



**YARRA CITY COUNCIL**  
**INTERNAL DEVELOPMENT APPROVALS**  
**COMMITTEE**  
**MINUTES**

**held on Wednesday 7 August 2019 at 6.30pm**  
**in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**I. ATTENDANCE**

Councillor Danae Bosler  
Councillor Bridgid O'Brien (substitute for Cr Coleman)  
Councillor Daniel Nguyen

Michelle King (Senior Planner)  
Vicky Grillakis (Co-ordinator Statutory Planning)  
Amy Hodgen (Co-ordinator Statutory Planning)  
Cindi Johnston (Governance Officer)

**II. APOLOGIES AND LEAVE OF ABSENCE**

Councillor Misha Coleman

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

**IV. CONFIRMATION OF MINUTES**

**Internal Development Approvals Committee Resolution:**

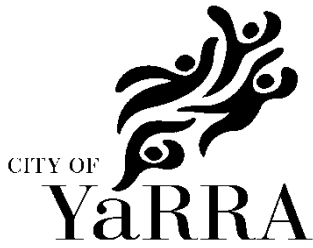
**Moved:** Councillor Bosler   **Seconded:** Councillor O'Brien

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 24 July 2019 be confirmed.

**CARRIED**

**Printed on 100% recycled paper**

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



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

### **POLICY**

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

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

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

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

**Governance Branch  
2008**

Councillor Bosler nominated Councillor Nguyen as Chair.

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

Councillor Nguyen assumed the Chair.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE**

| <b>Item</b> |  | <b>Page</b> | <b>Res.<br/>Page</b> |
|-------------|--|-------------|----------------------|
| 1.1         | PLN18/0990 - 419 Fitzroy Street, Fitzroy - Full demolition and the use and development of the land for a residential hotel.  | 6           | 13                   |
| 1.2         | PLN18/0644 - 4A/1 Bik Lane, Fitzroy North - Development of the land for the construction of three additional storeys to an existing two storey building (5 storeys in total), containing 4 dwellings and a reduction in the car parking requirement  | 14          | 18                   |
| 1.3         | PLN17/0517 - Farm Road, Alphington - Buildings and works to an existing outdoor recreational facility (golf course) and vegetation removal including removal of putting green and first tee box, construction of an underground buggy storage area (with elevated tee box and associated pathways, alterations to clubhouse facade and construction of a first floor terrace and construction of fencing) and vegetation removal | 22          | 24                   |
| 1.4         | PLN11/0429.04 - 35-41 Argyle Street, Fitzroy - Section 72 Amendment (plans) to increase the approved size of the fourth floor balcony by extending it further south into common property and to extend the size of the roof garden and construct a pergola and services, all for Unit 6 dwelling   | 27          | 29                   |
| 1.5         | PLN18/0584 - Langridge Ward - 79-89 Wellington Street, Collingwood - Use and development of the land for a multi-storey building containing a residential hotel and office and a reduction in car parking and visitor bicycle facilities   | 32          | 40                   |
| 1.6         | PLN17/1014 - 171-173 Swan Street, Richmond - Demolition of the existing building and development of a five storey mixed use building including a reduction in the car parking requirements of the Yarra Planning Scheme in association with a shop, office and dwellings.  | 50          | 56                   |

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## 1.1 **PLN18/0990 - 419 Fitzroy Street, Fitzroy - Full demolition and the use and development of the land for a residential hotel.**

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Trim Record Number: D19/113083

Responsible Officer: Senior Coordinator Statutory Planning

### **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN18/0990 for full demolition and use and development of the land for a residential hotel at 419 Fitzroy Street, Fitzroy, 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 Woods Bagot (SK2201 (Revision C), SK2202 – SK2210 (Revision B), SK3200 – SK3203 (Revision B), SK3210 – 3211 (Revision B) SK4200 – 4201 (Revision B) but modified to show:
  - (a) The removal of all external seating within the Rose Street and Fitzroy Street frontages at ground level;
  - (b) The alterations to internal access and doorways as outlined in the Sketch Plans submitted to Council on 18 July 2019;
  - (c) The bicycle entrance door on the Rose Street façade to be visually permeable;
  - (d) Both street trees adjacent to the Rose Street frontage to be retained;
  - (e) A notation confirming that double-glazing will be provided for all hotel room windows;
  - (f) Additional details of the proposed wall cladding material, outlining the various degree of perforation for each type of finish;
  - (g) The type of paving within the site's title boundaries to be of a different material to the footpath asphalt;
  - (h) Engineering requirements as follows:
    - (i) Dimension of the minimum headroom clearance measured perpendicular from the ramp to the underside of the ground floor slab;
    - (ii) Clarification of how the tandem parking sets are to be managed;
    - (iii) A bollard inserted in the shared area associated with the accessible parking space;
  - (i) Any changes as a result of the amended Sustainable Management Plan required at Condition 4;
  - (j) Any changes as a result of the amended Acoustic Report required at Condition 6; and
  - (k) Any changes required by the Landscape Management Plan at Condition 9.

### **Hotel Management Plan**

2. Before the use commences, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will form part of this permit. The Hotel Management Plan must include the following conditions;
  - (a) The roof terrace to be accessible only to hotel guests during the hours of 7am to 10pm each day;
  - (b) The ground floor dining room to be open only during the hours of 7am to 10pm each day.

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

### **Sustainability 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 JBA Consulting Engineers (Revision 4, dated 18 December 2018) but modified to include;
  - (a) Infrastructure for electric vehicle charging provided within the basement;
  - (b) Rainwater to be used for toilet flushing as well as irrigation;
  - (c) Separate hard waste and recycling streams throughout;
  - (d) A recycling target of 70% for building materials through construction; and
  - (e) Obtaining a commitment to a JV3 modelling report which demonstrates a 10% improvement over NCC 2016 standards.
5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Acoustic Report**

6. Before the 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 Marshall Day Acoustics (dated 14 December 2018), but modified to include;
  - (a) Testing of the Young Bloods Diner during operational hours, including a formal assessment of music levels from this venue, with the building façade design amended if necessary to ensure that day/evening internal SEPP N-2 music noise limits are met within the development;
  - (b) A formal assessment of patron and music levels from the Glamarama Bar, with the building façade design amended if necessary to ensure that day/evening internal SEPP N-2 music noise limits are met within the development;
  - (c) As assessment of the operation of the rooftop exhaust fan (or any other mechanical plant) associated with the Young Bloods Diner to formal SEPP N-1 targets at the proposed development; and
  - (d) A clear recommendation for mechanical plant and equipment associated with the development, including the carpark entry door, to be reviewed by an acoustical consultant during the detailed design stage to ensure both SEPP N-1 and sleep disturbance targets are met. The carpark entry door should also include a specification to ensure it achieves both SEPP N-1 and sleep disturbance impacts to existing residents.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Within 3 months of the commencement of the use, 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 compliance of the use and, where necessary, 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.

