



YARRA CITY COUNCIL INTERNAL DEVELOPMENT APPROVALS COMMITTEE MINUTES

**held on Wednesday 21 August 2019 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Mi-Lin Chen Yi Mei (substitute for Cr Danae Bosler)
Councillor Daniel Nguyen
Councillor Stephen Jolly (substitute for Cr Misha Coleman)

Danielle Connell (Senior Co-ordinator Statutory Planning)
Vicky Grillakis (Co-ordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

Councillor Danae Bosler
Councillor Misha Coleman

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

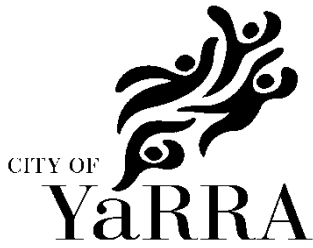
Moved: Councillor Jolly **Seconded:** Councillor Chen Yi Mei

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 7 August 2019 be confirmed.

CARRIED

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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

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

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

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

**Governance Branch
2008**

Councillor Chen Yi Mei nominated Councillor Nguyen as Chair.

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

Councillor Nguyen assumed the Chair.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN18/0643 - 60 – 62 Langridge Street & 23 – 45 Waterloo Road, Collingwood - Use and development of the land for the construction of a nine storey residential hotel (187 rooms – 24 hour operation), a ground floor food and drinks premises, and a reduction in the car parking and bicycle requirements.	6	16
1.2	PLN18/0844 - 60 - 88 Langridge Street and 23 - 45 Waterloo Road, Collingwood - Use and development of the land for the construction of two office buildings (seven and nine storeys plus basement levels) with two, ground floor restaurants and a restricted recreation facility (gymnasium), sale and consumption of liquor and a reduction in the car parking requirements.	26	39
1.3	PLN18/0880 - 42 Bell Street, Fitzroy-Construction of a double storey studio at 42 Bell Street and over a carriageway easement of 40-48 Bell Street and 27-31 John Street, Fitzroy.	53	55

1.1 PLN18/0643 - 60 – 62 Langridge Street & 23 – 45 Waterloo Road, Collingwood - Use and development of the land for the construction of a nine storey residential hotel (187 rooms – 24 hour operation), a ground floor food and drinks premises, and a reduction in the car parking and bicycle requirements.

Reference: D19/118958

Authoriser: Acting Director Planning and Place Making

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 PLN18/0643 for the use and development of the land for a multi-storey building containing a residential hotel and a food and drinks premises and a reduction in car parking and bicycle requirements at 60 – 72 Langridge Street, Collingwood (formally known as No. 60 – 62 Langridge Street and 23 – 45 Waterloo Road), 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 Techne Architecture received by Council on 20 December 2018 but modified to show:
 - (a) reduction in the extent of services and increased clear glazing by 2.4m in length along the Langridge Street frontage as per the sketch plan provided to Council on 11 July 2019;
 - (b) reconfiguration of the substation, so that the shorter edge is along Langridge Street (instead of the longer side), unless Citipower do not agree and demonstrate their non-consent in a written form. If Citipower do not agree to the reconfiguration of the substation, a green wall along the services area to Langridge Street must be provided;
 - (c) inclusion of a partial 1m wide ground floor setback from the eastern boundary, adjacent to Langridge Street (with subsequent internal reconfiguration including the stair access being located wholly within the subject site) as per the sketch plan provided to Council on 11 July 2019;
 - (d) additional glazing and material changes to the bicycle parking area along the northern wall of the ground floor as per the sketch plan provided to Council on 11 July 2019 with a further modification to increase in the size of the windows
 - (e) additional glazing along the eastern ground floor walls as per the sketch plan provided to Council on 11 July 2019;
 - (f) provision of an indent in the central break in the tower form (1.3m deep and 5.8m wide) facing Langridge Street and the replacement of the exposed concrete material with metal cladding as per the sketch plan provided to Council on 11 July 2019;
 - (g) additional windows to the east and western side elevations from the first floor and above, as per the sketch plan provided to Council on 11 July 2019;
 - (h) a reduction in the height of the southern-most edge of the tower façade by 0.8m by setting back the parapet as per the sketch plan provided to Council on 11 July 2019 but further modified by an additional setback of the eighth floor (Level M8) from the southern boundary to a minimum of 7m;
 - (i) a random selection of the northern and southern window shrouds to be a lighter colour to add variation to the façades;
 - (j) sculptural lighting applied to the external stairwells as per the sketch plan provided to Council on 11 July 2019;
 - (k) details of security lighting provided to the residential hotel entry, northern laneway pedestrian entry and internally within the bicycle parking area;

- (l) deletion of the proposed kerb outstand;
 - (m) a green roof above the reception area and the inclusion of vertical greening (either via climbing plants or planter boxes) for the upper levels;
 - (n) confirmation the rooms shown as 'DDA Room' are compliant with the *Disability Discrimination Act 1995*;
 - (o) elevations provided where the service areas interface with the lifts and the 'DDA Room' entry interface with areas accessible by hotel room occupants or residents;
 - (p) details to confirm that the employee bicycle hoop dimensions and clearances from the roller door comply with AS2890.3;
 - (q) ten visitor bicycle spaces installed as horizontal at-grade spaces, in a location easily locatable and accessible by visitors to the site and demonstrated to comply with AS2890.3;
 - (r) any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 4) (where relevant to show on plans);
 - (s) any requirement of the endorsed Sustainable Management Plan (condition 8) (where relevant to show on plans);
 - (t) any requirement of the endorsed Waste Management Plan (condition 11) (where relevant to show on plans);
 - (u) any requirement of the endorsed Acoustic Report (condition 14) (where relevant to show on plans);
 - (v) any requirement of the endorsed Landscape Plan report (condition 17) (where relevant to show on plans; and
 - (w) any requirement of the endorsed Wind Report (condition 22) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. As part of the ongoing consultant team, Techne Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
 4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.

