council Infrastructure

16. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the footpath at the front of the property if required by Council):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

17. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Waste Management

18. Before the plans are endorsed, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by David Fairbairn Consulting Engineer dated 15th June 2017 but modified to include:

- (a) Reference to the modified development as required by all Condition 1 requirements of this permit.

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

Construction

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

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

- (iv) fitting pneumatic tools with an effective silencer;
- (v) other relevant considerations; and

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
21. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
22. Noise emissions from plant and equipment must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (including but not limited to SEPP N-1).
23. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
24. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-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;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
25. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

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

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

Public lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements*.

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

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

CARRIED UNANIMOUSLY

-
- 1.7 **271 Bridge Road, 208, 224,228,230 and 238 Church Street, 42 and 46 Cameron Street and 25 and 37 - 39 Bank Street, Richmond - PLN11/0834.02 - Section 72 Amendment to the endorsed plans and permit conditions including: incorporating the approved development for 42 Cameron Street (PLN14/0314) into the permit, amendments to the plans to including modifications to the internal uses and layouts and exterior changes in height and design and increase in car parking, motorcycle and bike parking provision.**
-

Trim Record Number: D18/186609

Responsible Officer: Manager Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN11/0834 for land at:

271 Bridge Road, 208, 224, 228, 230 and 238 Church Street, **42 and** 46 Cameron Street and 25 and 37 – 39 Bank Street Richmond.

with the following preamble:

Demolition, buildings and works, use of the land for dwellings, shop, restricted recreation facility, food and drinks premises, ~~restaurant~~, office, childcare centre, use of part of the land for the sale and consumption of liquor, reduction in car parking requirements and use northern part of land for loading/unloading bay and waste collection.

and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the ~~advertised plans (received by Council on 22 November 2014)~~ **decision plans prepared by SJB Architects, received by Council on 11 and 19 July 2018** but modified to show:

Building Design

Podium

- (a) details of the material along the west title boundary (adjacent to Ark) at ground and first floor level;
- (b) all canopies and architectural projections along Church Street and Bridge Road to be setback a minimum 750mm from the back of the kerb;
- (c) **details of all lobby entrances including lighting and glazing to ensure good visibility in to the residential lobbies;**
- (d) **setback of the western car park edge at levels 1 & 2 to be increased to align with those currently endorsed being ranging between 3.98 – 4.5m**

Bridge Road Tower [Building A]

- (e) **details of the operable screens proposed for the upper levels**
- (f) **basement car park to be contained within the subject sites title boundaries**

Building C

- (g) a reduction in the parapet height (to apartment C6.01) as it presents to Church Street and for the first section of the return from 1.6m to approximately 300mm as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.
- (h) At level 3 details of location of porous screen of 2m high tree as required by the wind assessment;
- (i) Details of doors to loading and parking area (Cameron Street)

Building D

- (j) setback apartments D6.03 and D6.04 an additional 2 metres from the western boundary or rake or an alternative measure to reduce visual bulk.

Building E

- (k) Plans and elevations to clearly show location of doors and windows

Building Materials

- (l) an updated schedule of all materials and finishes (including materials samples, colours coloured elevations and perspectives). The schedule must show the materials, colour, finish and application methods (where relevant) of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences and must include:
 - (i) thumb nail sketches of key elements of the façade of each building
 - (ii) material treatment of Building A lift core to be patterned concrete to both the south and west elevations.
 - (iii) Building A upper levels to be treated with a patterned mesh in a light colour as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.
 - (iv) Building B design resolution to be as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.
 - (v) Building C Church Street podium façade levels 1 & 2 to replicate façade detailing (brick) of the remainder of the façade in a white or light grey colour
 - (vi) Ground floor building C wall adjacent to lobby and substation to be a patterned brick wall in a black or dark colour.
 - (vii) Details of the grey mesh proposed on the Church Street podium
 - (viii) Details of materials proposed for the ground floor of building D;
 - (ix) Details of car park / loading bay doors
 - (x) include details of graffiti proof coating to be applied to the ground floor interfaces of the buildings;

Landscape

- (m) updated landscape plans generally in accordance with the Landscape Concepts (~~November 2014~~ **February 2018**) prepared by **MemLa** to the satisfaction of the Responsible Authority must be prepared by a suitably qualified permit. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (i) the location of all areas to be covered by lawn or other surface materials;
 - (ii) the location of any permanent structures, furniture, public seating or other facilities;
 - (iii) all public area footpaths, steps, ramps and crossings to comply with DDA – Tactile indicators, nosing's and handrails where necessary;

- (iv) grades of all ramps shown on plan;
- (v) grades of all footpaths shown on plan;
- (vi) details of raised planters to courtyards to be confirmed (height, construction and tree planting details);
- (vii) location and type of water tank for irrigation;
- (viii) detailed planting plan with plant schedule (common and botanical plant names, density, quantities, size at planting and maturity height;
- (ix) details of street furniture, including bench seats and street tree planters;
- (x) existing and proposed levels including top wall and fence heights (where relevant);
- (xi) details of the installation methodology for the green wall to the car parking area, including planting and initial establishment requirements and details of the proposed maintenance regime to ensure the integrity of the green wall over its operation life, including plant replacement, irrigation and fertilisation and guidelines for monitoring;
- (xii) ongoing maintenance and management details of all publically accessible spaces;
- (xiii) a detailed lighting plan for all publically accessible areas including private, communal and the public laneways ensuring lighting is baffled to minimise light spill;
- (xiv) a schedule of 'way finding' signage;
- (xv) additional soft landscaping including planting details to assist in the delineation between the pedestrian and loading/waste management sections of the Bank Street square;
- (xvi) dimensioned cross sections and internal elevations detailing the interior of the laneways, access ways and Bank Street square;
- (xvii) **deletion of *Quercus Rubra* Red Oak from Podium Level 3 plan and replace with a smaller tree**
- (xviii) **fencing details for Podium Level 3**
- (xix) **use of stormwater or grey water for irrigation of planters**
- (xx) **the ground floor plan to show locations of all existing street trees to be removed and retained and any protection works required**
- (xxi) **show a physical separation between moving traffic and the food and drinks premises seating in the form of temporary barriers such as (but not limited top) planter boxes on wheels in the western most laneway between the laneway and the 'trade out area';**
- (xxii) **the relaying or new blue stone within Council's land with need to meet Council' design standards.**
- (xxiii) **The provision of 2 Street tree plantings along, Cameron Street and Bank Street in consultation with Council.**
- (xxiv) **Landscape images and plans to match the schematic plans prepared by SJB Architecture dated 26 October.**
- (xxv) **Additional landscape facilities including toilets, sinks, BBQ to be added to the communal terrace at level 3.**

Acoustic

- (n) all works recommended in the report of the professional acoustic engineer referred to in condition **14**;

Environmentally Sustainable Design Principles

- (o) all works recommended in the ESD report referred to in condition **17**;

Wind Assessment

- (p) all works recommended in the wind assessment report referred to in condition **20**;

Bicycle Parking

- (q) a minimum 7 public bicycle share spaces;
- (r) **width of the bike ramps increased to 1.5m with ramp grades to be as close to 1:12 as possible in general compliance with AS2890.3**
- (s) **increased bike provision to 410 spaces with 103 spaces allocated for visitor parking to be located with the basement and in the laneway access spaces (Bridge Road) without hindering vehicular access.**
- (t) **20% of residential /staff spaces to be provided as horizontal at ground level spaces.**

Car Parking

- (u) **Dimensions shown for parallel parking spaces at the south west corner of the Basement car spaces (9, 10 and 11) and the parallel parking spaces in Podium level 01 car spaces (5, 120 and 133);**
- (v) **Column locations to be in accordance with AS2890.1:2004;**
- (w) **Installation of appropriate signage and / or line marking /ground stencilling be installed at the location where one way aisles meet two way aisles.**
- (x) **Wayfinding signage for both drivers and cyclist to and from parking areas and entry/exit points;**
- (y) **Priority line marking within the basement and podium car parking levels at all conflict points**
- (z) **Appropriate pedestrian crossing signage be provided at each formal pedestrian crossing;**
- (aa) **Location of speed humps at the approaches to pedestrian crossings if required;**

