



YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE
MINUTES

held on Wednesday 11 March 2020 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall

I. ATTENDANCE

Councillor Stephen Jolly
Councillor Jackie Fristacky
Councillor James Searle

Mary Osman (Manager Statutory Planning)
Simone Dionisio (Co-ordinator Statutory Planning)
Amy Hodgen (Senior Co-ordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

Moved: Councillor Fristacky **Seconded:** Councillor Searle

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 26 February 2020 be confirmed.

CARRIED

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***"Welcome to the City of Yarra.
Yarra City Council acknowledges the
Wurundjeri Woi-wurrung 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."***

Internal Development Approvals Committee Submissions

“Prior to the consideration of any Committee Business Report at a meeting of the Internal Development Approvals Committee, members of the public shall be invited by the Chairperson to make a verbal submission. In determining the order of submissions, the Chairperson shall first invite the applicant or their representatives to submit, followed by formal objectors and finally any other interested persons.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Chairperson at their sole discretion).

- Speak for a maximum of five minutes;
- Direct their submission to the Chairperson;
- Confine their submission to the planning permit under consideration;
- If possible, explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions.
- Avoid repetition and restating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.”

Extract from the Council Meeting Operations Policy, September 2019

Councillor Searle nominated Councillor Jolly as Chair.

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

Councillor Jolly assumed the Chair.

1 INTERNAL DEVELOPMENT APPROVALS COMMITTEE

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1.1	Planning Application PLN17/0618 - 27-45 Best Street and 102-114 Scotchmer Street, Fitzroy North	6	6
1.2	PLN19/0483 - 25-43 Wangaratta Street, Richmond - Demolition of the existing buildings for the development of the land to construct two connected buildings (seven and eight storeys plus basement levels) for use as an office with a ground floor food and drinks premises (café) (permit required for office use only, unrestricted hours proposed) and reduction in the car parking requirements	7	18
1.3	PLN18/0323 - 1 & 3 Adam Street Burnley - Planning Permit Application for part demolition, construction of two (2), double-storey Units (plus roof terraces) at the rear of Nos. 1 & 3 Adam Street, removal of an easement, and reduction in the car parking requirements (including establishment of existing use rights for No. 3 Adam Street as an office).	19	23
1.4	2 Gough Street, Cremorne - PLN15/1176.01 - Section 72 Amendment to allow for changes to the preamble, deletion/amendment of conditions, reconfiguration of building uses, internal reconfiguration, changes to the car parking provision/allocation and built form changes (including new/enlarged terraces over approved roof areas).	28	50
1.5	PLN18/0945 - 130 Gwynne Street, Cremorne - Development of the land for the construction of a triple storey dwelling with a basement	74	76
1.6	PLN19/0450 - 36-52 Wellington Street, Collingwood - Construction of a multi-storey office building, use of the land for food and drink premises and a reduction in the car parking requirement.	77	87

1.1 Planning Application PLN17/0618 - 27-45 Best Street and 102-114 Scotchmer Street, Fitzroy North

Reference: D20/39842
Authoriser: Governance Officer

This application was removed from the Agenda prior to the meeting, to be heard at a Special Council Meeting.

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- 1.2 PLN19/0483 - 25-43 Wangaratta Street, Richmond - Demolition of the existing buildings for the development of the land to construct two connected buildings (seven and eight storeys plus basement levels) for use as an office with a ground floor food and drinks premises (café) (permit required for office use only, unrestricted hours proposed) and reduction in the car parking requirements**
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Reference: D19/226317