Uses

5. Except with the prior written consent of the Responsible Authority, no more than 96 patrons are permitted within the food and drinks premises at any one time.
6. Before the residential hotel use starts, a Residential Hotel 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 then form part of the permit. The plan must detail the following:

- (a) procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood;
 - (b) ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
 - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
 - (d) an outline of all house rules intended to be used to manage residents and guests including:
 - (i) guest behaviour;
 - (ii) noise;
 - (iii) alcohol consumption; and
 - (iv) methods of eviction if house rules are broken;
 - (e) details of eviction process in the event house rules are broken;
 - (f) standards for property maintenance, health and cleanliness; and
 - (g) security against thefts and break-ins, including security of guests' belongings.
7. The residential hotel use must be managed in accordance with the endorsed Residential Hotel Management Plan.

Sustainable Management Plan

8. 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 Cundall in December 2018 but modified to include or show as Bess Project Score of at least 70%.
9. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP Implementation Report

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

Waste Management Plan

11. 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 Irwin Consult and dated 14 December 2018, but modified to include:
- (a) waste streams outside of garbage and recycling shown on waste room diagrams;
 - (b) yarra's Local Law or EPA guidelines on allowable collection times; and
 - (c) how WMP revisions are to be managed.
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

Acoustic report

14. The provisions, recommendations and requirements of the endorsed Acoustic Report (Cundal report prepared on 12 December 2018 and the supplementary advice provided on 14 March 2019) must be implemented and complied with to the satisfaction of the Responsible Authority.
15. Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the endorsed acoustic report. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
 - (a) confirm that the recommendations of the endorsed acoustic report required as part of Condition 14 have been implemented;
 - (b) assess mechanical plant noise (including noise from the substation and pump room) to SEPP N-1; and
 - (c) If non-compliance with Condition 15b 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.
16. The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

17. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
 - (a) delete any proposed boulders and not include any protrusions not the main path of travel;
 - (b) provide information on the proposed planters of the development including depth, widths, soil media, drainage layers, mulch and irrigation;
 - (c) include information on planters for the feature trees, or the relevant details if the proposed planting is in-ground;
 - (d) delete the proposed *Hedera Helix* and *Parthenocissus tricuspidata* and replace with suitable alternative species;
 - (e) provide a green roof above the reception area and vertical greening (either via climbing plants or planter boxes) for the upper levels;
 - (f) include a planting plan;
 - (g) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (h) show the materiality of the proposed spaces;
 - (i) detail the design (including the provision of detailed sections) and layout of the common area, planters and ground level planting areas;

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

to the satisfaction of the Responsible Authority.

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

to the satisfaction of the Responsible Authority.

Street Trees

19. Before the development starts, the permit holder must provide a security bond of \$10,411 for the two Langridge Street street trees (Tree IDs 13309 and 13310) to the Responsible Authority. The security bond:

- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
- (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
- (c) in accordance with the requirements of this permit; or
- (d) otherwise to the satisfaction of the Responsible Authority.

Tree Protection Management Plan

20. Before the development commences, a Tree Protection 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 Protection Management Plan will be endorsed and will form part of this permit. The Tree Protection Management Plan must make recommendations for the protection of the two Langridge Street street trees (Tree IDs 13309 and 13310) in relation any canopy protection measures required for scaffolding, tree trunk and root zone protection during works

- (a) pre-construction;
- (b) during construction; and
- (c) post construction
- (d) the provision of any barriers;
- (e) any pruning necessary; and
- (f) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

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

Wind

22. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and prepared on 12 December 2018, but modified to include (or show):
 - (a) a wind tunnel model study of the environmental wind conditions to quantify the wind conditions and whether additional mitigation treatments are required to satisfy the relevant criteria.
23. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Road Infrastructure

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, existing grated pit within the existing (redundant) vehicle crossing must be converted to a grated side entry pit in accordance with Council's Standard Drawings:
 - (a) with the works done concurrently with the removal and reinstatement of the redundant vehicle crossing;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bicycle bike racks (for four bikes) must be installed:

- (a) with a a minimum 1.5m wide clear path of travel along the footpath;
- (b) at the permit holder's cost; and
- (c) in a location and manner,

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, uplifted and subsided sections of kerb and channel along the property's Langridge Street road frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, subsided section of Right of Way (in the vicinity of the proposed bicycle parking facilities) must be reconstructed:
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Langridge Street frontage must be stripped and re-sheeted:
 - (a) with a cross-fall of 1 in 33 or unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
32. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Lighting

33. 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 residential hotel entry, northern laneway pedestrian entry and internally within the bicycle parking area must be provided on the subject site. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.

General

34. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
35. The amenity of the area must not be detrimentally affected by the use, including through:

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

to the satisfaction of the Responsible Authority.

- 36. 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).
- 37. 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).
- 38. The provision of music and entertainment on the land must be at a background noise level.
- 39. 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.
- 40. 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.
- 41. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 42. 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.
- 43. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 44. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

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

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

During the construction:

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

Time expiry

46. This permit will expire if:

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

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

Notes:

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 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 owner's expense after seeking approval from the relevant authority.

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

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system.

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.

Submissions

Mr Will Pearce addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Stephanie Hendrick;

Ms Jenny Briggs;

Ms Sue Nicholson; and

Ms Nina Hansen.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Chen Yi Mei

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 PLN18/0643 for the use and development of the land for a multi-storey building containing a residential hotel and a food and drinks premises and a reduction in car parking and bicycle requirements at 60 – 72 Langridge Street, Collingwood (formally known as No. 60 – 62 Langridge Street and 23 – 45 Waterloo Road), 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 Techne Architecture received by Council on 20 December 2018 but modified to show:
 - (a) A 1.5m setback from the eastern boundary at the ground floor and above, with no built form encroaching upon this;
 - (b) reduction in the extent of services and increased clear glazing by 2.4m in length along the Langridge Street frontage as per the sketch plan provided to Council on 11 July 2019;
 - (c) reconfiguration of the substation, so that the shorter edge is along Langridge Street (instead of the longer side), unless Citipower do not agree and demonstrate their non-consent in a written form. If Citipower do not agree to the reconfiguration of the substation, a green wall along the services area to Langridge Street must be provided;
 - (d) additional glazing and material changes to the bicycle parking area along the northern wall of the ground floor as per the sketch plan provided to Council on 11 July 2019 with a further modification to increase in the size of the windows;
 - (e) additional glazing along the eastern ground floor walls as per the sketch plan provided to Council on 11 July 2019, but further modified to include an additional setback provided as per Condition 1(a);
 - (f) provision of an indent in the central break in the tower form (1.3m deep and 5.8m wide) facing Langridge Street and the replacement of the exposed concrete material with metal cladding as per the sketch plan provided to Council on 11 July 2019;
 - (g) additional windows to the east and western side elevations from the first floor and above, as per the sketch plan provided to Council on 11 July 2019, but further modified to include an additional setback provided as per Condition 1 (a);