### **Landscape Management Plan**

9. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
  - (c) provide a specification of works to be undertaken prior to planting, to the satisfaction of the Responsible Authority.
10. Before the building 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.

### **Tree Management Plan**

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

### **Waste Management Plan**



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.

### **Infrastructure**

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing within the Fitzroy Street frontage must be demolished and reinstated with dressed bluestone and two-pitcher bluestone channel;
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the footpath along the property's Rose Street and Fitzroy Street frontages, with these footpaths to be reinstated with dressed bluestone kerb and single pitcher bluestone channel;
  - (a) at the permit holder's cost; and
  - (b) 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, new pram crossings are to be constructed at the south-west and south-east radials of the Rose Street/Fitzroy Street intersection;
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
19. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way, with the existing 'One Way' sign in Fitzroy Street, just south of Rose Street, to be reinstated;
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### **General**

20. The development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. The development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2)
22. The amenity of the area must not be detrimentally affected by the use or development, including through:

- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
23. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
24. 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.
25. 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.
26. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
28. 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.

### **Construction Management Plan**

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

- (iv) stormwater contamination from run-off and wash-waters.
  - (v) sediment from the land on roads.
  - (vi) washing of concrete trucks and other vehicles and machinery.
  - (vii) spillage from refuelling cranes and other vehicles and machinery.
  - (i) The construction program.
  - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
  - (k) Parking facilities for construction workers.
  - (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.
  - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
  - (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
  - (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
30. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
31. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Permit Expiry**

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

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

### **Notes:**

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

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

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.

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

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 5095 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.

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

No parking restriction signs 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/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the permit holder.

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

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

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.

### Submissions

Ms Anna Kennedy addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Joseph Zbukvic;  
Mr Camero Padgham;  
Mr Matthew Willis;  
Ms Judith North;  
Resident of 71-76 Rose St  
Erin; and  
Ms Margaret Portelli.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Bosler

**Seconded:** Councillor Nguyen

That the Recommendation be adopted.

**CARRIED**

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**1.2 PLN18/0644 - 4A/1 Bik Lane, Fitzroy North - Development of the land for the construction of three additional storeys to an existing two storey building (5 storeys in total), containing 4 dwellings and a reduction in the car parking requirement**

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Trim Record Number: D19/75883

Responsible Officer: Senior Co-ordinator Statutory Planning

## **RECOMMENDATION**

That having considered all objections and relevant supporting documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN18/0644) for the development of the land for the construction of three additional storeys to an existing two storey building (equating to 5 storeys in total), for 4 dwellings at 4A/1 Bik Lane, Fitzroy North subject to the following conditions:

### **Amended Plans**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show the following:
  - (a) The terraces at No. 3C/1 Bik Lane and No. 4B/1 Bik Lane.
  - (b) For Apartment D, Level 3, the screening details for the terrace (including a maximum transparency of 25%).
  - (c) For Apartment A and Apartment B, plan notations confirming:
    - (i) that the showers are 'hopless; and
    - (ii) that the bathroom doors associated have readily removable hinges.
  - (d) The incorporation of glazing to the pedestrian door entry (facing the western site boundary).
  - (e) The location of site services (including mailboxes and the 'signs' for the pedestrian entries) in accordance with Clause 58.06-2 of the Yarra Planning Scheme.
  - (f) Any plan changes required as a result of another condition of permit (including any changes from the STORM report required under the Sustainable Management Plan at condition 3 of this permit).
2. Before development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### **Sustainable Management Plan**

3. 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 dated November 2018, but modified to include (but not limited to) the following:
  - (a) A complete, accurate and correct STORM or equivalent assessment report of the development in accordance with Clause 22.16 (Stormwater Management) of the Yarra Planning Scheme. The STORM rating should achieve a minimum of 100%.

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

#### Waste Management Plan

5. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit.  
The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by JBL Architects and dated November 2018, but modified to include the following:
  - (a) The waste management plan submitted as a separate report.
  - (b) Further information needs to be added regarding both hard waste and e-waste diversion.
6. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

#### Car Parking

7. 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.

#### Environmental Audit

8. The development permitted by this permit must comply with the conditions in the Statement of Environmental Audit issued by Christopher Jewell of C.M Jewell & Associates Pty Ltd dated 22 December 2006 and environmental management plan report on Site Management Plan, 650 Nicholson Street North Fitzroy, Project: 42116, prepared by Douglas Partners Pty Ltd, dated 16 November 2006.

#### General

9. 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.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkway, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
  - (a) Located;
  - (b) Directed;
  - (c) Shielded; and
  - (d) Of limited intensity.

11. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
12. 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.
13. 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.
14. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

#### Construction Management

15. 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; Agenda Page 162 Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 24 October 2018
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters; (v) sediment from the land on roads;
    - (v) washing of concrete trucks and other vehicles and machinery; and
    - (vi) spillage from refuelling cranes and other vehicles and machinery
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (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.



16. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.
17. 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) Saturday 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.
18. This permit will expire if:
  - (a) The development is not commenced within two years of the date of this permit; and
  - (b) The development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

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

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

Submissions

The Applicant, Ashley addressed the Committee.

The following people also addressed the Committee:

Ms Jo Fyer;  
Mr Kenneth Macleod;  
Lucas (on behalf of Gretta Van Riel); and  
Ms Nicole Newton.