Loading and Waste

- (bb) all works recommended in the waste management plan referred to in condition 74- **75**;

General

- (cc) **internal layout of apartments to comply with the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.**
- (dd) location of the proposed water tank with a minimum capacity of 100,000 litres;
- (ee) **all plans to be drawn within title boundaries (excluding architectural features, canopies and awnings) and to be fully dimensioned;**
- (ff) a full set of all elevations and cross-sections including full internal elevations of all buildings and public spaces (including laneways) **fully dimensioned with setbacks and heights of all buildings**;
- (gg) **Plans and elevations to clearly show location of doors and windows for both commercial and residential uses and all habitable rooms having openable windows;**
- (hh) **Where overlooking opportunities can be provided within a 9m radius and 45 degree arc from a habitable room window or private open space into another habitable room or private open space on or off site, the following must be applied:**
 - (i) **Minimum 1.7m fixed obscure glazing;**
 - (ii) **Minimum 1.7 high, maximum 25% transparent screens; or**
 - (iii) **Other method(s) to the satisfaction of the Responsible Authority.**
- (ii) all publically accessible areas to be shown as referred to in condition 22;
- (jj) deletion of all reference to business identification signage;
- (kk) location of all mailboxes;

- (ll) a demolition plan clearly detailing all structures and surfaces to be demolished within the portion of the site affected by the Heritage Overlay;
- (mm) all internal corridors in the apartment buildings to have a minimum width of 1.5m with an indentation at each entrance of up to 100mm to articulate dwelling entries;
- (nn) details and provision of an average of 4 cubic metres of storage for each dwelling;
- (oo) provision of an internal signage plan detailing indicative signage to guide residents, employees, visitors and the public to communal open spaces, commercial facilities, car parking areas, bicycle parking areas with priority given to pedestrian and cyclist wayfinding;
- (pp) all feature paving and in ground lighting proposed is to be contained within the site title boundaries;
- (qq) a minimum of ~~5~~ **33%** of the dwellings to be shown as including internal layout supporting adaptation for persons with limited mobility **based on the schematic apartment layout plans prepared by SJB Architects dated 26 October 2018.**

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.

Ongoing Involvement of the Architect

- 4. As part of the ongoing consultant team SJB Architects must be retained to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans during the construction unless with the prior written approval of the Responsible Authority.

Cameron/Church Street Intersection

- 5. Within six months of the development commencing, the design of the proposed works to the Cameron Street road reserve at the intersection with Church Street must be prepared by an independent and suitably qualified professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must be submitted to and approved by the Responsible Authority. The design of the works must provide details of how the road reserve will be treated to enable:
 - a) the creation of separate right turn and left turn exit lanes, while retaining a single entry lane;
 - b) the removal of the two kerb extensions;
 - c) reinstatement of road pavement;
 - d) the re-setting of stones within the existing bluestone threshold treatment, demonstrating the threshold treatment is robust to accommodate vehicle loadings and repetitive movements, ensuring that stones are not dislodged;
 - e) removal of street trees (as necessary);
 - f) installation of no stopping (all times) restrictions on the south side of Cameron Street (including the loss of three on street car parking spaces) all between the subject sites access points and Church Street;
 - g) removal of parking restrictions (as necessary); and
 - h) and any other works required.

Details must include, but are not to be limited to, all dimensions, existing reduced levels, proposed kerb levels, surface treatments, line marking, kerb, channel and footpath works, positions and details of all signs (existing and proposed), accurate locations of any stormwater pits and underground services.

6. Before any use commences on site and prior to the issue of a certificate of occupancy, all works associated with provision of the Cameron/Church Street intersection works as set out in condition 6 must be undertaken and completed at the cost of the permit holder to the satisfaction of the Responsible Authority.

Environmental Audit

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

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

8. If, pursuant to condition 7, a Statement is issued:
 - (a) *the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;*
 - (b) *the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions)*
 - (c) *before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.*
 - (d) *if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:*
 - (i) *provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and*
 - (ii) *be executed before the sensitive use for which the land is being developed commences; and*
 - (e) *the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).*
9. Any ongoing groundwater management and abatement of groundwater contamination must be in accordance with all requirements of any Clean Up Notice issued by the Environment Protection Authority (EPA) under section 62A of the *Environment Protection Act 1970*, or any other relevant written notice or direction issued by the Environment Protection Authority, to the satisfaction of the Environment Protection Authority.
10. 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.

11. 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.
12. Prior to the occupation of dwellings and commencement of the childcare centre use a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, 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.
13. 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*.

Acoustic Treatments

14. Before the development commences (excluding demolition and excavation), an updated acoustic report generally in accordance with the Watson Moss Growcott report dated December 2017 **and the Acoustic Logic report dated 9 July 2018** must be submitted to and approved by the Responsible Authority. Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must be prepared by a suitably qualified acoustic engineer and include:
 - (a) an assessment of how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
 - (i) protect all dwelling occupants from external noise sources from Bridge Road and Church Street including details of glazing types;
 - (ii) protect dwelling occupants with a specific interface to commercial tenancies above, next to or below from associated commercial noise sources including but not limited to loading (including reversing beepers), waste collection, plant and equipment and gym;
 - (iii) protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development;
 - (iv) protect all dwelling occupants and nearby occupants with a direct interface with the loading areas and car park; and
 - (v) protect all dwellings within Building A from noise generated from use of the bin chutes.
 - (b) details of acoustic treatment of the rooftop terrace fronting Bridge Road (westernmost above the second floor café) to limit noise emanating from the site to not exceed 48dB(A) when measure at the nearest residential dwelling at night time under the SEPP- N1 methodology;
 - (c) an assessment of how the requirements of State Environment Protection Policy N-2 and relevant Australian Standards will be met including music noise from gym, cafes/restaurant etc.;
 - (d) specific details of acoustic attenuation (not just preliminary recommendations), including but not limited to mechanical services equipment, the gym/yoga centre and the child care centre; and
 - (e) the façade of the Gym and yoga studio designed such that noise breakout from the facility will comply with the relevant noise limits at the nearest noise sensitive receivers (existing and future). (Noting that the Revision 10 design features the Gym and Yoga Studio entrance across the hall from the entry doors of apartments B-0-14 and B-0-13, therefore this may require an airlock to the Gym and Yoga Studio entry door.)
 - (f) **Include 42 Cameron Street into the assessment and review any interface issues between the fresh food truck store and dwellings DG.02, D.104 and D.203;**
 - (g) **Address the modified loading area.**

15. On the completion of any works required by the endorsed Acoustic report (condition 15) above and before the residential use commences, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:
 - (a) confirm compliance with condition **14** of the permit; and
 - (b) provide measurement data taken from inside the dwellings of the development, demonstrating compliance with State Environment Protection Policy N-1 (indoor noise limits), however allowing internal noise measurements to be taken with openable external façade sections close.
16. The recommendations and any works contained in the approved acoustic reports pursuant to conditions **14 and 15** must be implemented and completed and where they are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design Principles

17. Before the plans are endorsed, an amended Environmentally Sustainable Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The Report must be generally in accordance with the report ~~261—271 Bridge Road Sustainability Management Plan (September 2011)~~ **Sustainability Management Plan for Coles Richmond Plaza (April 2018)** prepared by Cundall but modified to address the following:
 - (a) **the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.**
 - (b) **An updated daylight modelling report reflective of the layout changes;**
 - (c) confirmation that door / window locks are to be provided to all balcony doors and windows so that they can be fixed/locked into position such that they can provide a secure opening for night purging;
 - (d) inclusion of a daylight modelling report that confirms that albeit the use of tinted glazing a daylight factor of at least 1.5 per cent is met for **75% of the** living areas across at least 80 per cent of dwellings;
 - (e) confirmation that the development will achieve at least 10 per cent or half a star (whichever is greater) above BCA minimum standards;
 - (f) details of insulation and sealing of penetrations between air-conditioned and unair-conditioned areas through the provision of seals to the loading dock area;
 - (g) incorporation where viable, solar boosted gas hot-water; and confirm the use of dimmable lighting systems;
 - (h) confirmation that a 100,000 litre water tank is sufficient to service watering of landscaping and flushing of retail tenancy toilets;
 - (i) confirmation the number and location of toilets that will be serviced by rainwater rather than mains water;
 - (j) natural ventilation to residential corridors, in consultation with the wind assessment required by condition **XX**;
 - (k) provision for future electric vehicle and bicycle charging points; and
 - (l) provision for all electric vehicle charging stations to be powered by Green power.
18. The dwellings must achieve a minimum average of 6.5 star rating under first rate (BCA standards).
19. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment

20. **The provisions, recommendations and requirements of the endorsed Wind Impact Assessment prepared by Vipac dated 10 April 2018 must be complied with and implemented to the satisfaction of the Responsible Authority.**

Accessibility Plan

21. Before the plans are endorsed, an accessibility plan must be submitted to and approved by the Responsible Authority and must be generally in accordance with the access plan shown on page 88 of the **original** urban context report submitted with the application. Once approved, the accessibility plan will be endorsed and will then form part of the permit. The plan must show:
- (a) areas within the development that are proposed to have 24 hour access including but not limited to:
 - (i) western laneway accessed from Bridge Road;
 - (ii) part eastern laneway accessed from Bridge Road;
 - (iii) public square accessed from Bank Street;
 - (iv) existing lane extending south from Cameron Street;
 - (v) civic space adjacent to Church Street;
 - (vi) residential lobby adjacent to Church Street; and
 - (b) areas within the development that are proposed to have access during the centre operating hours.
22. Unfettered public access at all times must be maintained through areas nominated under condition **21**(a).

Affordable Housing

23. Unless with the prior written consent of the Responsible Authority, provision of at least 13 apartments which meet the definition of 'affordable housing' to be managed by an accredited Housing Association. In the event that no agreement can be reached with a Housing Association, evidence of this must be submitted to the Responsible Authority for consideration.

Car and Bicycle Share

24. Before the development is occupied, a minimum of three car share vehicles and seven bicycle share facilities must be provided on the land. This must be by way of arrangement with a car share/bicycle share operator and/or the future Owners Corporation. The car share vehicles and the bicycle share facilities must be provided on the land for a minimum period of 10 years, to the satisfaction of the Responsible Authority. Any costs associated with ensuring on-going availability of the car share vehicles and the bicycle share facilities on the land must be borne by the Owners Corporation.

Green Travel Plan [GTP]

25. Prior to the occupation of the development, 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) **Updated to reflect the new bicycle space allocation**

- (b) the provision of a minimum three car share vehicles on site within close proximity to the vehicle entrance and located to the satisfaction of the Responsible Authority;
- (c) the provision of electric charging stations in locations to the satisfaction of the Responsible Authority;
- (d) describe the location in the context of alternative modes of transport;
- (e) the provision of real time passenger information displays for nearby stops within each residential lobby and outside the Church street kiosk;
- (f) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
- (g) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (h) details of bicycle parking and bicycle routes;
- (i) details of car share and bicycle share schemes (including any discounts for residents/tenants and electric car charging points);
- (j) details of GTP funding and management responsibilities; and
- (k) include provisions to be updated not less than every five years.

Developer Contribution

26. Prior to the commencement of the development, the permit holder must pay a bank guarantee to the value of \$40,000 to the City of Yarra for future public transport improvements to Bridge Road and/or Church Street in the immediate vicinity of the site. The bank guarantee may be drawn down by Council and used for proposed works by either Yarra Trams, Department of Transport or VicRoads to carry out public transport improvements (e.g. increased tram capacity) in the immediate vicinity of the site along Bridge Road and/or Church Street, Richmond, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the transport improvement works are not commenced by the relevant authorities, prior to the occupation of the final stage of the development.

Loading General

27. Unless with the prior written consent of the Responsible Authority, no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time.

Loading and Waste Management – Cameron Street Loading Dock

28. All loading and unloading for the supermarket (including all commercial garbage and recycling collection) must be carried out within the confines of the designated Cameron Street loading dock (Cameron Street).
29. All loading dock deliveries and commercial garbage and recycling collection must be to the satisfaction of the Responsible Authority. During all loading and unloading activities, truck/vehicle motors must be turned off.
30. All truck/vehicles using the Cameron Street loading dock must enter and exit the site in a forward motion.
31. All delivery and collection of goods at the Cameron Street loading dock associated with the supermarket are restricted to the following hours and number of deliveries:

Day	Time Period	Maximum Number of Delivery Vehicles per 30 minutes
All Days (Monday to Sunday)	7.00 am – 6.00 pm	2

All Days (Monday to Sunday)	6.00 pm – 10.00 pm	1
Weekday (Monday to Friday)	5.00 am – 7.00 am	2
Saturday	5.00 am – 7.00 am	1
Sunday	5.00 am – 7.00 am	No vehicles

32. No more than a maximum of 30 deliveries/collection of goods to occur from the Cameron Street loading dock per day.

Loading and Waste Management – Bank Street Loading Dock

33. Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
- (a) 7.00 am and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday
34. Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Loading and Waste Management – Church Street Loading Dock

35. Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
- (a) 7.00 and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday.
36. Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Transport Management Plan

37. Prior to the commencement of the development, a Transport Management Plan prepared by a suitably qualified professional to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Transport Management Plan will be endorsed and will then form part of the permit. The Transport Management Plan must address the following:

General

- (a) **A review of directional line marking and control methods with the car park areas addressing safety for vehicle, bikes and pedestrians.**
- (b) an internal signage plan distinguishing permanent parking areas (resident and commercial) from visitor parking areas, and car share programme parking areas, directional arrows and signage, information signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc.;
- (c) management system of trolley bay area's to ensure appropriate measures are in place for collection and storage;
- (d) security arrangements;
- (e) location of all real time travel information signs to be installed within the development;
- (f) right turn only between 10.00 pm – 7.00 am into Cameron Street from the site;

Car Parking

- (g) residential car parking must be allocated such that 80% of all dwellings are allocated one car parking space. All two-bedroom dwellings must be provided with one on-site car parking space **and all three – bedroom dwellings must be provided with an average of 1.5 on site car parking spaces.** This allocation of car spaces may be varied with the written consent of the Responsible Authority;
- (h) other car parking must be allocated as follows:
 - (i) ~~32~~ **23** staff car parking spaces (shop, childcare, gym, yoga etc)
 - (ii) ~~24~~ **40** office car parking spaces;
 - (iii) ~~270~~ **237** retail/public car parking spaces (inclusive of staff):
 - including eight 'parking for parents with prams' spaces located in basement 1; and
 - three car share parking spaces located in basement 1;
 - **four spaces allocated to drop off - pick up for the childcare centre**
- (i) a minimum of ~~23~~ **52** motorcycle parking bays;
- (j) a minimum of three car spaces for car share programme in locations to the satisfaction of the Responsible Authority;
- (k) management details of the car share programme provided;
- (l) the proposed parking fee structure, including shopper incentives for short term parking and details of ticketing systems, including any requirements for boom gates etc;
- (m) management of queuing at the entry and exit points of the car park during peak times to comply with Table 3.3 of the Australian Standards for Off - Street Car Parking AS/NZS2890.1 (2004);

Bicycle Spaces

- (n) a minimum of ~~333~~ **410** on site bicycle parking spaces:
 - (i) ~~499~~ **307** resident spaces;
 - (ii) ~~134~~ **103** visitor spaces; and
 - (iii) seven bike share spaces provided along the Church Street frontage;
- (o) a mechanism to review the car parking and bicycle spaces to either re-allocate the spaces if demand warrants so, or provide more spaces if the opportunity arises. This may include future Owners Corporation review/input;
- (p) management details of the bike share programme provided;

Loading and Deliveries and Waste

- (q) no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time;
- (r) details regarding the management of loading and unloading of goods and materials for commercial and residential uses to the Bank Street loading area all in compliance with any other condition(s) of this permit;
- (s) the provision of spotter to assist truck vehicles reversing into the loading/unloading (public square) area to Bank Street or any other measures to ensure public safety to the satisfaction of the Responsible Authority;
- (t) management of separate pedestrian and loading bay areas in the Bank Street public square;
- (u) confirmation commercial deliveries (except for supermarket) and loading will only occur within section of the public square in the land in plan of consolidation 105419 and how this will be managed; and
- (v) details regarding the management of loading and unloading of goods and materials for the supermarket including frequency, times, truck sizes all in compliance with any other condition(s) of this permit.