- (h) a reduction in the height of the southern-most edge of the tower façade by 0.8m by setting back the parapet as per the sketch plan provided to Council on 11 July 2019 but further modified by an additional setback of the eighth floor (Level M8) from the southern boundary to a minimum of 7m;
 - (i) a random selection of the northern and southern window shrouds to be a lighter colour to add variation to the façades;
 - (j) sculptural lighting applied to the external stairwells as per the sketch plan provided to Council on 11 July 2019;
 - (k) details of security lighting provided to the residential hotel entry, northern laneway pedestrian entry and internally within the bicycle parking area;
 - (l) deletion of the proposed kerb outstand;
 - (m) a green roof above the reception area and the inclusion of vertical greening (either via climbing plants or planter boxes) for the upper levels;
 - (n) confirmation the rooms shown as 'DDA Room' are compliant with the *Disability Discrimination Act* 1995;
 - (o) elevations provided where the service areas interface with the lifts and the 'DDA Room' entry interface with areas accessible by hotel room occupants or residents;
 - (p) details to confirm that the employee bicycle hoop dimensions and clearances from the roller door comply with AS2890.3;
 - (q) ten visitor bicycle spaces installed as horizontal at-grade spaces, in a location easily locatable and accessible by visitors to the site and demonstrated to comply with AS2890.3;
 - (r) any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 4) (where relevant to show on plans);
 - (s) any requirement of the endorsed Sustainable Management Plan (condition 8) (where relevant to show on plans);
 - (t) any requirement of the endorsed Waste Management Plan (condition 11) (where relevant to show on plans);
 - (u) any requirement of the endorsed Acoustic Report (condition 14) (where relevant to show on plans);
 - (v) any requirement of the endorsed Landscape Plan report (condition 17) (where relevant to show on plans); and
 - (w) any requirement of the endorsed Wind Report (condition 22) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. As part of the ongoing consultant team, Techne Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
 4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.

Uses

5. Except with the prior written consent of the Responsible Authority, no more than 96 patrons are permitted within the food and drinks premises at any one time.
6. Before the residential hotel use starts, a Residential Hotel 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 then form part of the permit. The plan must detail the following:
 - (a) procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood;
 - (b) ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
 - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
 - (d) an outline of all house rules intended to be used to manage residents and guests including:
 - (i) guest behaviour;
 - (ii) noise;
 - (iii) alcohol consumption; and
 - (iv) methods of eviction if house rules are broken;
 - (e) details of eviction process in the event house rules are broken;
 - (f) standards for property maintenance, health and cleanliness; and
 - (g) security against thefts and break-ins, including security of guests' belongings.
7. The residential hotel use must be managed in accordance with the endorsed Residential Hotel Management Plan.

Sustainable Management Plan

8. 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 Cundall in December 2018 but modified to include or show as Bess Project Score of at least 70%.
9. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP Implementation Report

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

Waste Management Plan

11. 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 Irwin Consult and dated 14 December 2018, but modified to include:

- (a) waste streams outside of garbage and recycling shown on waste room diagrams;
 - (b) yarra's Local Law or EPA guidelines on allowable collection times; and
 - (c) how WMP revisions are to be managed.
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
13. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic report

14. The provisions, recommendations and requirements of the endorsed Acoustic Report (Cundal report prepared on 12 December 2018 and the supplementary advice provided on 14 March 2019) must be implemented and complied with to the satisfaction of the Responsible Authority.
15. Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the endorsed acoustic report. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
- (a) confirm that the recommendations of the endorsed acoustic report required as part of Condition 14 have been implemented;
 - (b) assess mechanical plant noise (including noise from the substation and pump room) to SEPP N-1; and
 - (c) If non-compliance with Condition 15b 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.
16. The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

17. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) delete any proposed boulders and not include any protrusions not the main path of travel;
 - (b) provide information on the proposed planters of the development including depth, widths, soil media, drainage layers, mulch and irrigation;
 - (c) include information on planters for the feature trees, or the relevant details if the proposed planting is in-ground;
 - (d) delete the proposed *Hedera Helix* and *Parthenocissus tricuspidata* and replace with suitable alternative species;

- (e) provide a green roof above the reception area and vertical greening (either via climbing plants or planter boxes) for the upper levels;
- (f) include a planting plan;
- (g) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (h) show the materiality of the proposed spaces;
- (i) detail the design (including the provision of detailed sections) and layout of the common area, planters and ground level planting areas;
- (j) provide a specification of works to be undertaken prior to planting;
- (k) further detail on any sustainable treatments and water harvesting methods ;and
- (l) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

to the satisfaction of the Responsible Authority.

Street Trees

19. Before the development starts, the permit holder must provide a security bond of \$10,411 for the two Langridge Street street trees (Tree IDs 13309 and 13310) to the Responsible Authority. The security bond:

- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
- (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
- (c) in accordance with the requirements of this permit; or
- (d) otherwise to the satisfaction of the Responsible Authority.

Tree Protection Management Plan

20. Before the development commences, a Tree Protection 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 Protection Management Plan will be endorsed and will form part of this permit. The Tree Protection Management Plan must make recommendations for the protection of the two Langridge Street street trees (Tree IDs 13309 and 13310) in relation any canopy protection measures required for scaffolding, tree trunk and root zone protection during works

- (a) pre-construction;
- (b) during construction; and

- (c) post construction
- (d) the provision of any barriers;
- (e) any pruning necessary; and
- (f) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

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

Wind

22. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and prepared on 12 December 2018, but modified to include (or show):

- (a) a wind tunnel model study of the environmental wind conditions to quantify the wind conditions and whether additional mitigation treatments are required to satisfy the relevant criteria.