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Bosler

**Seconded:** Councillor Nguyen

That having considered all objections and relevant supporting documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN18/0644) for the development of the land for the construction of three additional storeys to an existing two storey building (equating to 5 storeys in total), for 4 dwellings at 4A/1 Bik Lane, Fitzroy North subject to the following conditions:

### Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show the following:
  - (a) The terraces at No. 3C/1 Bik Lane and No. 4B/1 Bik Lane.
  - (b) For Apartment D, Level 3, the screening details for the terrace (including a maximum transparency of 25%).
  - (c) For Apartment A and Apartment B, plan notations confirming:
    - (i) that the showers are 'hopless; and
    - (ii) that the bathroom doors associated have readily removable hinges.
  - (d) The incorporation of glazing to the pedestrian door entry (facing the western site boundary).
  - (e) The location of site services (including mailboxes and the 'signs' for the pedestrian entries) in accordance with Clause 58.06-2 of the Yarra Planning Scheme.
  - (f) Any plan changes required as a result of another condition of permit (including any changes from the STORM report required under the Sustainable Management Plan at condition 3 of this permit).
  - (g) The replacement of 'M4' Metal 4 on the southern and western elevations at the two upper levels with the metal of a rusted/industrial appearance.
2. Before development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### Sustainable Management Plan

3. 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 dated November 2018, but modified to include (but not limited to) the following:
  - (a) A complete, accurate and correct STORM or equivalent assessment report of the development in accordance with Clause 22.16 (Stormwater Management) of the Yarra Planning Scheme. The STORM rating should achieve a minimum of 100%.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

### Waste Management Plan

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

- (a) The waste management plan submitted as a separate report.
- (b) Further information needs to be added regarding both hard waste and e-waste diversion.
- (c) The provision of compost facilities to be included.

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

#### Car Parking

7. 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.

#### Environmental Audit

8. The development permitted by this permit must comply with the conditions in the Statement of Environmental Audit issued by Christopher Jewell of C.M Jewell & Associates Pty Ltd dated 22 December 2006 and environmental management plan report on Site Management Plan, 650 Nicholson Street North Fitzroy, Project: 42116, prepared by Douglas Partners Pty Ltd, dated 16 November 2006.

#### General

9. 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.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkway, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
- (a) Located;
  - (b) Directed;
  - (c) Shielded; and
  - (d) Of limited intensity.
11. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

12. 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.
13. 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.
14. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

#### Construction Management

15. 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; Agenda Page 162 Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 24 October 2018
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters; (v) sediment from the land on roads;
    - (v) washing of concrete trucks and other vehicles and machinery; and
    - (vi) spillage from refuelling cranes and other vehicles and machinery
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (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.
16. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

17. 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) Saturday 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.
18. This permit will expire if:
- (a) The development is not commenced within two years of the date of this permit; and
  - (b) The development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

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

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

**CARRIED**

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**1.3 PLN17/0517 - Farm Road, Alphington - Buildings and works to an existing outdoor recreational facility (golf course) and vegetation removal including removal of putting green and first tee box, construction of an underground buggy storage area (with elevated tee box and associated pathways, alterations to clubhouse facade and construction of a first floor terrace and construction of fencing) and vegetation removal**

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Trim Record Number: D19/112221

Responsible Officer: Senior Co-ordinator Statutory Planning

## **RECOMMENDATION**

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant a Planning Permit PLN18/0517 be issued for buildings and works to an existing outdoor recreational facility (golf course) and vegetation removal at Farm Road, Alphington, generally in accordance with the decision plans (being the 57A plans received by Council on 27 February 2019) and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show the following:
  - (a) The deletion of all proposed fencing within the upper car park and the lower car park.
  - (b) Any requirements from conditions of this planning permit including:
    - (i) Melbourne Water requirements pursuant to conditions 7 to 13; and
    - (ii) any tree protection measures required as a result of condition 3.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development commences, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Treelogic dated 23 May 2018, but modified to include (or show):
  - (a) protection measures for the three Victorian Blue Gums (*Eucalyptus Bicostata*) as a result of the proposed development.
4. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
5. The finished site levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

**Melbourne water conditions (condition 7 to condition 13)**

7. The layout of the site and size, design and location of buildings and works including the width of the openings to the 'open style' fence as shown on the submitted plans must not be altered without prior written consent from Melbourne Water.
8. The cut and fill plan 'TP09 Revision J dated 14 March 2019' must not be altered without the prior consent of Melbourne Water. The cut and fill plan shows the location and amount of cut and fill within the development
9. The development must be setback a minimum of thirty (30) metres measured from the top of bank of Darebin Creek.
10. The development must include a minimum five (5) metre landscape buffer zone to screen the development from the Darebin Creek.
11. Prior to the endorsement of plans, a detailed landscape plan must be submitted to Melbourne Water for approval. The plan must show:
  - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
  - (b) details of surface finishes of pathways and driveways;
  - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - (d) the location of the five (5) metre landscape buffer zone;
  - (e) only local native plants should be used and shown on the landscape plans.
12. Flood depth indicators and flood warning signs must be erected around the development including at the main entrance points to ensure that the public are aware that the area will be inundated during a 100 year event.
13. Prior to the endorsement of plans, the existing Flood Response Plan must be amended by an accredited risk management professional to include the new development and be submitted to Melbourne Water for review and approval.
14. This permit will expire if:
  - (a) The development is not commenced within two years of the date of this permit; or
  - (b) The development is not completed within four years of the date of this permit.

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

**Notes:**

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

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

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

## Melbourne Water Notes

The applicable flood level is 18.22 metres to Australian Height Datum (AHD).

To access more information regarding other services or online applications that Melbourne Water offers please visit our <https://www.melbournewater.com.au/planning-and-building>

For general development enquiries contact Melbourne Water Customer Service Centre on 131722.

### Submissions

Mr Daniel Bowden addressed the Committee on behalf of the Applicant.

The Manager, Mr Anthony White also addressed the Committee.

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor Bosler

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant a Planning Permit PLN18/0517 be issued for buildings and works to an existing outdoor recreational facility (golf course) and vegetation removal at Farm Road, Alphington, generally in accordance with the decision plans (being the 57A plans received by Council on 27 February 2019) and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show the following:
  - (a) The deletion of all proposed fencing within the upper car park and the lower car park.
  - (b) Any requirements from conditions of this planning permit including:
    - (i) Melbourne Water requirements pursuant to conditions 7 to 13; and
    - (ii) Tree planting and any tree protection measures required as a result of condition 3.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development commences, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Treelogic dated 23 May 2018, but modified to include (or show):
  - (a) protection measures for the three Victorian Blue Gums (*Eucalyptus Bicostata*) as a result of the proposed development; and
  - (b) the planting of 3 native trees of habitat value on the subject site.
4. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.