38. Except with the further consent of the Responsible Authority, the management of the car park must, at all times, comply with the approved Transport Management Plan.

Car Parking, Crossovers and Footpaths

39. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
- (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
 - (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
- all to the satisfaction on the Responsible Authority.
40. Any redundant vehicle crossings must be broken out and reinstated with paving, kerb and channel of the surrounding area. The cost of these reinstatement works must be borne by the Permit Holder.
41. 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.
42. Footpaths adjacent to the development site (along Bank Street, Cameron Street, Church Street and Bridge Road) must be reconstructed to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.
43. All vehicle crossings must be constructed in accordance with City of Yarra Standard Drawings and Specifications;
44. 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;
45. All 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;
46. **At no cost to Council, any in-ground parking sensors surrounding the subject site that are required to be removed as part of the works approved by this development must be removed and or relocated/reinstated in consultation with and to the satisfaction of the Responsible Authority.**
47. **Before the development commences (excluding demolition and excavation), detailed design drawings must be prepared by a suitably qualified person and to the satisfaction of the Responsible Authority addressing all civil and road infrastructure works associated with the development. Once approved, the plans will be endorsed and will then form part of the permit. Before the development is completed, all works shown on the endorsed plans must be carried out and completed and at no cost and to the satisfaction of the Responsible Authority**

Childcare Centre

48. Unless with the prior written consent of the Responsible Authority, no more than 40 places may be offered in the childcare centre at any time.
49. Unless with the prior written consent of the Responsible Authority, the childcare centre may only operate between 6.00 am to 6.00 pm Monday to Sunday.

Restricted Recreation Facility (Gym)

50. Unless with the prior written consent of the Responsible Authority, no more than 60 patrons and six staff may be present in the gym at any time.
51. Unless with the prior written consent of the Responsible Authority, the gym may only operate between:
 - (a) 6.00 am to 10.00 pm Monday to Friday; and
 - (b) 6.00 am to 10.00 pm Saturday and Sunday.

Restricted Recreation Facility (Yoga studio)

52. Unless with the prior written consent of the Responsible Authority, no more than 25 patrons and five staff may be present in the yoga studio at any time.
53. Unless with the prior written consent of the Responsible Authority, the yoga studio may only operate between:
 - (a) 6.00 am to 10.00 pm Monday to Friday; and
 - (b) 6.00 am to 10.00 pm Saturday and Sunday.

Bottle Shop

54. Unless with the prior written consent of the Responsible Authority, the sale of liquor hereby permitted may only be offered between 9.00 am – 11.00 pm Monday to Sunday.
55. During all hours in which the business is 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 of alcohol on the site.
56. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been 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").
57. The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
58. 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 use hereby authorised.

Operations Management Plan

59. Before any of the development is occupied, an Operations Management Plan prepared by an appropriately qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operations Management Plan must address the following:
 - (a) access arrangements to the tenancies;

- (b) internal signage;
- (c) security arrangements;
- (d) servicing arrangements; and
- (e) complaint resolution mechanisms.

Community Services Plan

60. Prior to the commencement of the uses hereby permitted, a community services plans 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 then form part of the permit. The plan must address:
- (a) implementation and management of the plaza to enable the opportunity for community events to be coordinated between council and the centre free of charge each year, including display spaces etc.;
 - (b) installation of real time information on public transport services and programs; and
 - (c) that the centre will be invested with wireless technology to the public lanes and spaces ensuring these areas support local commerce and contemporary e-commerce, community information and social networking.

General Amenity

61. Alarms associated with the commercial premises must be directly connected to a security service and must not produce noise beyond the premises.
62. The amenity of the area, particularly the Yarra River Corridor, must not be detrimentally affected by the use or development, 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.
63. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
64. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1 to the satisfaction of the Responsible Authority.
65. 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. N2.

Landscaping

66. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
67. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.
68. Prior to commencement of the development the permit holder must make a one off contribution of a maximum of \$6,000 to the Responsible Authority to be used for street tree plantings to Hull Street.

69. **Before the development commences, the permit holder must make a one off contribution of \$3220.00 (excluding GST) to the Responsible Authority to be use for 2 new street tree plantings along Cameron and Bank Streets that are required as a result of the development.**
70. Before construction works start, a landscaping bond or bank guarantee of no less than 5% of the total landscaping value must be paid to the responsible authority. This bond will be returned in full no later than six months after the satisfactory completion of these works and subject to an inspection by the Responsible Authority.

Lighting

71. The development must be provided with external lighting capable of illuminating access to each car parking spaces, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

General

72. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
73. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
74. All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Waste Management

75. **The provisions, recommendations and requirements of the endorsed Waste Management Plan prepared by Leigh Design dated 3 August 2018 must be complied with and implemented to the satisfaction of the Responsible Authority.**
76. The collection of all waste must be in accordance with the approved Waste Management Plan. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved Waste Management Plan.
77. All commercial waste must be collected via a private collection service to the satisfaction of the Responsible Authority.

Construction Management Plan

78. 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 for or include the following:
- (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;
- (q) confirm the location of the Council drain within the laneway running adjacent to properties fronting Bank Street and ensure that the drain is protected and be made accessible to Council work works in times of maintenance or emergency; and
- (r) screening measures to prevent overlooking into 267 Bridge Road during construction.

79. 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.

80. The development once commenced, must be completed to the satisfaction of the Responsible Authority.

Transport for Victoria Condition (81 to 82)

81. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Bridge Road and Church Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty-five days (35) prior.
82. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Public Transport Victoria at the full cost of the permit holder.

VicRoads Conditions (83 – 85)

83. In the event that the Roads Corporation requires the land affected by the Public Acquisition Overlay – Schedule 1 (PAO1), VicRoads will advise the landowner in writing. Upon receiving this notice, the owner must remove, from the land affected by the overlay, all use and development permitted by this planning permit to the satisfaction of VicRoads and the Responsible Authority. The cost associated with removing the use and development from the land affected by the PAO1 is to be borne by the owner of the land.
84. No compensation is payable under part 5 of the *Planning and Environment Act 1987* in respect of anything done under this permit.
85. **Construction plans for the buildings and works proposed within the areas affected by the PAO1 must be submitted to and approved by VicRoads prior to the commencement of any works on site. The plans must demonstrate that the buildings and works proposed within the PAO1 areas may be removed by the owners of the building at a time as required by VicRoads.**

Expiry

86. This permit will expire if one of the following circumstances applies:
- (a) the development is not started within three (3) years of the date of this permit;
 - (b) the development is not completed within seven (7) years of the date of this permit;
 - (c) the uses are not commenced within seven (7) years of the date of this permit.
- The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within three (3) months afterwards.

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

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

NOTE: The design and construction of the vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

NOTE: The Permit Holder must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations 2006* from Yarra Building Services Unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 610.

NOTE: 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.

NOTE: The Permit Holder is required to identify any overflow paths surrounding the site and ensure that they are not obstructed. Please contact Council's Engineering Services Unit on 9205 5555 to discuss.

NOTE: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

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

NOTE: A copy of this permit and the endorsed plan (and any subsequent variation) must form part of the document to any Contract of Sale or Lease for any part of the site after the date of the permit.

NOTE: The southern part of the site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: The food premises are required to comply with health and food safety regulations before commencing operation. Please contact Council's Public Health Unit on 9205 5166.

NOTE: The proposal includes construction over a carriageway easement. As easements are not strictly planning matters in this regard, the Permit Holder is required to consider this obligation.

NOTE: Permission is required from Council's Parking Services Unit to remove on-street parking spaces and/or modify parking restrictions.