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

Road Infrastructure

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

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

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

- (a) in accordance with any requirements or conditions imposed by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, existing grated pit within the existing (redundant) vehicle crossing must be converted to a grated side entry pit in accordance with Council's Standard Drawings:

- (a) with the works done concurrently with the removal and reinstatement of the redundant vehicle crossing;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:

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

Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bicycle bike racks (for four bikes) must be installed:

- (a) with a a minimum 1.5m wide clear path of travel along the footpath;
- (b) at the permit holder's cost; and
- (c) in a location and manner,

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, uplifted and subsided sections of kerb and channel along the property's Langridge Street road frontage must be reconstructed:

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

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, subsided section of Right of Way (in the vicinity of the proposed bicycle parking facilities) must be reconstructed:

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

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

- (a) with a cross-fall of 1 in 33 or unless otherwise specified by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

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

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

Lighting

33. 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 residential hotel entry, northern laneway pedestrian entry and internally within the bicycle parking area must be provided on the subject site. Lighting must be:

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

to the satisfaction of the Responsible Authority.

General

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

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

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

to the satisfaction of the Responsible Authority.

36. 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).

37. 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).

38. The provision of music and entertainment on the land must be at a background noise level.

39. 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.

40. 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.

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

42. 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.

43. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

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

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

Construction Management

45. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

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

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) vehicle borne material must not accumulate on the roads abutting the land;

- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

46. This permit will expire if:

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

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

Notes:

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 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 owner's expense after seeking approval from the relevant authority.

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

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system.

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

1.2 PLN18/0844 - 60 - 88 Langridge Street and 23 - 45 Waterloo Road, Collingwood - Use and development of the land for the construction of two office buildings (seven and nine storeys plus basement levels) with two, ground floor restaurants and a restricted recreation facility (gymnasium), sale and consumption of liquor and a reduction in the car parking requirements.

Trim Record Number: D19/105197

Responsible Officer: Manager Statutory Planning

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 PLN18/0844 for the use and development of the land for the construction of two, multi-storey, mixed use buildings (permit required for restaurant and restricted recreation facility (gymnasium) uses), sale and consumption of liquor and a reduction in the car parking requirements at 23 – 45 Waterloo Road, Collingwood (formally known as No. 60 – 88 Langridge Street and 23 – 45 Waterloo Road), 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 architectural plans TP0-100 to TP10-301 prepared by JacksonClementsBurrows Architects dated 11 June 2019 but modified to show:
 - (a) the development (including columns) not encroaching on the existing asphalt flank of Waterloo Road (a Public Highway) for a height of no less than 4.7 metres, with a minimum 1.4m (approximately one column section) setback provided as a pedestrian refuge for the portion of Site A to the west of the entry and for the north-eastern corner of Site B for the width of one column section (approximately 1.4m);
 - (b) provision of a canopy along Langridge Street above the restaurant frontages;
 - (c) additional doors to the restaurant tenancies along the Langridge Street frontage;
 - (d) a bollard inserted in the shared area adjacent to the accessible parking space;
 - (e) details of how goods are to be transported to the site via the loading facility;
 - (f) details of the material proposed for the western side wall of Site B as being articulated using materials and/or finishes;
 - (g) the correct material type for 'EF05' on the external finishes schedule;
 - (h) the internal layout of both restaurant tenancies (inclusive of the outdoor seating zones) with tables and chairs available for at least 75% of patrons attending the premises at any one time;
 - (i) an updated Red Line Liquor License Plan, as per the sketch plan provided on 4 July 2019;
 - (j) details to confirm that there is no unreasonable overlooking into habitable room windows and private open spaces within 9m of the subject site;
 - (k) at least 20% of employee bicycle spaces provided as horizontal-at-ground-level spaces as required under AS2890.3;
 - (l) a notation confirming the Rokeby Street overhead powerlines will be undergrounded as part of the development;
 - (m) a notation confirming the existing on-street rainwater garden will be upgraded;
 - (n) the boundary between private and public property delineated through the use of alternative surface materials or "banding";
 - (o) details of security lighting provided to the vehicle entrance, pedestrian entrances on Waterloo Road and Langridge Street, and the proposed pedestrian walkways within the development;

- (p) any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 4) (where relevant to show on plans);
 - (q) any requirement of the endorsed Sustainable Management Plan (condition 15) (where relevant to show on plans);
 - (r) any requirement of the endorsed Waste Management Plan (condition 18) (where relevant to show on plans);
 - (s) any requirement of the endorsed Acoustic Report (condition 21) (where relevant to show on plans);
 - (t) any requirement of the endorsed Landscape Plan report (condition 27) (where relevant to show on plans; and
 - (u) any requirement of the endorsed Wind Report (condition 34) (where relevant to show on plans).
2. The use, development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. As part of the ongoing consultant team, Jackson Clements Burrows Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
 4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.

Uses

Restaurant – Eastern Tenancy

5. Except with the prior written consent of the Responsible Authority, no more than 105 patrons are permitted within the eastern restaurant premises at any one time, with no more than 10 patrons within the outdoor area at any one time.
6. Except with the prior written consent of the Responsible Authority, the use and sale and consumption of liquor within the eastern restaurant premises may only occur between the hours of 9.00am and 11.00pm Monday to Sunday.
7. Except with the prior written consent of the Responsible Authority, the use and sale and consumption of liquor within the outdoor area may only occur between the following hours:
 - (a) Monday to Friday 9.00am – 10.00pm;
 - (b) Saturday 10.00am – 10.00pm; and
 - (c) Sunday 12 Midday – 9.00pm.

Restaurant – Western Tenancy

8. Except with the prior written consent of the Responsible Authority, no more than 140 patrons are permitted within the western restaurant premises at any one time, with no more than 20 patrons within the outdoor area at any one time.