5. The finished site levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

**Melbourne water conditions (condition 7 to condition 13)**

7. The layout of the site and size, design and location of buildings and works including the width of the openings to the 'open style' fence as shown on the submitted plans must not be altered without prior written consent from Melbourne Water.
8. The cut and fill plan 'TP09 Revision J dated 14 March 2019' must not be altered without the prior consent of Melbourne Water. The cut and fill plan shows the location and amount of cut and fill within the development
9. The development must be setback a minimum of thirty (30) metres measured from the top of bank of Darebin Creek.
10. The development must include a minimum five (5) metre landscape buffer zone to screen the development from the Darebin Creek.
11. Prior to the endorsement of plans, a detailed landscape plan must be submitted to Melbourne Water for approval. The plan must show:
  - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
  - (b) details of surface finishes of pathways and driveways;
  - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - (d) the location of the five (5) metre landscape buffer zone;
  - (e) only local native plants should be used and shown on the landscape plans.
12. Flood depth indicators and flood warning signs must be erected around the development including at the main entrance points to ensure that the public are aware that the area will be inundated during a 100 year event.
13. Prior to the endorsement of plans, the existing Flood Response Plan must be amended by an accredited risk management professional to include the new development and be submitted to Melbourne Water for review and approval.
14. This permit will expire if:
  - (a) The development is not commenced within two years of the date of this permit; or
  - (b) The development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

**Melbourne Water Notes**

The applicable flood level is 18.22 metres to Australian Height Datum (AHD).

To access more information regarding other services or online applications that Melbourne Water offers please visit our <https://www.melbournewater.com.au/planning-and-building>

For general development enquiries contact Melbourne Water Customer Service Centre on 131722.

**CARRIED UNANIMOUSLY**

Adjournment

The Meeting adjourned at 8.26pm.

The Meeting resumed at 8.30pm.

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**1.4 PLN11/0429.04 - 35-41 Argyle Street, Fitzroy - Section 72 Amendment (plans) to increase the approved size of the fourth floor balcony by extending it further south into common property and to extend the size of the roof garden and construct a pergola and services, all for Unit 6 dwelling**

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Reference: D19/120673

Authoriser: Senior Co-ordinator Statutory Planning

## RECOMMENDATION

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 decision plans received by Council on ~~7 April 2015~~ **10 September 2018** but modified to show the following:
  - (a) A demolition plan.
  - (b) Residential door on Argyle Street to open within title boundaries.
  - (c) Revised material schedule.
  - (d) The location of bin storage in the garage to be clearly annotated.
  - (e) The full extent of demolition, including the removal of brickwork to allow for the conversion of the ground floor western window to a door.
  - (f) An increase in roller door width and/or an increased roller door setback from the laneway to provide access for an 85th percentile vehicle to the garages of units 2 and 3.
  - (g) The provision of a water tank(s). A note must detail:
    - (i) the expected amount of water to be collected;
    - (ii) the capacity of the tank(s); and
    - (iii) how the water will be reused.
  - (h) The location of pits and meters.
  - (i) Replacement of all relevant plan notations from the previously endorsed plans.
  - (j) Notation that the roof terrace be used solely by Unit 6.
  - (k) On Level 4, the deletion of the glass balustrade on the southern and western sides of the balcony.**
  - (l) On the roof garden, the deletion of the additional roof terrace area (measuring 5.19m by 5.2m approximately) located within the southern (front) setback.**
  - (m) On the roof garden, the balustrade on the southern side of the roof garden to be constructed of glass.**
2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Any damaged road(s) and footpath(s) and other infrastructure adjacent to the development site as a result of the construction works must be reinstated by the Permit holder, at their cost, to the satisfaction of the Responsible Authority.
4. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be to the satisfaction of the Responsible Authority and must detail who will undertake waste collection, the location and size of the storage area, hours when collection will occur, and the method of presentation of bins for collection (with particular emphasis on Units 2 and 3). Waste collection from the development must be undertaken in accordance with the endorsed Waste Management Plan, to the satisfaction of the Responsible Authority.

5. Before the development starts, an acoustic report, prepared by a suitably qualified expert must be submitted and endorsed to the satisfaction of the Responsible Authority. The endorsed report will then form part of the permit. The report must:
  - (a) detail any industrial and commercial uses within close proximity of the site;
  - (b) if necessary due to the nature of the uses surrounding the site, include sound monitoring to establish noise levels; and
  - (c) recommend any acoustic treatments to ensure the internal amenity of future residents.
6. Before any development starts, 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 of all adjacent Council roads and footpaths;
  - (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) methods for management of noise and general nuisance;
  - (g) site security;
  - (h) waste and stormwater treatment;
  - (i) construction program;
  - (j) preferred routes for trucks delivering to the site;
  - (k) parking facilities for construction workers;
  - (l) delivery and unloading points and expected frequency;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
  - (o) traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
7. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
8. This permit will expire if:
  - (a) the development is not commenced within two (2) years from the date of this permit;
  - (b) the development is not completed within four (4) years from 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 months afterwards.

9. **Unless a further planning permit is issued by the Responsible Authority, the owner of the land must remove the unlawful structures identified at condition 1(k) and condition 1(l) and carry out the works required at condition 1(m), within one (1) month from the date of amendment of the planning permit.**

NOTES:

A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

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

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

This 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.

As the site is affected by an Environmental Audit Overlay, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the requirements of Clause 45.03-1 must be met.

### Submission

Mr John Darnell addressed the Committee on behalf of the Applicant.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Bosler

**Seconded:** Councillor Nguyen

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 decision plans received by Council on ~~7 April 2015~~ **10 September 2018** but modified to show the following:
  - (a) A demolition plan.
  - (b) Residential door on Argyle Street to open within title boundaries.
  - (c) Revised material schedule.
  - (d) The location of bin storage in the garage to be clearly annotated.
  - (e) The full extent of demolition, including the removal of brickwork to allow for the conversion of the ground floor western window to a door.
  - (f) An increase in roller door width and/or an increased roller door setback from the laneway to provide access for an 85th percentile vehicle to the garages of units 2 and 3.
  - (g) The provision of a water tank(s). A note must detail:
    - (i) the expected amount of water to be collected;
    - (ii) the capacity of the tank(s); and
    - (iii) how the water will be reused.
  - (h) The location of pits and meters.
  - (i) Replacement of all relevant plan notations from the previously endorsed plans.
  - (j) Notation that the roof terrace be used solely by Unit 6.