VicRoads NOTE: Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/ projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Church Street and Bridge Road). Please contact VicRoads prior to commencing any works.

Submissions

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

The following people also addressed the Committee:

Mr Vu Sang;
Ms Teresa Kel; and
Ms Hrisoula Lambris.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Jolly

That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN11/0834 for land at:

271 Bridge Road, 208, 224, 228, 230 and 238 Church Street, **42 and** 46 Cameron Street and 25 and 37 – 39 Bank Street Richmond.

with the following preamble:

Demolition, buildings and works, use of the land for dwellings, shop, restricted recreation facility, food and drinks premises, **restaurant**, office, childcare centre, use of part of the land for the sale and consumption of liquor, reduction in car parking requirements and use northern part of land for loading/unloading bay and waste collection.

and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the ~~advertised plans (received by Council on 22 November 2011)~~ **decision plans prepared by SJB Architects, received by Council on 11 and 19 July 2018** but modified to show:

Building Design

Podium

- (a) details of the material along the west title boundary (adjacent to Ark) at ground and first floor level;
- (b) all canopies and architectural projections along Church Street and Bridge Road to be setback a minimum 750mm from the back of the kerb;
- (c) **details of all lobby entrances including lighting and glazing to ensure good visibility in to the residential lobbies;**
- (d) **setback of the western car park edge at levels 1 & 2 to be increased to align with those currently endorsed being ranging between 3.98 – 4.5m**

Bridge Road Tower [Building A]

- (e) **details of the operable screens proposed for the upper levels**
- (f) **basement car park to be contained within the subject sites title boundaries**

Building C

- ~~(g)~~ **a reduction in the parapet height (to apartment C6.01) as it presents to Church Street and for the first section of the return from 1.6m to approximately 300mm as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.**
- ~~(h)~~ **At level 3 details of location of porous screen of 2m high tree as required by the wind assessment;**
- ~~(i)~~ **Details of doors to loading and parking area (Cameron Street)**

Building D

- (j) **setback apartments D6.03 and D6.04 an additional 2 metres from the western boundary or rake or an alternative measure to reduce visual bulk.**

Building E

- (k) Plans and elevations to clearly show location of doors and windows**

Building Materials

- (l) an updated schedule of all materials and finishes (including materials samples, colours coloured elevations **and** perspectives). The schedule must show the materials, colour, finish and application methods (where relevant) of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences and must include:
 - (i) **thumb nail sketches of key elements of the façade of each building**
 - (ii) **material treatment of Building A lift core to be patterned concrete to both the south and west elevations.**
 - (iii) **Building A upper levels to be treated with a patterned mesh in a light colour as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.**
 - (iv) **Building B design resolution to be as depicted in the schematic plans prepared by SJB Architects dated 26 October 2018.**
 - (v) **Building C Church Street podium façade levels 1 & 2 to replicate façade detailing (brick) of the remainder of the façade in a white or light grey colour**
 - (vi) **Ground floor building C wall adjacent to lobby and substation to be a patterned brick wall in a black or dark colour.**
 - (vii) **Details of the grey mesh proposed on the Church Street podium**
 - (viii) **Details of materials proposed for the ground floor of building D;**
 - (ix) **Details of car park / loading bay doors**
 - (x) include details of graffiti proof coating to be applied to the ground floor interfaces of the buildings;

Landscape

- (m) updated landscape plans generally in accordance with the Landscape Concepts (~~November 2014~~ **February 2018**) prepared by **MemLa** to the satisfaction of the Responsible Authority must be prepared by a suitably qualified permit. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (i) the location of all areas to be covered by lawn or other surface materials;
 - (ii) the location of any permanent structures, furniture, public seating or other facilities;
 - (iii) all public area footpaths, steps, ramps and crossings to comply with DDA – Tactile indicators, nosing's and handrails where necessary;
 - (iv) grades of all ramps shown on plan;
 - (v) grades of all footpaths shown on plan;
 - (vi) details of raised planters to courtyards to be confirmed (height, construction and tree planting details);
 - (vii) location and type of water tank for irrigation;
 - (viii) detailed planting plan with plant schedule (common and botanical plant names, density, quantities, size at planting and maturity height);
 - (ix) details of street furniture, including bench seats and street tree planters;

- (x) existing and proposed levels including top wall and fence heights (where relevant);
- (xi) details of the installation methodology for the green wall to the car parking area, including planting and initial establishment requirements and details of the proposed maintenance regime to ensure the integrity of the green wall over its operation life, including plant replacement, irrigation and fertilisation and guidelines for monitoring;
- (xii) ongoing maintenance and management details of all publically accessible spaces;
- (xiii) a detailed lighting plan for all publically accessible areas including private, communal and the public laneways ensuring lighting is baffled to minimise light spill;
- (xiv) a schedule of 'way finding' signage;
- (xv) additional soft landscaping including planting details to assist in the delineation between the pedestrian and loading/waste management sections of the Bank Street square;
- (xvi) dimensioned cross sections and internal elevations detailing the interior of the laneways, access ways and Bank Street square;
- (xvii) deletion of *Quercus Rubra* Red Oak from Podium Level 3 plan and replace with a smaller tree**
- (xviii) fencing details for Podium Level 3**
- (xix) use of stormwater or grey water for irrigation of planters**
- (xx) the ground floor plan to show locations of all existing street trees to be removed and retained and any protection works required**
- (xxi) show a physical separation between moving traffic and the food and drinks premises seating in the form of temporary barriers such as (but not limited to) planter boxes on wheels in the western most laneway between the laneway and the 'trade out area';**
- (xxii) the relaying or new blue stone within Council's land with need to meet Council' design standards.**
- (xxiii) The provision of 2 Street tree plantings along, Cameron Street and Bank Street in consultation with Council.**
- (xxiv) Landscape images and plans to match the schematic plans prepared by SJB Architecture dated 26 October.**
- (xxv) Additional landscape facilities including toilets, sinks, BBQ to be added to the communal terrace at level 3.**

Acoustic

- (n) all works recommended in the report of the professional acoustic engineer referred to in condition **14**;

Environmentally Sustainable Design Principles

- (o) all works recommended in the ESD report referred to in condition **17**;

Wind Assessment

- (p) all works recommended in the wind assessment report referred to in condition **20**;

Bicycle Parking

- (q) a minimum 7 public bicycle share spaces;
- (r) width of the bike ramps increased to 1.5m with ramp grades to be as close to 1:12 as possible in general compliance with AS2890.3**

- (s) increased bike provision to 410 spaces with 103 spaces allocated for visitor parking to be located with the basement and in the laneway access spaces (Bridge Road) without hindering vehicular access.
- (t) 20% of residential /staff spaces to be provided as horizontal at ground level spaces.

Car Parking

- (u) Dimensions shown for parallel parking spaces at the south west corner of the Basement car spaces (9, 10 and 11) and the parallel parking spaces in Podium level 01 car spaces (5, 120 and 133);
- (v) Column locations to be in accordance with AS2890.1:2004;
- (w) Installation of appropriate signage and / or line marking /ground stencilling be installed at the location where one way aisles meet two way aisles.
- (x) Wayfinding signage for both drivers and cyclist to and from parking areas and entry/exit points;
- (y) Priority line marking within the basement and podium car parking levels at all conflict points
- (z) Appropriate pedestrian crossing signage be provided at each formal pedestrian crossing;
- (aa) Location of speed humps at the approaches to pedestrian crossings if required;

Loading and Waste

- (bb) all works recommended in the waste management plan referred to in condition 74 **75**;