Authoriser: Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for the demolition of the existing buildings for the development of the land to construct two connected mixed-use buildings, use of the land for office and reduction in the car parking requirements at 25 – 43 Wangaratta Street, Richmond generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with TP_A01.11 (Rev B) and TP_A02.B01, TP_A02.B02, TP_A02.00, TP_A02.10, TP_A02.20, TP_A02.30, TP_A02.40, TP_A02.50, TP_A02.60, TP_A02.70, TP_A02.80, TP_A09.00, TP_A09.01, TP_A09.02, TP_A09.03, TP_A09.04, TP_A10.00, TP_A10.01, TP_A10.02, TP_A10.03 and TP_A10.04 (Rev C), prepared by Bates Smart Architects, but modified to show:
 - (a) All notations referring to ‘commercial premises’ deleted and replaced with ‘office’.
 - (b) Deletion of the reference to a ‘showroom.’
 - (c) The following setbacks in relation to the southern building:
 - (i) Levels 06 and Level 07 setback from Wangaratta Street 5.188 metres.
 - (ii) Levels 03 and 04 setback from Botherambo Street 5.5 metres.
 - (iii) Level 07 setback from Botherambo Street 15 metres.
 - (d) The following setbacks in relation to the northern building:
 - (i) Levels 03 to 05 setback from Botherambo Street 8 metres.
 - (e) The two building indentations within Levels 03 to 05 of the northern building enlarged to provide additional building articulation.
 - (f) A 1 metre wide planter box along the entire eastern edge of the Level 03 terrace to the northern building;
 - (g) A 1 metre non-trafficable ledge (or similar) provided along the entire eastern edge of Level 03 and Level 05 terraces to the southern building;
 - (h) Entrances where protruding from the main building line recessed to remove the creation of litter traps.
 - (i) Measures to minimise unreasonable overlooking to the building to the north (No. 23 Wangaratta Street) in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
 - (j) A bollard is to be provided in the shared area and shown on the drawings.
 - (k) The column depths and setbacks from the edge of the car parking aisle are to be dimensioned.
 - (l) The clearances of parking bays adjacent to a wall are to be dimensioned.
 - (m) The length of each ramp grade section is to be dimensioned.
 - (n) The individual motorcycle spaces are to be shown and dimensioned.
 - (o) The internal dimension of the loading bay is to be shown.

- (p) The headroom clearance at the entrance to the loading bay is to be dimensioned on the drawings. The headroom clearance is to accommodate a 6.4 metre Waste Collection Mini Rear Loader vehicle.
 - (q) All service cabinet doors that open outwards must be able to swing 180-degrees and be latched to the wall when opened and serviced.
 - (r) The five bicycle racks accommodated centrally within the public walkway (opposite the central planter box) relocated closer to the Wangaratta Street frontage;
 - (s) Any requirement of the endorsed Detailed Design Plan (condition 5) (where relevant to show on plans).
 - (t) Any requirement of the endorsed Landscape Plan (condition 6) (where relevant to show on plans).
 - (u) Any requirement of the endorsed Sustainable Management Plan (condition 12) (where relevant to show on plans).
 - (v) Any requirement of the endorsed Green Travel Plan (condition 15) (where relevant to show on plans).
 - (w) Any requirement of the endorsed Waste Management Plan (condition 17) (where relevant to show on plans).
 - (x) Any requirement of the endorsed Acoustic Report (condition 20) (where relevant to show on plans including notations of key commitments).
 - (y) Any requirement of the endorsed Wind Assessment Report (condition 23) (where relevant to show on plans).
2. 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) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and 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 specifying the following:
 - (i) details of the proposed permeability of the brick screens and perforated metal used within the northern building; and
 - (ii) clarification of the proposed masonry colours on the materials legend.
3. 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.
4. As part of the ongoing progress and development of the site, Bates Smart 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.

Detailed Design Plan (Through-link between Botherambo Street and Wangaratta Street)

5. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a detailed design plan for the through-link, between Wangaratta Street and Botherambo Street (inclusive of the full extent of the pedestrian walk to the kerb lines) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the detailed design plan will be endorsed and will form part of this permit and must then be maintained to the satisfaction of the Responsible Authority.