- (k) On Level 4, the deletion of the glass balustrade on the southern and western sides of the balcony.
- (l) On the roof garden, the deletion of the additional roof terrace area (measuring 5.19m by 5.2m approximately) located within the southern (front) setback.
- (m) On the roof garden, the balustrade on the southern side of the roof garden to be constructed of glass.
- (n) The reference to 'MP2' on the southern elevation of Level 3 and Level 4 replaced with 'CB1' in accordance with as build conditions.

2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Any damaged road(s) and footpath(s) and other infrastructure adjacent to the development site as a result of the construction works must be reinstated by the Permit holder, at their cost, to the satisfaction of the Responsible Authority.
4. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be to the satisfaction of the Responsible Authority and must detail who will undertake waste collection, the location and size of the storage area, hours when collection will occur, and the method of presentation of bins for collection (with particular emphasis on Units 2 and 3). Waste collection from the development must be undertaken in accordance with the endorsed Waste Management Plan, to the satisfaction of the Responsible Authority.
5. Before the development starts, an acoustic report, prepared by a suitably qualified expert must be submitted and endorsed to the satisfaction of the Responsible Authority. The endorsed report will then form part of the permit. The report must:
  - (a) detail any industrial and commercial uses within close proximity of the site;
  - (b) if necessary due to the nature of the uses surrounding the site, include sound monitoring to establish noise levels; and
  - (c) recommend any acoustic treatments to ensure the internal amenity of future residents.
6. Before any development starts, 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 of all adjacent Council roads and footpaths;
  - (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) methods for management of noise and general nuisance;
  - (g) site security;
  - (h) waste and stormwater treatment;
  - (i) construction program;
  - (j) preferred routes for trucks delivering to the site;
  - (k) parking facilities for construction workers;
  - (l) delivery and unloading points and expected frequency;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and

- (o) traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

7. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am – 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

8. This permit will expire if:

- (a) the development is not commenced within two (2) years from the date of this permit;
- (b) the development is not completed within four (4) years from 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 months afterwards.

9. **Unless a further planning permit is issued by the Responsible Authority, the owner of the land must remove the unlawful structures identified at condition 1(k) and condition 1(l) and carry out the works required at condition 1(m), within one (1) month from the date of amendment of the planning permit.**

#### NOTES:

A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

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

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

This 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.

As the site is affected by an Environmental Audit Overlay, before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the requirements of Clause 45.03-1 must be met.

**CARRIED**

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**1.5      PLN18/0584 - Langridge Ward - 79-89 Wellington Street, Collingwood - Use and development of the land for a multi-storey building containing a residential hotel and office and a reduction in car parking and visitor bicycle facilities**

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Trim Record Number: D19/105261

Responsible Officer:

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Internal Development Approvals Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0584 for the use and development of the land for a multi-storey building containing a residential hotel (serviced apartments) and office and a reduction in car parking and visitor bicycle facilities at 79-89 Wellington Street, Collingwood, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Fenton Design Group dated 26 April 2019 but modified to show:

### General

- (a) Services screen to be clearly depicted on elevations.
- (b) 'RL' level to the top of the building parapet and the services screen to be shown on cross sections and elevations
- (c) Height of the 'street wall' measured from natural ground dimensioned on the north, east and south elevations and sections, including an 'RL' measurement to the uppermost point.
- (d) Full height screens either fixed or with restricted openings to the west facing balconies angled to prevent direct overlooking within 9m to the proposed balconies and habitable room windows of No. 72-94 Cambridge Street as shown on the endorsed plans for PLN15/1083.
- (e) Northern side of the northern-most west-facing balconies treated to prevent overlooking into the proposed west facing Level 2 terrace at No. 93 Wellington Street as shown on the endorsed plans for PLN17/0512.
- (f) Southern side of the southern-most west facing balconies to provide a 1.7m high obscure glazed privacy screen, or otherwise restricted to a maximum of 25% openings.
- (g) Relocation of the air condensers on the balconies with glazed balustrades to internally within the building or within the roof top services area
- (h) Demonstrate (e.g. through plan notations) that air condensers to balconies with solid balustrades will not be visible from Wellington Street.

### ESD

- (i) Additional external shading systems applied on all east, west and north facing facades and/or reduction in glazing to achieve acceptable cooling loads as determined by the revised DTS Preliminary Section J assessment pursuant to condition 3(c) ;
- (j) Provision for organic/green waste system



### Materials

- (k) 'P1' paint finish to precast concrete to the columns and balconies facing Wellington Street replaced with a masonry finish such as brick-snap cladding with a brown/red colour finish
- (l) 'G1 – Low E Green' glass replaced with a clear, light grey, 'neutral' bronze colour or similar.
- (m) Clear glazing (or similar) in lieu of Low E Green (G1) to the glazed sections at ground level to Wellington Street.
- (n) Details of privacy screens to the west facing balconies pursuant to Condition 1(d), including a light colour finish;
- (o) 'P2' (*Monument*) paint finish to the northern boundary walls to either side of the lightcourt replaced with 'P1' (*White watsonia*)
- (p) an updated schedule of external colours and materials, including samples (where appropriate). The schedule must show:
  - (i) thumb nail sketches of key elements of the façade for all buildings;
  - (ii) coloured elevations including coloured perspectives reflective of the proposed colours and materials;

### Bike and Car Parking

- (q) Splay the retail tenancy so that it does not obstruct the vehicle sightline triangle or alternatively demonstrate the measures to ensure that the sightline will be kept clear at all times.
- (r) Dimensions of the internal ramped access ways.
- (s) Ground clearance check for the ascending (inside) lane of the curved ramps using a B99 design vehicle demonstrating that a vehicle can adequately traverse the inside lane of the curved ramp without scraping.
- (t) Swept path diagrams to confirm the extent of modification required to the raised concrete barriers associated with the Copenhagen bicycle lanes along Wellington Street in order to accommodate vehicle access in and out of the subject site.
- (u) Construction/extension of the raised concrete barrier for the Copenhagen Lane adjacent to the redundant vehicle crossover.
- (v) Length of car spaces 20 to 24 on Basement B2 increased to a minimum of 4.9m.
- (w) Car spaces less than 2.6 metres wide to be dimensioned and designated as "Small Car" spaces and clearly depicted on the drawings.
- (x) Relocation of electric vehicle (EV) charging points adjacent to car spaces.
- (y) Provision for a minimum of 15 employee bicycle spaces designed in accordance with AS2890.3 by:
  - (i) A minimum 20% horizontal spaces
  - (ii) All spaces within a secure lockable area (i.e. cage or similar)

### Reports

- (z) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 3 to be shown on plans;
- (aa) any requirements as a result of the endorsed wind assessment report pursuant to condition 5 to be shown 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.