General

- (cc) **internal layout of apartments to comply with the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.**
- (dd) location of the proposed water tank with a minimum capacity of 100,000 litres;
- (ee) **all plans to be drawn within title boundaries (excluding architectural features, canopies and awnings) and to be fully dimensioned;**
- (ff) a full set of all elevations and cross-sections including full internal elevations of all buildings and public spaces (including laneways) **fully dimensioned with setbacks and heights of all buildings**;
- (gg) **Plans and elevations to clearly show location of doors and windows for both commercial and residential uses and all habitable rooms having openable windows;**
- (hh) **Where overlooking opportunities can be provided within a 9m radius and 45 degree arc from a habitable room window or private open spacea into another habitable room or private open space on or off site, the following must be applied:**
 - (i) **Minimum 1.7m fixed obscure glazing;**
 - (ii) **Minimum 1.7 high, maximum 25% transparent screens; or**
 - (iii) **Other method(s) to the satisfaction of the Responsible Authority.**
- (ii) all publically accessible areas to be shown as referred to in condition 22;
- (jj) deletion of all reference to business identification signage;
- (kk) location of all mailboxes;
- (ll) a demolition plan clearly detailing all structures and surfaces to be demolished within the portion of the site affected by the Heritage Overlay;
- (mm) all internal corridors in the apartment buildings to have a minimum width of 1.5m with an indentation at each entrance of up to 100mm to articulate dwelling entries;

- (nn) details and provision of an average of 4 cubic metres of storage for each dwelling;
- (oo) provision of an internal signage plan detailing indicative signage to guide residents, employees, visitors and the public to communal open spaces, commercial facilities, car parking areas, bicycle parking areas with priority given to pedestrian and cyclist wayfinding;
- (pp) all feature paving and in ground lighting proposed is to be contained within the site title boundaries;
- (qq) a minimum of **33%** of the dwellings to be shown as including internal layout supporting adaptation for persons with limited mobility **based on the schematic apartment layout plans prepared by SJB Architects dated 26 October 2018.**

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.

Ongoing Involvement of the Architect

4. As part of the ongoing consultant team SJB Architects must be retained to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans during the construction unless with the prior written approval of the Responsible Authority.

Cameron/Church Street Intersection

5. Within six months of the development commencing, the design of the proposed works to the Cameron Street road reserve at the intersection with Church Street must be prepared by an independent and suitably qualified professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must be submitted to and approved by the Responsible Authority. The design of the works must provide details of how the road reserve will be treated to enable:
 - a) the creation of separate right turn and left turn exit lanes, while retaining a single entry lane;
 - b) the removal of the two kerb extensions;
 - c) reinstatement of road pavement;
 - d) the re-setting of stones within the existing bluestone threshold treatment, demonstrating the threshold treatment is robust to accommodate vehicle loadings and repetitive movements, ensuring that stones are not dislodged;
 - e) removal of street trees (as necessary);
 - f) installation of no stopping (all times) restrictions on the south side of Cameron Street (including the loss of three on street car parking spaces) all between the subject sites access points and Church Street;
 - g) removal of parking restrictions (as necessary); and
 - h) and any other works required.

Details must include, but are not to be limited to, all dimensions, existing reduced levels, proposed kerb levels, surface treatments, line marking, kerb, channel and footpath works, positions and details of all signs (existing and proposed), accurate locations of any stormwater pits and underground services.

6. Before any use commences on site and prior to the issue of a certificate of occupancy, all works associated with provision of the Cameron/Church Street intersection works as set out in condition 6 must be undertaken and completed at the cost of the permit holder to the satisfaction of the Responsible Authority.

Environmental Audit

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

and the Certificate or Statement must be provided to the Responsible Authority.
8. **If, pursuant to condition 7, a Statement is issued:**
 - (a) ***the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;***
 - (b) ***the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions)***
 - (c) ***before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.***
 - (d) ***if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:***
 - (i) ***provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and***
 - (ii) ***be executed before the sensitive use for which the land is being developed commences; and***
 - (e) ***the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).***
9. Any ongoing groundwater management and abatement of groundwater contamination must be in accordance with all requirements of any Clean Up Notice issued by the Environment Protection Authority (EPA) under section 62A of the *Environment Protection Act 1970*, or any other relevant written notice or direction issued by the Environment Protection Authority, to the satisfaction of the Environment Protection Authority.
10. 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.

11. 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.
12. Prior to the occupation of dwellings and commencement of the childcare centre use a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, 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.
13. 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*.

Acoustic Treatments

14. Before the development commences (excluding demolition and excavation), an updated acoustic report generally in accordance with the Watson Moss Growcott report dated December 2017 **and the Acoustic Logic report dated 9 July 2018** must be submitted to and approved by the Responsible Authority. Once approved, the acoustic report will be endorsed and will then form part of the permit. The report must be prepared by a suitably qualified acoustic engineer and include:
 - (a) an assessment of how the requirements of State Environment Protection Policy N-1 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:
 - (i) protect all dwelling occupants from external noise sources from Bridge Road and Church Street including details of glazing types;
 - (ii) protect dwelling occupants with a specific interface to commercial tenancies above, next to or below from associated commercial noise sources including but not limited to loading (including reversing beepers), waste collection, plant and equipment and gym;
 - (iii) protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development;
 - (iv) protect all dwelling occupants and nearby occupants with a direct interface with the loading areas and car park; and
 - (v) protect all dwellings within Building A from noise generated from use of the bin chutes.
 - (b) details of acoustic treatment of the rooftop terrace fronting Bridge Road (westernmost above the second floor café) to limit noise emanating from the site to not exceed 48dB(A) when measure at the nearest residential dwelling at night time under the SEPP- N1 methodology;
 - (c) an assessment of how the requirements of State Environment Protection Policy N-2 and relevant Australian Standards will be met including music noise from gym, cafes/restaurant etc.;
 - (d) specific details of acoustic attenuation (not just preliminary recommendations), including but not limited to mechanical services equipment, the gym/yoga centre and the child care centre; and
 - (e) the façade of the Gym and yoga studio designed such that noise breakout from the facility will comply with the relevant noise limits at the nearest noise sensitive receivers (existing and future). (Noting that the Revision 10 design features the Gym and Yoga Studio entrance across the hall from the entry doors of apartments B-0-14 and B-0-13, therefore this may require an airlock to the Gym and Yoga Studio entry door.)
 - (f) **Include 42 Cameron Street into the assessment and review any interface issues between the fresh food truck store and dwellings DG.02, D.104 and D.203;**
 - (g) **Address the modified loading area.**

15. On the completion of any works required by the endorsed Acoustic report (condition 15) above and before the residential use commences, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:
 - (a) confirm compliance with condition **14** of the permit; and
 - (b) provide measurement data taken from inside the dwellings of the development, demonstrating compliance with State Environment Protection Policy N-1 (indoor noise limits), however allowing internal noise measurements to be taken with openable external façade sections close.
16. The recommendations and any works contained in the approved acoustic reports pursuant to conditions **14 and 15** must be implemented and completed and where they are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design Principles

17. Before the plans are endorsed, an amended Environmentally Sustainable Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The Report must be generally in accordance with the report ~~261—271 Bridge Road Sustainability Management Plan (September 2011)~~ **Sustainability Management Plan for Coles Richmond Plaza (April 2018)** prepared by Cundall but modified to address the following:
 - (a) **the apartment layout schematic plans prepared by SJB Architects dated 26 October 2018.**
 - (b) **An updated daylight modelling report reflective of the layout changes;**
 - (c) confirmation that door / window locks are to be provided to all balcony doors and windows so that they can be fixed/locked into position such that they can provide a secure opening for night purging;
 - (d) inclusion of a daylight modelling report that confirms that albeit the use of tinted glazing a daylight factor of at least 1.5 per cent is met for **75% of the** living areas across at least 80 per cent of dwellings;
 - (e) confirmation that the development will achieve at least 10 per cent or half a star (whichever is greater) above BCA minimum standards;
 - (f) details of insulation and sealing of penetrations between air-conditioned and unair-conditioned areas through the provision of seals to the loading dock area;
 - (g) incorporation where viable, solar boosted gas hot-water; and confirm the use of dimmable lighting systems;
 - (h) confirmation that a 100,000 litre water tank is sufficient to service watering of landscaping and flushing of retail tenancy toilets;
 - (i) confirmation the number and location of toilets that will be serviced by rainwater rather than mains water;
 - (j) natural ventilation to residential corridors, in consultation with the wind assessment required by condition **20**;
 - (k) provision for future electric vehicle and bicycle charging points; and
 - (l) provision for all electric vehicle charging stations to be powered by Green power.
18. The dwellings must achieve a minimum average of 6.5 star rating under first rate (BCA standards).
19. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment

20. The provisions, recommendations and requirements of the endorsed Wind Impact Assessment prepared by Vipac dated 10 April 2018 must be complied with and implemented to the satisfaction of the Responsible Authority.