9. Except with the prior written consent of the Responsible Authority, the use and sale and consumption of liquor within the western restaurant premises may only occur between the hours of 9.00am and 1.00am the following day Monday to Sunday.
10. Prior to the commencement of the sale and consumption of liquor within the western tenancy, confirmation provided by way of provision of a full menu, to the satisfaction of the Responsible Authority, that a substantial food offering will be provided to patrons until closing time with tables and chairs available for at least 75% of patrons attending the premises at any one time.
11. Except with the prior written consent of the Responsible Authority, the use and sale and consumption of liquor within the outdoor area may only occur between the following hours:
 - (a) Monday to Friday 9.00am – 10.00pm;
 - (b) Saturday 10.00am – 10.00pm; and
 - (c) Sunday 12 Midday – 9.00pm.

Restricted Recreation Facility (Gymnasium)

12. Except with the prior written consent of the Responsible Authority, no more than 33 patrons are permitted within the Restricted Recreation Facility (Gymnasium) at any one time.
13. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday 5.30am and 8.00pm;
 - (b) Saturday 7.00am to 11.00am; and
 - (c) Sunday and Public Holidays Closed.
14. No more than 3 staff are permitted on the land at any one time.

Sustainable Management Plan

15. 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 Ark Resources on 2 November 2018 but modified to include or show:
 - (a) a commitment to a 4.5 star NABERS rating and 5 Star Green Star rating;
 - (b) windows provided to the Site B toilets;
 - (c) confirmation all windows are double glazed;
 - (d) details regarding air conditioning efficiency and interrelated systems that minimise HVAC use;
 - (e) details of hot water and efficiencies;
 - (f) details of how building users can utilise stairs to minimise lift use are sought;
 - (g) confirmation if PV panels are to be 'building integrated' or applied;
 - (h) detail is sought on lighting power densities and efficiency measures; and
 - (i) a description of predominant building materials that connect with corresponding improvements.
16. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP Implementation Report

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

Waste Management Plan

18. 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 Irwin Consult and dated 5 November 2018 but modified to include or show the updated loading bay and waste facility location.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
20. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic report

21. 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 Cundal prepared on 7 November 2018 and the supplementary advice provided on 11 June 2019 but modified to include:
 - (a) the calculation of SEPP N-2 and patron noise limits based on the minimum background level during the hours of operation; and
 - (b) operation of the outdoor areas for both Tenancy 2 and Tenancy 3 restricted to daytime and evening periods only.
22. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
23. Before the use of the Restricted Recreation Facility (Gymnasium) starts, a Restricted Recreation Facility (Gymnasium) 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 Restricted Recreation Facility (Gymnasium) Acoustic Report will be endorsed and will form part of this permit. The report must assess the following:
 - (a) any potential off-site noise impacts associated with fitness activities and music that may affect existing dwellings, along with any design treatments that may be required to mitigate these impacts;
 - (b) the acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other relevant requirement to the satisfaction of the Responsible Authority.

24. The provisions, recommendations and requirements of the endorsed Restricted Recreation Facility (Gymnasium) Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Post commencement Acoustic Report - Restricted Recreation Facility (Gymnasium)

25. Within 3 months of occupying the building, an updated post-occupation Restricted Recreation Facility (Gymnasium) Acoustic Report for the 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 23. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-occupation Restricted Recreation Facility (Gymnasium) Acoustic Report will be endorsed and will form part of this permit. The Restricted Recreation Facility (Gymnasium) Acoustic Report must (assess) address the following:
- (a) confirm the recommendations of the endorsed acoustic reports required as part of condition 23 have been implemented; and
 - (b) if non-compliance with condition 25a is measured, additional acoustic measures as recommended by the amended post-occupation Restricted Recreation Facility (Gymnasium) acoustic report are to be implemented within one month of the date of the amended acoustic report.
26. The provisions, recommendations and requirements of the endorsed post-occupation Restricted Recreation Facility (Gymnasium) Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

27. 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) provide information on the proposed planters of the development including depth, widths, soil media, drainage layers, mulch and irrigation;
 - (b) include the provision of landscaping on all terraces;
 - (c) confirm the proposed plantings along the east-west laneway does not impede pedestrian access;
 - (d) include a planting plan;
 - (e) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (f) include details of lighting within the proposed pedestrian walkways;
 - (g) show the materiality of the proposed spaces;
 - (h) detail the design (including the provision of detailed sections) and layout of the common area, planters and ground level planting areas;
 - (i) provide a specification of works to be undertaken prior to planting;
 - (j) further detail on any sustainable treatments and water harvesting methods ;and
 - (k) detail plant/planting maintenance schedules and requirements.

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

Street Trees and Rainwater Garden

29. Before the development is occupied, the permit holder must upgrade the existing rainwater garden at the intersection of Langridge and Rokeby Streets in the following manner:
- (a) complete removal of surface sediment and weeds and top 100mm of filter media;
 - (b) replace top filter media and ensure raingarden surface is level with Extended Detention Depth per design intent;
 - (c) provide replanting for entire asset to achieve min 6/m²;
 - (d) retain or reinstate existing healthy plants where possible;
 - (e) planting design is to be to the satisfaction of the Responsible Authority;
 - (f) at the permit holder's cost; and
- all to the satisfaction of the Responsible Authority, or an approved alternative endorsed by the Responsible Authority.
30. Before the development starts, the permit holder must provide a security bond of \$10,753 for the Langridge Street street tree (Tree ID 13312) to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.
31. Before the development commences, the permit holder must make a one off 'loss of amenity' contribution of \$7,132.73 (not inclusive of GST) to the Responsible Authority for the removal and replacement of the western Langridge Street street tree (Tree ID 13311). This will be used for the replacement and maintenance of trees within the immediate locale to Council's discretion. All tree planting and maintenance work will be undertaken by City of Yarra Contractors.

Tree Management Plan

32. 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 eastern Langridge Street street tree (Tree ID 13312):

- (i) pre-construction;
- (ii) during construction; and
- (iii) post construction
- (b) the provision of any barriers (at a minimum, the provision of solid hoarding constructed to the extent of the tree square as a minimum, and a gap at the base of 300mm);
- (c) any pruning necessary (pruning undertaken by City of Yarra Contractors and at the cost of the permit holder); and
- (d) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

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

Wind

34. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and prepared on 30 October 2018, but modified to include (or show):

- (a) a wind tunnel model study of the environmental wind conditions to quantify the wind conditions and whether additional mitigation treatments are required to satisfy the relevant criteria.