### **Sustainability Management Plan**

3. Before the development commences, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by JBA Consulting Engineers and dated 24 March 2019, but modified to include or show/include:
  - (a) Updated to reflect the amended plans pursuant to condition 1, including:
    - (a) Description of the site
    - (b) Rainwater catchment areas
  - (b) Revised daylight modelling based on the amended plans pursuant to condition 1, including accurate glazing types;
  - (c) Revised DTS Preliminary Section J assessment based on the amended plans pursuant to condition 1 including accurate glazing types;
  - (d) Provision for organic/green waste;
4. Prior to the occupation of the development approved under this planning permit, a report from the author of the sustainable management plan, approved pursuant to 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 that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan including:
  - (a) Completed JV3 energy modelling report (or equivalent) demonstrating at least 15% improvement in the heating and cooling requirements of the NCC

### **Wind Report**

5. 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.
6. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

7. Before the development commences, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 3 August 2018, but modified to include:

- (a) Any changes as required by the amended plans pursuant to condition 1
  - (b) Provision for organic/green waste
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

### **Green Travel Plan**

9. Before the use commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by JBA Consulting Engineers and dated April 2019, but modified to include or show:
- (a) Updated to reflect the amended plans pursuant to condition 1
  - (b) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (c) security arrangements to access the employee bicycle storage spaces;
  - (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (e) Provisions for the Green Travel Plan to be updated not less than every 5 years.
10. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Uses**

11. Except with the prior written consent of the Responsible Authority, the office uses authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week.
12. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
- (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) The presence of vermin.
13. The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
14. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
15. The provision of music and entertainment on the land must be at a background noise level.

16. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
17. Before the use of the residential hotel commences, an amended Residential Hotel Operation Management Plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The Residential Hotel Operation Management Plan must be generally in accordance with the Management Plan prepared by Quest Hotels submitted with the original application on 23 November 2018 but updated to include/show:
  - (a) Date and version of the management plan
  - (b) Use of the outdoor terrace restricted to 10pm, with all external doors/windows from the business lounge and conference room closed thereafter;
  - (c) The use of the business lounge and conference area restricted to 11pm.

### **Section 173 Agreement – Residential Hotel**

18. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, 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*, which provides for the following:
  - (a) The guests of the residential hotel (serviced apartments) to be restricted to maximum stay of 30 days; and
  - (b) The residential hotel (serviced apartments) must be managed by a single operator and not disposed of as individual lots.

### **General**

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
20. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
22. Before the 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.
23. 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.
24. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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) Line-marked or provided with some adequate means of showing the car parking spaces.

to the satisfaction of the Responsible Authority.

### **Copenhagen Bicycle lanes**

26. Before the building is occupied, or by such later date as approved in writing by the responsible authority, the following works to the Copenhagen bicycle lanes along Wellington Street are required to be undertaken to the satisfaction of the Responsible Authority and at the full cost of the permit holder:
- (a) the raised concrete barrier for the Copenhagen lane extended across the reinstated vehicle crossing.
  - (b) Modification to the raised concrete barrier as determined by the swept path diagrams submitted pursuant to condition 1(t) of this permit
  - (c) Any subsequent lane marking/painting

### **Civil Works**

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
29. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
30. 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.
31. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

### **Street trees**

32. Before the development commences, the permit holder must make a one off contribution to the Responsible Authority to cover the cost for the removal of the existing street tree as required as a result of the development and replacement of two new street tree plantings along the site frontage, including 2 years' maintenance.

### **Construction Management Plan**

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

- (q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
- (t) Any site-specific requirements.

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

34. During the construction:

- (a) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (b) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (c) Vehicle borne material must not accumulate on the roads abutting the land;
- (d) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

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

- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Permit Expiry**

37. This permit will expire if:

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

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

### **Notes:**

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5095 for further information.

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

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

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

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

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

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

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.

### Submission

Ms Jessica Denison addressed the Committee on behalf of the Applicant.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Bosler

**Seconded:** Councillor O'Brien

That having considered all objections and relevant planning policies, the Internal Development Approvals Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0584 for the use and development of the land for a multi-storey building containing a residential hotel (serviced apartments) and office and a reduction in car parking and visitor bicycle facilities at 79-89 Wellington Street, Collingwood, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Fenton Design Group dated 26 April 2019 but modified to show:

### General

- (a) Services screen to be clearly depicted on elevations.
- (b) 'RL' level to the top of the building parapet and the services screen to be shown on cross sections and elevations.



- (c) Height of the 'street wall' measured from natural ground dimensioned on the north, east and south elevations and sections, including an 'RL' measurement to the uppermost point.
- (d) Full height screens either fixed or with restricted openings to the west facing balconies angled to prevent direct overlooking within 9m to the proposed balconies and habitable room windows of No. 72-94 Cambridge Street as shown on the endorsed plans for PLN15/1083.
- (e) Northern side of the northern-most west-facing balconies treated to prevent overlooking into the proposed west facing Level 2 terrace at No. 93 Wellington Street as shown on the endorsed plans for PLN17/0512.
- (f) Southern side of the southern-most west facing balconies to provide a 1.7m high obscure glazed privacy screen, or otherwise restricted to a maximum of 25% openings.
- (g) Relocation of the air condensers on the balconies with glazed balustrades to internally within the building or within the roof top services area
- (h) Demonstrate (e.g. through plan notations) that air condensers to balconies with solid balustrades will not be visible from Wellington Street.