Accessibility Plan

21. Before the plans are endorsed, an accessibility plan must be submitted to and approved by the Responsible Authority and must be generally in accordance with the access plan shown on page 88 of the **original** urban context report submitted with the application. Once approved, the accessibility plan will be endorsed and will then form part of the permit. The plan must show:
- (a) areas within the development that are proposed to have 24 hour access including but not limited to:
 - (i) western laneway accessed from Bridge Road;
 - (ii) part eastern laneway accessed from Bridge Road;
 - (iii) public square accessed from Bank Street;
 - (iv) existing lane extending south from Cameron Street;
 - (v) civic space adjacent to Church Street;
 - (vi) residential lobby adjacent to Church Street; and
 - (b) areas within the development that are proposed to have access during the centre operating hours.
22. Unfettered public access at all times must be maintained through areas nominated under condition **21**(a).

Affordable Housing

23. Unless with the prior written consent of the Responsible Authority, provision of at least 13 apartments which meet the definition of 'affordable housing' to be managed by an accredited Housing Association. In the event that no agreement can be reached with a Housing Association, evidence of this must be submitted to the Responsible Authority for consideration.

Car and Bicycle Share

24. Before the development is occupied, a minimum of **six** car share vehicles and seven bicycle share facilities must be provided on the land. This must be by way of arrangement with a car share/bicycle share operator and/or the future Owners Corporation. The car share vehicles and the bicycle share facilities must be provided on the land for a minimum period of 10 years, to the satisfaction of the Responsible Authority. Any costs associated with ensuring on-going availability of the car share vehicles and the bicycle share facilities on the land must be borne by the Owners Corporation.

Green Travel Plan [GTP]

25. Prior to the occupation of the development, 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) **Updated to reflect the new bicycle space allocation**
- (b) the provision of a minimum three car share vehicles on site within close proximity to the vehicle entrance and located to the satisfaction of the Responsible Authority;
- (c) the provision of **10** electric charging stations in locations to the satisfaction of the Responsible Authority;
- (d) describe the location in the context of alternative modes of transport;
- (e) the provision of real time passenger information displays for nearby stops within each residential lobby and outside the Church street kiosk;
- (f) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
- (g) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (h) details of bicycle parking and bicycle routes;
- (i) details of car share and bicycle share schemes (including any discounts for residents/tenants and electric car charging points);
- (j) details of GTP funding and management responsibilities; and
- (k) include provisions to be updated not less than every five years.

Developer Contribution

26. Prior to the commencement of the development, the permit holder must pay a bank guarantee to the value of \$40,000 to the City of Yarra for future public transport improvements to Bridge Road and/or Church Street in the immediate vicinity of the site. The bank guarantee may be drawn down by Council and used for proposed works by either Yarra Trams, Department of Transport or VicRoads to carry out public transport improvements (e.g. increased tram capacity) in the immediate vicinity of the site along Bridge Road and/or Church Street, Richmond, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the transport improvement works are not commenced by the relevant authorities, prior to the occupation of the final stage of the development.

Loading General

27. Unless with the prior written consent of the Responsible Authority, no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time.

Loading and Waste Management – Cameron Street Loading Dock

28. All loading and unloading for the supermarket (including all commercial garbage and recycling collection) must be carried out within the confines of the designated Cameron Street loading dock (Cameron Street).
29. All loading dock deliveries and commercial garbage and recycling collection must be to the satisfaction of the Responsible Authority. During all loading and unloading activities, truck/vehicle motors must be turned off.
30. All truck/vehicles using the Cameron Street loading dock must enter and exit the site in a forward motion.
31. All delivery and collection of goods at the Cameron Street loading dock associated with the supermarket are restricted to the following hours and number of deliveries:

Day	Time Period	Maximum Number of Delivery Vehicles per 30 minutes
All Days	7.00 am – 6.00 pm	2

(Monday to Sunday)		
All Days (Monday to Sunday)	6.00 pm – 10.00 pm	1
Weekday (Monday to Friday)	5.00 am – 7.00 am	2
Saturday	5.00 am – 7.00 am	1
Sunday	5.00 am – 7.00 am	No vehicles

32. No more than a maximum of 30 deliveries/collection of goods to occur from the Cameron Street loading dock per day.

Loading and Waste Management – Bank Street Loading Dock

33. Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
- (a) 7.00 am and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday
34. Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Loading and Waste Management – Church Street Loading Dock

35. Waste collection may only occur between the following times, unless with the prior written consent of the Responsible Authority:
- (a) 7.00 and 8.00 pm Monday to Saturday;
 - (b) 9.00 am and 8.00 pm Sunday.
36. Commercial loading may only occur between 6.00 am and 10.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

Transport Management Plan

37. Prior to the commencement of the development, a Transport Management Plan prepared by a suitably qualified professional to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Transport Management Plan will be endorsed and will then form part of the permit. The Transport Management Plan must address the following:

General

- (a) **A review of directional line marking and control methods with the car park areas addressing safety for vehicle, bikes and pedestrians.**
- (b) an internal signage plan distinguishing permanent parking areas (resident and commercial) from visitor parking areas, and car share programme parking areas, directional arrows and signage, information signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc.;
- (c) management system of trolley bay area's to ensure appropriate measures are in place for collection and storage;
- (d) security arrangements;
- (e) location of all real time travel information signs to be installed within the development;

- (f) right turn only between 10.00 pm – 7.00 am into Cameron Street from the site;

Car Parking

- (g) residential car parking must be allocated such that 80% of all dwellings are allocated one car parking space. All two-bedroom dwellings must be provided with one on-site car parking space **and all three – bedroom dwellings must be provided with an average of 1.5 on site car parking spaces**. This allocation of car spaces may be varied with the written consent of the Responsible Authority;
- (h) other car parking must be allocated as follows:
- (i) ~~32~~ **23** staff car parking spaces (shop, childcare, gym, yoga etc)
 - (ii) ~~24~~ **40** office car parking spaces;
 - (iii) ~~270~~ **237** retail/public car parking spaces (inclusive of staff):
 - including eight 'parking for parents with prams' spaces located in basement 1; and
 - three car share parking spaces located in basement 1;
 - **four spaces allocated to drop off - pick up for the childcare centre**
 - (i) a minimum of ~~23~~ **52** motorcycle parking bays;
 - (j) a minimum of **six** car spaces for car share programme in locations to the satisfaction of the Responsible Authority;
 - (k) management details of the car share programme provided;
 - (l) the proposed parking fee structure, including shopper incentives for short term parking and details of ticketing systems, including any requirements for boom gates etc;
 - (m) management of queuing at the entry and exit points of the car park during peak times to comply with Table 3.3 of the Australian Standards for Off - Street Car Parking AS/NZS2890.1 (2004);

Bicycle Spaces

- (n) a minimum of ~~333~~ **410** on site bicycle parking spaces:
- (i) ~~199~~ **307** resident spaces;
 - (ii) ~~134~~ **103** visitor spaces; and
 - (iii) seven bike share spaces provided along the Church Street frontage;
- (o) a mechanism to review the car parking and bicycle spaces to either re-allocate the spaces if demand warrants so, or provide more spaces if the opportunity arises. This may include future Owners Corporation review/input;
- (p) management details of the bike share programme provided;

Loading and Deliveries and Waste

- (q) no trucks greater than 12.5 metre Heavy Rigid Vehicles may deliver or collect goods/garbage to the commercial uses at any time;
- (r) details regarding the management of loading and unloading of goods and materials for commercial and residential uses to the Bank Street loading area all in compliance with any other condition(s) of this permit;
- (s) the provision of spotter to assist truck vehicles reversing into the loading/unloading (public square) area to Bank Street or any other measures to ensure public safety to the satisfaction of the Responsible Authority;
- (t) management of separate pedestrian and loading bay areas in the Bank Street public square;
- (u) confirmation commercial deliveries (except for supermarket) and loading will only occur within section of the public square in the land in plan of consolidation 105419 and how this will be managed; and

- (v) details regarding the management of loading and unloading of goods and materials for the supermarket including frequency, times, truck sizes all in compliance with any other condition(s) of this permit.