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

Section 173 Agreement (Proposed Pedestrian Walkways)

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

- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the proposed pedestrian walkways;
- (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 36(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 36(a).

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

Green Travel Plan

38. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

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

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

Car Parking

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

- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
- (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (c) policing arrangements and formal agreements;
- (d) details of the electric car charging points;
- (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
- (f) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 18; and
- (g) details regarding the management of loading and unloading of goods and materials.

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

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

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;

- (c) treated with an all-weather seal or some other durable surface; and
- (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

- 43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
- 44. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Road Infrastructure

- 45. 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.
- 46. 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) demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
- 47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, existing grated pit within the existing (redundant) vehicle crossing on the north side of Langridge Street must be converted to a grated side entry pit in accordance with Council's Standard Drawings:
 - (a) with the works done concurrently with the removal and reinstatement of the redundant vehicle crossing;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bicycle bike racks (for four bikes) must be installed:

- (a) with a a minimum 1.5m wide clear path of travel along the footpath;
- (b) at the permit holder's cost; and

(c) in a location and manner,

to the satisfaction of the Responsible Authority.

49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, uplifted and subsided sections of kerb and channel along the property's Langridge Street road frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Langridge and Rokeby Street frontages must be stripped and re-sheeted:
 - (a) with a cross-fall of 1 in 33 or unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant property drains are to be removed and reinstated with paving, kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
52. 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.
53. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
54. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the overhead powerlines in Rokeby Street, adjacent to the subject site must be undergrounded:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Lighting

55. 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 vehicle entrance, pedestrian entrances on Waterloo Road and Langridge Street, and the proposed pedestrian walkways within the development must be provided on the subject site. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.

General

56. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
57. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
58. 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).
59. 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).
60. The provision of music and entertainment on the land must be at a background noise level.
61. Speakers external to the building must not be erected or used.
62. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
63. 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.
64. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
65. 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.
66. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
67. 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.
68. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
69. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;

- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

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

During the construction:

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

Time expiry

71. 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 and sale and consumption of liquor is not commenced within five years of the date of this permit or
- (d) the sale and consumption of liquor is discontinued for a period of two years.

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

Notes:

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

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

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

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

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

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

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

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

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

Submissions

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

The following people also addressed the Committee:

Mr Greg Eckersley;

Mr Andrew Hansen;

Ms Sue Nicholson;

Ms Hilary Heslop;

Ms Jenny Briggs;

Ms Nina Hansen; and

Ms Stephanie Hendrick.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Chen Yi Mei

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 PLN18/0844 for the use and development of the land for the construction of two, multi-storey, mixed use buildings (permit required for restaurant and restricted recreation facility (gymnasium) uses), sale and consumption of liquor and a reduction in the car parking requirements at 23 – 45 Waterloo Road, Collingwood (formally known as No. 60 – 88 Langridge Street and 23 – 45 Waterloo Road), 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 architectural plans TP0-100 to TP10-301 prepared by JacksonClementsBurrows Architects dated 11 June 2019 but modified to show:

- (a) the development (including columns) not encroaching on the existing asphalt flank of Waterloo Road (a Public Highway) for a height of no less than 4.7 metres, with a minimum 1.4m (approximately one column section) setback provided as a pedestrian refuge for the full length of the Waterloo Road boundary;
- (b) provision of a canopy along Langridge Street above the restaurant frontages;
- (c) additional doors to the restaurant tenancies along the Langridge Street frontage;
- (d) a bollard inserted in the shared area adjacent to the accessible parking space;
- (e) details of how goods are to be transported to the site via the loading facility;
- (f) details of the material proposed for the western side wall of Site B as being articulated using materials and/or finishes;
- (g) the correct material type for 'EF05' on the external finishes schedule;
- (h) the internal layout of both restaurant tenancies (inclusive of the outdoor seating zones) with tables and chairs available for at least 75% of patrons attending the premises at any one time;
- (i) an updated Red Line Liquor License Plan, as per the sketch plan provided on 4 July 2019;
- (j) details to confirm that there is no unreasonable overlooking into habitable room windows and private open spaces within 9m of the subject site, with treatment such as the use of translucent glazing to a height of 1.8m above the finished floor level for Levels 1 to 3 on Site B;
- (k) at least 20% of employee bicycle spaces provided as horizontal-at-ground-level spaces as required under AS2890.3;
- (l) a notation confirming the Rokeby Street overhead powerlines will be undergrounded as part of the development adjacent to the subject site;
- (m) a notation confirming the existing on-street rainwater garden will be upgraded;
- (n) the boundary between private and public property delineated through the use of alternative surface materials or "banding";
- (o) details of security lighting provided to the vehicle entrance, pedestrian entrances on Waterloo Road and Langridge Street, and the proposed pedestrian walkways within the development;
- (p) any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 4) (where relevant to show on plans);
- (q) any requirement of the endorsed Sustainable Management Plan (condition 15) (where relevant to show on plans);
- (r) any requirement of the endorsed Waste Management Plan (condition 18) (where relevant to show on plans);
- (s) any requirement of the endorsed Acoustic Report (condition 21) (where relevant to show on plans);
- (t) any requirement of the endorsed Landscape Plan report (condition 27) (where relevant to show on plans);
- (u) any requirement of the endorsed Wind Report (condition 34) (where relevant to show on plans);
- (v) the relocation of the gas meter room so that it is not visible from the public realm along Waterloo Road;
- (w) a minimum 2m setback from Waterloo Road at the fourth floor and above for both buildings;
- (x) self-watering planting troughs on outer edge of the terrace on the third floor on the northern side of Site A;
- (y) balconies and self-watering planting troughs to all floor levels above the podiums on the north side of Sites A and B; and
- (z) a notation confirming the provision of a light dimming mechanism to be activated after office hours.

2. The use, development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. As part of the ongoing consultant team, JacksonClementsBurrows Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.