#### ESD

- (i) Additional external shading systems applied on all east, west and north facing facades and/or reduction in glazing to achieve acceptable cooling loads as determined by the revised DTS Preliminary Section J assessment pursuant to condition 3(c) ;
- (j) Provision for organic/green waste system

#### Materials

- (k) 'P1' paint finish to precast concrete to the columns and balconies facing Wellington Street replaced with a masonry finish such as brick-snap cladding with a brown/red colour finish
- (l) 'G1 – Low E Green' glass replaced with a clear, light grey, 'neutral' bronze colour or similar.
- (m) Clear glazing (or similar) in lieu of Low E Green (G1) to the glazed sections at ground level to Wellington Street.
- (n) Details of privacy screens to the west facing balconies pursuant to Condition 1(d), including a light colour finish;
- (o) 'P2' (*Monument*) paint finish to the northern boundary walls to either side of the lightcourt replaced with 'P1' (*White watsonia*)
- (p) an updated schedule of external colours and materials, including samples (where appropriate). The schedule must show:
  - (i) thumb nail sketches of key elements of the façade for all buildings;
  - (ii) coloured elevations including coloured perspectives reflective of the proposed colours and materials;

#### Bike and Car Parking

- (q) Splay the retail tenancy so that it does not obstruct the vehicle sightline triangle or alternatively demonstrate the measures to ensure that the sightline will be kept clear at all times.
- (r) Dimensions of the internal ramped access ways.
- (s) Ground clearance check for the ascending (inside) lane of the curved ramps using a B99 design vehicle demonstrating that a vehicle can adequately traverse the inside lane of the curved ramp without scraping.

- (t) Swept path diagrams to confirm the extent of modification required to the raised concrete barriers associated with the Copenhagen bicycle lanes along Wellington Street in order to accommodate vehicle access in and out of the subject site.
- (u) Construction/extension of the raised concrete barrier for the Copenhagen Lane adjacent to the redundant vehicle crossover.
- (v) Length of car spaces 20 to 24 on Basement B2 increased to a minimum of 4.9m.
- (w) Car spaces less than 2.6 metres wide to be dimensioned and designated as "Small Car" spaces and clearly depicted on the drawings.
- (x) Relocation of electric vehicle (EV) charging points adjacent to car spaces.
- (y) Provision for a minimum of 15 employee bicycle spaces designed in accordance with AS2890.3 by:
  - (i) A minimum 20% horizontal spaces
  - (ii) All spaces within a secure lockable area (i.e. cage or similar)
- (z) Provision for a minimum of 15 lockers proximate to the employee bicycle spaces and change facilities.
- (aa) One of the car spaces allocated as a 'car share' space.

#### Landscaping

- (bb) Ground floor entrance/s to be set back to accommodate soft landscaping, e.g. planter boxes.
- (cc) Planter boxes to be incorporated along the terraces at Levels 1 and 7, with vegetation to be visible from Wellington Street.

#### Reports

- (dd) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 3 to be shown on plans;
  - (ee) any requirements as a result of the endorsed wind assessment report pursuant to condition 5 to be shown 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.

#### **Sustainability Management Plan**

3. Before the development commences, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by JBA Consulting Engineers and dated 24 March 2019, but modified to include or show/include:
- (a) Updated to reflect the amended plans pursuant to condition 1, including:
    - (a) Description of the site
    - (b) Rainwater catchment areas
  - (b) Revised daylight modelling based on the amended plans pursuant to condition 1, including accurate glazing types;
  - (c) Revised DTS Preliminary Section J assessment based on the amended plans pursuant to condition 1 including accurate glazing types;

(d) Provision for organic/green waste;

4. Prior to the occupation of the development approved under this planning permit, a report from the author of the sustainable management plan, approved pursuant to 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 that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan including:
  - (a) Completed JV3 energy modelling report (or equivalent) demonstrating at least 15% improvement in the heating and cooling requirements of the NCC

### **Wind Report**

5. 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.
6. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

7. Before the development commences, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 3 August 2018, but modified to include:
  - (a) Any changes as required by the amended plans pursuant to condition 1
  - (b) Provision for organic/green waste
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

### **Green Travel Plan**

9. Before the use commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by JBA Consulting Engineers and dated April 2019, but modified to include or show:
  - (a) Updated to reflect the amended plans pursuant to condition 1
  - (b) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (c) security arrangements to access the employee bicycle storage spaces;

- (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (e) Provisions for the Green Travel Plan to be updated not less than every 5 years.
10. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Uses**

11. Except with the prior written consent of the Responsible Authority, the office uses authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week.
12. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
- (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) The presence of vermin.
13. The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
14. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
15. The provision of music and entertainment on the land must be at a background noise level
16. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
17. Before the use of the residential hotel commences, an amended Residential Hotel Operation Management Plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The Residential Hotel Operation Management Plan must be generally in accordance with the Management Plan prepared by Quest Hotels submitted with the original application on 23 November 2018 but updated to include/show:
- (a) Date and version of the management plan
  - (b) Use of the outdoor terrace restricted to 10pm, with all external doors/windows from the business lounge and conference room closed thereafter;
  - (c) The use of the business lounge and conference area restricted to 11pm.

### **Section 173 Agreement – Residential Hotel**

18. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, 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*, which provides for the following:
  - (a) The guests of the residential hotel (serviced apartments) to be restricted to maximum stay of 30 days; and
  - (b) The residential hotel (serviced apartments) must be managed by a single operator and not disposed of as individual lots.

### **General**

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
20. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
22. Before the 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.
23. 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.
24. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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) Line-marked or provided with some adequate means of showing the car parking spaces.to the satisfaction of the Responsible Authority.

### **Copenhagen Bicycle lanes**

26. Before the building is occupied, or by such later date as approved in writing by the responsible authority, the following works to the Copenhagen bicycle lanes along Wellington Street are required to be undertaken to the satisfaction of the Responsible Authority and at the full cost of the permit holder:
  - (a) the raised concrete barrier for the Copenhagen lane extended across the reinstated vehicle crossing.
  - (b) Modification to the raised concrete barrier as determined by the swept path diagrams submitted pursuant to condition 1(t) of this permit
  - (c) Any subsequent lane marking/painting

### **Civil Works**

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
29. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
30. 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.
31. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

### **Street trees**

32. Before the development commences, the permit holder must make a one off contribution to the Responsible Authority to cover the cost for the removal of the existing street tree as required as a result of the development and replacement of two new street tree plantings along the site frontage, including 2 years' maintenance.

### **Construction Management Plan**

33. Before the development commences, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
  - (b) Works necessary to protect road and other infrastructure.
  - (c) Remediation of any damage to road and other infrastructure.
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.