38. Except with the further consent of the Responsible Authority, the management of the car park must, at all times, comply with the approved Transport Management Plan.

Car Parking, Crossovers and Footpaths

39. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:

- (a) be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
- (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

all to the satisfaction on the Responsible Authority.

40. Any redundant vehicle crossings must be broken out and reinstated with paving, kerb and channel of the surrounding area. The cost of these reinstatement works must be borne by the Permit Holder.

41. 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.

42. Footpaths adjacent to the development site (along Bank Street, Cameron Street, Church Street and Bridge Road) must be reconstructed to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.

43. All vehicle crossings must be constructed in accordance with City of Yarra Standard Drawings and Specifications;

44. 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;

45. All 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;

46. **At no cost to Council, any in-ground parking sensors surrounding the subject site that are required to be removed as part of the works approved by this development must be removed and or relocated/reinstated in consultation with and to the satisfaction of the Responsible Authority.**

47. **Before the development commences (excluding demolition and excavation), detailed design drawings must be prepared by a suitably qualified person and to the satisfaction of the Responsible Authority addressing all civil and road infrastructure works associated with the development. Once approved, the plans will be endorsed and will then form part of the permit.**

Before the development is completed, all works shown on the endorsed plans must be carried out and completed and at no cost and to the satisfaction of the Responsible Authority

Childcare Centre

48. Unless with the prior written consent of the Responsible Authority, no more than 40 places may be offered in the childcare centre at any time.
49. Unless with the prior written consent of the Responsible Authority, the childcare centre may only operate between 6.00 am to 6.00 pm Monday to Sunday.

Restricted Recreation Facility (Gym)

50. Unless with the prior written consent of the Responsible Authority, no more than 60 patrons and six staff may be present in the gym at any time.
51. Unless with the prior written consent of the Responsible Authority, the gym may only operate between:
 - (a) 6.00 am to 10.00 pm Monday to Friday; and
 - (b) 6.00 am to 10.00 pm Saturday and Sunday.

Restricted Recreation Facility (Yoga studio)

52. Unless with the prior written consent of the Responsible Authority, no more than 25 patrons and five staff may be present in the yoga studio at any time.
53. Unless with the prior written consent of the Responsible Authority, the yoga studio may only operate between:
 - (a) 6.00 am to 10.00 pm Monday to Friday; and
 - (b) 6.00 am to 10.00 pm Saturday and Sunday.

Bottle Shop

54. Unless with the prior written consent of the Responsible Authority, the sale of liquor hereby permitted may only be offered between 9.00 am – 11.00 pm Monday to Sunday.
55. During all hours in which the business is 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 of alcohol on the site.
56. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been 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").
57. The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
58. 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 use hereby authorised.

Operations Management Plan

59. Before any of the development is occupied, an Operations Management Plan prepared by an appropriately qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operations Management Plan must address the following:

- (a) access arrangements to the tenancies;
- (b) internal signage;
- (c) security arrangements;
- (d) servicing arrangements; and
- (e) complaint resolution mechanisms.

Community Services Plan

60. Prior to the commencement of the uses hereby permitted, a community services plans 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 then form part of the permit. The plan must address:

- (a) implementation and management of the plaza to enable the opportunity for community events to be coordinated between council and the centre free of charge each year, including display spaces etc.;
- (b) installation of real time information on public transport services and programs; and
- (c) that the centre will be invested with wireless technology to the public lanes and spaces ensuring these areas support local commerce and contemporary e-commerce, community information and social networking.

General Amenity

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

62. The amenity of the area, particularly the Yarra River Corridor, must not be detrimentally affected by the use or development, 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.

63. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

64. Noise emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy N-1 to the satisfaction of the Responsible Authority.

65. 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. N2.

Landscaping

66. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

67. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.
68. Prior to commencement of the development the permit holder must make a one off contribution of a maximum of \$6,000 to the Responsible Authority to be used for street tree plantings to Hull Street.
69. **Before the development commences, the permit holder must make a one off contribution of \$3220.00 (excluding GST) to the Responsible Authority to be use for 2 new street tree plantings along Cameron and Bank Streets that are required as a result of the development.**
70. Before construction works start, a landscaping bond or bank guarantee of no less than 5% of the total landscaping value must be paid to the responsible authority. This bond will be returned in full no later than six months after the satisfactory completion of these works and subject to an inspection by the Responsible Authority.

Lighting

71. The development must be provided with external lighting capable of illuminating access to each car parking spaces, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

General

72. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.
73. All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
74. All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Waste Management

75. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 3 August 2018, but modified to include the following:
 - (a) An organic waste collection or a composting system.
76. The collection of all waste must be in accordance with the approved Waste Management Plan. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved Waste Management Plan.
77. All commercial waste must be collected via a private collection service to the satisfaction of the Responsible Authority.

Construction Management Plan

78. 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 for or include the following:
- (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;
 - (q) confirm the location of the Council drain within the laneway running adjacent to properties fronting Bank Street and ensure that the drain is protected and be made accessible to Council work works in times of maintenance or emergency; and
 - (r) screening measures to prevent overlooking into 267 Bridge Road during construction.

79. 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.
80. The development once commenced, must be completed to the satisfaction of the Responsible Authority.

Transport for Victoria Condition (81 to 82)

81. **The permit holder must take all reasonable steps to ensure that disruption to tram operation along Bridge Road and Church Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty-five days (35) prior.**
82. **The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Public Transport Victoria at the full cost of the permit holder.**

VicRoads Conditions (83 – 85)

83. In the event that the Roads Corporation requires the land affected by the Public Acquisition Overlay – Schedule 1 (PAO1), VicRoads will advise the landowner in writing. Upon receiving this notice, the owner must remove, from the land affected by the overlay, all use and development permitted by this planning permit to the satisfaction of VicRoads and the Responsible Authority. The cost associated with removing the use and development from the land affected by the PAO1 is to be borne by the owner of the land.
84. No compensation is payable under part 5 of the *Planning and Environment Act* 1987 in respect of anything done under this permit.
85. **Construction plans for the buildings and works proposed within the areas affected by the PAO1 must be submitted to and approved by VicRoads prior to the commencement of any works on site. The plans must demonstrate that the buildings and works proposed within the PAO1 areas may be removed by the owners of the building at a time as required by VicRoads.**

Expiry

86. This permit will expire if one of the following circumstances applies:
- (a) the development is not started within three (3) years of the date of this permit;
 - (b) the development is not completed within seven (7) years of the date of this permit;
 - (c) the uses are not commenced within seven (7) years of the date of this permit.
- The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within three (3) months afterwards.

NOTE: A building permit maybe required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

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

NOTE: The design and construction of the vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

NOTE: The Permit Holder must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations* 2006 from Yarra Building Services Unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 610.

NOTE: 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.

NOTE: The Permit Holder is required to identify any overflow paths surrounding the site and ensure that they are not obstructed. Please contact Council's Engineering Services Unit on 9205 5555 to discuss.

NOTE: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

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

NOTE: A copy of this permit and the endorsed plan (and any subsequent variation) must form part of the document to any Contract of Sale or Lease for any part of the site after the date of the permit.

NOTE: The southern part of the site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: The food premises are required to comply with health and food safety regulations before commencing operation. Please contact Council's Public Health Unit on 9205 5166.

NOTE: The proposal includes construction over a carriageway easement. As easements are not strictly planning matters in this regard, the Permit Holder is required to consider this obligation.

NOTE: Permission is required from Council's Parking Services Unit to remove on-street parking spaces and/or modify parking restrictions.

VicRoads NOTE: Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/ projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Church Street and Bridge Road). Please contact VicRoads prior to commencing any works.

CARRIED

The meeting closed at 10.45pm.

Confirmed at the meeting held on Wednesday 16 January 2019

Chair