Uses

Restaurant – Eastern Tenancy

5. Except with the prior written consent of the Responsible Authority, no more than 105 patrons are permitted within the eastern restaurant premises at any one time, with no more than 10 patrons within the outdoor area at any one time.
6. Except with the prior written consent of the Responsible Authority, the use and sale and consumption of liquor within the eastern restaurant premises may only occur between the hours of 9.00am and 11.00pm Monday to Sunday.
7. Except with the prior written consent of the Responsible Authority, the use and sale and consumption of liquor within the outdoor area may only occur between the following hours:
 - (a) Monday to Friday 9.00am – 10.00pm;
 - (b) Saturday 10.00am – 10.00pm; and
 - (c) Sunday 12 Midday – 9.00pm.

Restaurant – Western Tenancy

8. Except with the prior written consent of the Responsible Authority, no more than 140 patrons are permitted within the western restaurant premises at any one time, with no more than 20 patrons within the outdoor area at any one time.
9. Except with the prior written consent of the Responsible Authority, the use and sale and consumption of liquor within the western restaurant premises may only occur between the hours of 9.00am and 1.00am the following day Monday to Sunday.
10. Prior to the commencement of the sale and consumption of liquor within the western tenancy, confirmation provided by way of provision of a full menu, to the satisfaction of the Responsible Authority, that a substantial food offering will be provided to patrons until closing time with tables and chairs available for at least 75% of patrons attending the premises at any one time.
11. Except with the prior written consent of the Responsible Authority, the use and sale and consumption of liquor within the outdoor area may only occur between the following hours:
 - (a) Monday to Friday 9.00am – 10.00pm;
 - (b) Saturday 10.00am – 10.00pm; and
 - (c) Sunday 12 Midday – 9.00pm.

Restricted Recreation Facility (Gymnasium)

12. Except with the prior written consent of the Responsible Authority, no more than 33 patrons are permitted within the Restricted Recreation Facility (Gymnasium) at any one time.
13. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday 5.30am and 8.00pm;
 - (b) Saturday 7.00am to 11.00am; and
 - (c) Sunday and Public Holidays Closed.
14. No more than 3 staff are permitted on the land at any one time.

Sustainable Management Plan

15. 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 Ark Resources on 2 November 2018 but modified to include or show:
 - (a) a commitment to a 4.5 star NABERS rating and 5 Star Green Star rating;
 - (b) windows provided to the Site B toilets;
 - (c) confirmation all windows are double glazed;
 - (d) details regarding air conditioning efficiency and interrelated systems that minimise HVAC use;
 - (e) details of hot water and efficiencies;
 - (f) details of how building users can utilise stairs to minimise lift use are sought;
 - (g) confirmation if PV panels are to be 'building integrated' or applied;
 - (h) detail is sought on lighting power densities and efficiency measures; and
 - (i) a description of predominant building materials that connect with corresponding improvements.
16. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP Implementation Report

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

Waste Management Plan

18. 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 Irwin Consult and dated 5 November 2018 but modified to include or show the updated loading bay and waste facility location.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

Acoustic report

21. 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 Cundal prepared on 7 November 2018 and the supplementary advice provided on 11 June 2019 but modified to include:
 - (a) the calculation of SEPP N-2 and patron noise limits based on the minimum background level during the hours of operation; and
 - (b) operation of the outdoor areas for both Tenancy 2 and Tenancy 3 restricted to daytime and evening periods only.
22. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
23. Before the use of the Restricted Recreation Facility (Gymnasium) starts, a Restricted Recreation Facility (Gymnasium) 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 Restricted Recreation Facility (Gymnasium) Acoustic Report will be endorsed and will form part of this permit. The report must assess the following:
 - (a) any potential off-site noise impacts associated with fitness activities and music that may affect existing dwellings, along with any design treatments that may be required to mitigate these impacts;
 - (b) the acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other relevant requirement to the satisfaction of the Responsible Authority.
24. The provisions, recommendations and requirements of the endorsed Restricted Recreation Facility (Gymnasium) Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Post commencement Acoustic Report - Restricted Recreation Facility (Gymnasium)

25. Within 3 months of occupying the building, an updated post-occupation Restricted Recreation Facility (Gymnasium) Acoustic Report for the 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 23. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-occupation Restricted Recreation Facility (Gymnasium) Acoustic Report will be endorsed and will form part of this permit. The Restricted Recreation Facility (Gymnasium) Acoustic Report must (assess) address the following:
 - (a) confirm the recommendations of the endorsed acoustic reports required as part of condition 23 have been implemented; and

- (b) if non-compliance with condition 25a is measured, additional acoustic measures as recommended by the amended post-occupation Restricted Recreation Facility (Gymnasium) acoustic report are to be implemented within one month of the date of the amended acoustic report.

26. The provisions, recommendations and requirements of the endorsed post-occupation Restricted Recreation Facility (Gymnasium) Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

27. 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) provide information on the proposed planters of the development including depth, widths, soil media, drainage layers, mulch and irrigation;
- (b) include the provision of landscaping on all terraces;
- (c) confirm the proposed plantings along the east-west laneway does not impede pedestrian access;
- (d) include a planting plan;
- (e) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (f) include details of lighting within the proposed pedestrian walkways;
- (g) show the materiality of the proposed spaces;
- (h) detail the design (including the provision of detailed sections) and layout of the common area, planters and ground level planting areas;
- (i) provide a specification of works to be undertaken prior to planting;
- (j) further detail on any sustainable treatments and water harvesting methods ;and
- (k) detail plant/planting maintenance schedules and requirements.

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, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

to the satisfaction of the Responsible Authority.

Street Trees and Rainwater Garden

29. Before the development is occupied, the permit holder must upgrade the existing rainwater garden at the intersection of Langridge and Rokeby Streets in the following manner:
- (a) complete removal of surface sediment and weeds and top 100mm of filter media;
 - (b) replace top filter media and ensure raingarden surface is level with Extended Detention Depth per design intent;
 - (c) provide replanting for entire asset to achieve min 6/m2;
 - (d) retain or reinstate existing healthy plants where possible;
 - (e) planting design is to be to the satisfaction of the Responsible Authority;
 - (f) at the permit holder's cost; and
- all to the satisfaction of the Responsible Authority, or an approved alternative endorsed by the Responsible Authority.
30. Before the development starts, the permit holder must provide a security bond of \$10,753 for the Langridge Street street tree (Tree ID 13312) to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.
31. Before the development commences, the permit holder must make a one off 'loss of amenity' contribution of \$7,132.73 (not inclusive of GST) to the Responsible Authority for the removal and replacement of the western Langridge Street street tree (Tree ID 13311). This will be used for the replacement and maintenance of trees within the immediate locale to Council's discretion. All tree planting and maintenance work will be undertaken by City of Yarra Contractors.