The detailed design plan must include details of the proposed materials, landscaping, lighting and safety measures to provide unfettered 24 hour public access for the through-link, between Wangaratta Street and Botherambo Street. Furthermore, the detailed design plan must include the areas within the title boundaries to be utilised as footpath, including the following:

- (a) All pavements surrounding the site (Wangaratta and Botherambo streets) are to be reinstated in accordance with Council's Road Materials Policy - Heritage Overlay Areas.
- (b) All proposed streetscape materials as per Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings.
- (c) Proposed vehicle crossovers to be shown on drawings as per Yarra Standard Drawings.

Landscape Plan and Tree Management

6. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Jack Merlo and dated 8 July 2019, but modified to include (or show):

- (a) A 1 metre wide planter box along the entire eastern edge of the Level 03 terrace to the northern building;
- (b) The landscaping on the western level 03 terrace of the southern building to not conflict with access/egress.
- (c) Provision of an additional tree at the western end of the proposed public laneway in accordance with the 'Public Laneway Detail Plan and Section' prepared by Jack Merlo dated 4 February 2020.
- (d) A typical planter bed detail, including information on waterproofing, growing media, irrigation and mulch. Details of how any mulch specified on the higher levels will not be at risk of blowing away during high wind events must be provided.
- (e) Indicate depths of the masonry planters where they have not been specified on the current plans.
- (f) Details of custom furniture proposed, ensuring safety and compliance standards are met.
- (g) The specification of works to be undertaken prior to planting.
- (h) Maintenance schedules and notes, including how any plant failure will be managed.
- (i) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*.

7. Before the buildings 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.

8. 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 the protection of two street trees opposite the site on the western side of Wangaratta Street, including:
 - (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.
9. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority
10. Before the development starts, the permit holder must provide a security bond of \$1000 for each of the two street trees (total of \$2000) 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.
11. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, five street trees must be installed within Botherambo Street:
 - (a) at the permit holder's cost; and
 - (b) in a location and manner,to the satisfaction of the Responsible Authority.

Sustainable Management Plan

12. 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 dated 19 July 2019, but modified to include or show:
 - (a) Details of Green Star project registration.
 - (b) The use of CO monitoring to control car park fans (or further justification for an alternative).
 - (c) Commitment to organics waste separation and collection and receptacles in the café and on all office levels.
 - (d) A preliminary energy modelling report is required comprising:
 - (i) Façade properties of the building
 - (ii) DHW approach for the building
 - (iii) HVAC approach for the building
 - (e) Information explaining the discrepancy between solar output in NREL (106MWh) and NABERS (75MWh)

- (f) Confirm extent of water metering proposed for the building.
 - (g) A WSUD report satisfying site management and maintenance requirements of Clause 22.16
 - (h) Include the Green Travel Plan (with performance targets and monitoring and reporting components included as well as information about the nearest car share).
13. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
14. 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.

Green Travel Plan

15. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact dated 22 July 2019, but modified to include or show:
- (a) The types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces).
 - (b) The types of lockers proposed within the change room facilities, with at least 50 per cent of lockers providing hanging storage space.
 - (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
 - (d) Provisions for the green travel plan to be updated not less than every five years.
16. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

17. 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 Lid Consulting and dated 18 July 2019, but modified to include:
- (a) Hard waste collection updated to recognise Council does not offer a hard waste drop off service.
 - (b) Collection within the boundaries of the site.
 - (c) Recognition that Council does not alter signage with regards to waste services at developments.
18. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic Report

20. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day Acoustics and dated 2 October 2019, but modified to include:
 - (a) The report updated to include the hours of operation as allowed by this permit.
 - (b) Measures to achieve compliance with SEPP N-1 to the loading bay.
 - (c) Commitment to deliveries being within office hours.
 - (d) Sleep disturbance targets for the car park door, providing an acoustic specification for achieving the targets such that sleep disturbance levels will be met at the closest dwelling.
 - (e) Details of the café operations to ensure compliance during the evening/night-time period.
 - (f) Provision of noise management control recommendations can be provided to manage noise from the building terraces.
 - (g) Further analysis of potential noise impacts to upper levels from railway noise.
 - (h) *Clarification regarding the acoustic rating for 6/12/6.38 double glazing in association with the 'multi-function room'.*
 - (i) Section 7.6 updated to acknowledge and assess on-site waste collection.
21. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
22. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant, car park entrance door and loading bay with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings in accordance with the recommendations of the report prepared by Marshall Day Acoustics dated 2 October 2019, and any further revisions submitted to the responsible authority. When approved, the Acoustic Report will be endorsed and will then form part of this permit.