- (e) Facilities for vehicle washing, which must be located on the land.
- (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
- (g) Site security.
- (h) Management of any environmental hazards including, but not limited to,:
  - (i) contaminated soil.
  - (ii) materials and waste.
  - (iii) dust.
  - (iv) stormwater contamination from run-off and wash-waters.
  - (v) sediment from the land on roads.
  - (vi) washing of concrete trucks and other vehicles and machinery.
  - (vii) spillage from refuelling cranes and other vehicles and machinery.
- (i) The construction program.
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
- (k) Parking facilities for construction workers.
- (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
  - (i) using lower noise work practice and equipment.
  - (ii) the suitability of the land for the use of an electric crane.
  - (iii) silencing all mechanical plant by the best practical means using current technology.
  - (iv) fitting pneumatic tools with an effective silencer.
  - (v) other relevant considerations.
- (q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
- (t) Any site-specific requirements.

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

34. During the construction:

- (a) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (b) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

- (c) Vehicle borne material must not accumulate on the roads abutting the land;
  - (d) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
35. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
36. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Permit Expiry**

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

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

### **Notes:**

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5095 for further information.

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

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

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

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

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

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



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.

**CARRIED UNANIMOUSLY**

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**1.6 PLN17/1014 - 171-173 Swan Street, Richmond - Demolition of the existing building and development of a five storey mixed use building including a reduction in the car parking requirements of the Yarra Planning Scheme in association with a shop, office and dwellings.**

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Reference: D19/130647

Authoriser: Coordinator Statutory Planning

## **RECOMMENDATION**

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit PLN17/1014 for demolition and development of the land for the construction of a mixed-use building, and a reduction in the statutory car parking requirement at No. 171 -173 Swan street, Richmond 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 Loop Architecture, dated June 2018 and 2019 (SK100 Rev U, SK101 Rev R, SK102 Rev Q, SK103 Rev Q, SK104 Rev S, SK105 Rev S, SK107 Rev T, SK201 Rev N, SK301 Rev T, SK302 Rev S, SK301 Rev X, SK302 Rev W, SK901 Rev R but amended to include:
  - (a) The following:
    - (i) Floor to ceiling heights in habitable rooms;
    - (ii) Operable glazing to residential terraces;
    - (iii) Service cupboards to be attached to the building when in an open position;
    - (iv) Headroom clearance to the garage;
    - (v) Minimum height clearance of the building to the rear carriageway easement;
    - (vi) Removal of reference to commercial use in office area; and
    - (vii) The heritage style Swan Street wall and its Dickman Street return to be a masonry construction.
  - (b) Sash operation windows to the office and dwellings to improve natural ventilation opportunities,
  - (c) Provision of operable windows to both elevations of the shop (with style of windows not to altered);
  - (d) All buildings and works to be located clear of the boundary wall easement shown as E-2 on Title Plan TP101204J;
  - (e) A demolition plan including confirmation the existing boundary wall affected by the party wall easement is to be retained;
  - (f) Demonstration of compliance with Standard D17 (*Accessibility objective*), Standard D24 (*Functional layout*) and Standard D27 (*Natural ventilation*) of Clause 58 (*Apartment Developments*) of the Yarra Planning Scheme; and
  - (g) Any alterations to the development required by the updated Sustainable Management Plan at Condition 3, Acoustic report at Condition 5 and Waste Management Plan at Condition 9.

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 Management Plan

3. 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 Building Thermal Performance Assessors and dated 22 April 2019, but modified to include:
  - (a) Removal of non-committal language and references to minimum compliance with NCC standards and to instead demonstrate Best Practice;
  - (b) Building Materials Section to clarify commitments to recycled and sustainable materials;
  - (c) Detail thermal performance including details of building materials performance for the ground and first floor commercial uses and to achieve a minimum of 10% improvement on Best Practice;
  - (d) BESS report credits to clarify the following:
    - (i) Rating improvements on heating and cooling,
    - (ii) Provision of building systems (fire test water and water based heat rejection);
    - (iii) Retention and reuse of 30% of existing building fabric;
  - (e) Space heating and cooling to clarify details with consideration of best practice systems, and note strategy for HVAC use minimisation;
  - (f) Clarify if low/zero VOC and formaldehyde products are to be used;
  - (g) Thermal performance of commercial uses building fabric;
  - (h) Clarification on the Utilisation of daylight and sensor lighting in the office and communal areas with LED lighting to meet current (NCC) minimum light power densities.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic

5. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the report prepared by Broner Consulting: dated April 2019, but modified to include or show:
  - (a) all dwellings to achieve internal noise targets of 30dBA Leq in bedrooms and 35dBA Leq in living rooms.
6. Within 3 months of the commencement of the occupation of the building, a post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the acoustic report approved under condition 5. The report 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) confirm the recommendations of the endorsed acoustic reports required as part of conditions 5 have been implemented;
  - (b) assess mechanical plant noise (including the garage door) to SEPP N-1; and

- (c) if non-compliance with condition 5a) 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.
- 7. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.
- 8. The uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 9. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Waste Management Plan

- 10. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Loop Architecture and dated April 2019, but modified to include:
  - (a) residential bins to be 1 X 240ltr waste and 1X 240ltr, and
  - (b) Waste collection by private contractors.
- 11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Engineering

- 12. 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.
- 13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath frontage to the site must be demolished and re-instated as standard footpath with a maximum 1-40 cross-fall and with bluestone kerb and channel to Dickman Street frontage retained/reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 14. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way and with all redundant property drains to be removed.
- 15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must demonstrate by way of a ground clearance check that B99 vehicle vehicles can traverse the new vehicle crossing without scraping or bottoming out and the crossover to be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) the satisfaction of the Responsible Authority

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

VicRoads (Conditions 17 and 18)

17. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment Land Water and Planning (DELWP) pursuant to Section 138A (11) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Swan Street boundary (i.e., the canopies, fixed shading devices, architectural features, balcony framing, screening etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Swan Street road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
18. Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. Swan Street). Please contact VicRoads prior to commencing any works.

General

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park and pedestrian entrances must be provided within the property boundary. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded;
  - (d) of limited intensity, and
  - (e) to the satisfaction of the Responsible Authority.
20. 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.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
22. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
23. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;

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

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

25. 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.

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:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5428 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 5428 for further information.

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

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

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

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.

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

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

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.

#### Submission

The Applicant, Mr Michael Wooley addressed the Committee.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Nguyen

**Seconded:** Councillor Bosler

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**



The meeting closed at 9.01pm.

**Confirmed at the meeting held on Wednesday 21 August 2019**

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**Chair**