Tree Management Plan

32. 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 eastern Langridge Street street tree (Tree ID 13312):
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers (at a minimum, the provision of solid hoarding constructed to the extent of the tree square as a minimum, and a gap at the base of 300mm);
 - (c) any pruning necessary (pruning undertaken by City of Yarra Contractors and at the cost of the permit holder); and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
33. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority

Wind

34. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit.
The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and prepared on 30 October 2018, but modified to include (or show):
- (a) a wind tunnel model study of the environmental wind conditions to quantify the wind conditions and whether additional mitigation treatments are required to satisfy the relevant criteria.
35. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Section 173 Agreement (Proposed Pedestrian Walkways)

36. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the proposed pedestrian walkways;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 36(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 36(a).
37. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Green Travel Plan

38. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) the provision of real time passenger information displays for nearby stops within each lobby;
 - (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (f) details of bicycle parking and bicycle routes (which do not refer to the footpath at the south as a 'shared path');
 - (g) details of GTP funding and management responsibilities;
 - (h) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);

- (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (j) security arrangements to access the employee bicycle storage spaces; and
- (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (l) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

Car Parking

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

- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
- (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (c) policing arrangements and formal agreements;
- (d) details of the electric car charging points;
- (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
- (f) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 18; and
- (g) details regarding the management of loading and unloading of goods and materials.

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

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

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

to the satisfaction of the Responsible Authority.

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

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

Road Infrastructure

45. 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.
46. 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) demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, existing grated pit within the existing (redundant) vehicle crossing on the north side of Langridge Street must be converted to a grated side entry pit in accordance with Council's Standard Drawings:
- (a) with the works done concurrently with the removal and reinstatement of the redundant vehicle crossing;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bicycle bike racks (for four bikes) must be installed:
- (a) with a minimum 1.5m wide clear path of travel along the footpath;
 - (b) at the permit holder's cost; and
 - (c) in a location and manner,
- to the satisfaction of the Responsible Authority.
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, uplifted and subsided sections of kerb and channel along the property's Langridge Street road frontage must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Langridge and Rokeby Street frontages must be stripped and re-sheeted:
- (a) with a cross-fall of 1 in 33 or unless otherwise specified by Council;

- (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant property drains are to be removed and reinstated with paving, kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
52. 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.
53. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
54. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the overhead powerlines in Rokeby Street, adjacent to the subject site must be undergrounded:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Lighting

55. 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 vehicle entrance, pedestrian entrances on Waterloo Road and Langridge Street, and the proposed pedestrian walkways within the development must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

General

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

58. 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).
59. 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).
60. The provision of music and entertainment on the land must be at a background noise level.
61. Speakers external to the building must not be erected or used.
62. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
63. 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.
64. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
65. 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.
66. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
67. 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.
68. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
69. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

70. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;

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

During the construction:

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

Time expiry

71. 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 and sale and consumption of liquor is not commenced within five years of the date of this permit or
- (d) the sale and consumption of liquor is discontinued for a period of two years.

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

Notes:

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

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

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

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

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

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

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

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

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

1.3 PLN18/0880 - 42 Bell Street, Fitzroy-Construction of a double storey studio at 42 Bell Street and over a carriageway easement of 40-48 Bell Street and 27-31 John Street, Fitzroy.

Reference: D19/122701

Authoriser: Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0880 for the construction of a double storey studio at 42 Bell Street and over a carriageway easement of 40-48 Bell Street and 27-31 John 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 Ola Architects TP1.07, 2.01, 2.02, 2.03 and 9.00, (Issue 2) and dated 7 February 2019 and TP3.01, 3.02, 3.03, (Issue 3) and dated 9 February 2019: but modified to show:
 - (a) The changes shown in the sketch plans TP1.07, 2.01, 2.02, 2.03, 3.01, 3.02, 3.03 and 9.00 (Issue 7) dated 18 July 2019, including the following:
 - (i) A 0.85m separation of the first floor studio from the rear of the existing first floor balcony;
 - (ii) The inclusion of a 1.22m long section of mesh flooring to the full width of the southern side of the existing first floor balcony;
 - (iii) The location of proposed permeable surfaces; and
 - (iv) Levels in Australian Height Datum (AHD).
 - (b) Written confirmation from a qualified land surveyor demonstrating the minimum ground clearance of the proposed studio over the carriageway easement E-2 (on Plan of Subdivision PS342683J) to match or be higher than the minimum clearance of the existing building constructed over the northern end of the carriageway easement E-1 (in accordance with the height limit depicted by section Y-Y) and with no overall increases in the proposed height of the studio;
 - (c) Cross-section diagrams and floor plans to clearly show the position and extent of the proposed angled support beams;
 - (d) East and west elevation to show maximum ground floor wall heights;
 - (e) Demonstrate whether first floor glazing to the studio below 1.7m in height is operable with any opening mechanisms to comply with Standard A15 (*Overlooking*) of the Yarra Planning Scheme;
 - (f) External shading to the first floor west-facing windows; and
 - (g) Plan notation confirming the 'storage only use' of the cupboards to the west side of the entrance of the area to the studio.
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. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or

- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
4. Within two (2) months of development completion, 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.
 5. Within two (2) months of development completion, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 6. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes

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

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

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

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

Unless with further planning permission, the proposed studio must not be used as a separate dwelling.

Submissions

The Applicant, Mr John Oldman addressed the Committee.
Mr Phil Snowden also addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Alison Angleton;
Ms Jo Coddington; and
Mr Julian Harrison.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Nguyen

That the Recommendation be adopted.

CARRIED

The meeting closed at 8.28pm.

Confirmed at the meeting held on Wednesday 4 September 2019

Chair