Wind Report

23. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac Engineers and Scientists, dated 14 August 2019, but modified to include (or show):
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Recommend measures to achieve standing criterion for location 28.
 - (c) Recommend measures to achieve walking criterion for location 36.

Landscaping is not to be used as a wind mitigation measure.

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

Use

25. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the following hours:
- (a) Monday to Friday 7.00am – 10.00pm.
 - (b) Saturday and Sunday 8.00am – 8.00pm.
26. Except with the prior written consent of the Responsible Authority, the use of the office terraces are restricted to the hours referenced within Condition 25. No speakers external to the building within the terraces are to be erected or used.
27. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
28. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.

Road Infrastructure

29. 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.
30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including re-sheeting of the footpaths for the entire width of the property (both Wangaratta Street and Botherambo Street):
- (a) in accordance with Council's *Road Materials Policy - Heritage Overlay Areas*
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:

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

Car parking

33. 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.

34. 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.

Section 173 Agreement (Through-link between Botherambo Street and Wangaratta Street)

35. Within six months of the commencement of works, or by such later date as approved in writing by the Responsible Authority, 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 ground level, through-link between Wangaratta Street and Botherambo Street;
- (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 35(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 35(a).

36. 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.

Lighting

37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway 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

- 38. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 39. 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.
- 40. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 41. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 42. 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.
- 43. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 44. 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.
- 45. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management Plan

- 46. 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

47. This permit will expire if:

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

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

Notes:

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

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

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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.

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

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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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.

Submissions

Tim McBride-Burgess addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Tony Lewis;
Stephen McCulloch;
Mitchell Shaw;
Penny Shore;
John Trakas; and
Peter Stanley.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Jolly

That a Notice of Refusal to Grant a Planning Permit be issued for the demolition of the existing buildings for the development of the land to construct two connected mixed-use buildings, use of the land for office and reduction in the car parking requirements at 25 – 43 Wangaratta Street, Richmond generally in accordance with the plans noted previously as the “decision plans” on the following conditions:

1. The proposal fails to respond to the off-site amenity of the surrounding properties and the Stewart Street/Wangaratta Street reserve, resulting in unreasonable visual bulk impacts.
2. The proposed upper level setbacks of the buildings will dominate the surrounding streetscapes and will not positively respond to the surrounding context, contrary to policy clauses at 15.01-1S, 15.01-2S, 21.05-1, 21.05-2 and 22.02 of the Yarra Planning Scheme.
3. The traffic impacts as a result of the proposed basement car parking are contrary to policy at clauses 21.06-3 and 52.06 of the Yarra Planning Scheme and would impact on the safety and efficiency of the existing road network.

CARRIED UNANIMOUSLY

1.3 PLN18/0323 - 1 & 3 Adam Street Burnley - Planning Permit Application for part demolition, construction of two (2), double-storey Units (plus roof terraces) at the rear of Nos. 1 & 3 Adam Street, removal of an easement, and reduction in the car parking requirements (including establishment of existing use rights for No. 3 Adam Street as an office).

Reference: D20/22358

Authoriser: 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 PLN18/0323 for part demolition, construction of two (2), double-storey Units (plus roof terraces) at the rear of Nos. 1 & 3 Adam Street, removal of an easement, and reduction in the car parking requirements at 1 and 3 Adam Street Burnley VIC 3121, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by YBL Remmus Architecture, dated October 2019 (Rev D: TP-02, TP-05, TP-06, TP-07, TP08, TP-09, TP-10, TP-20 and TP-18) but modified to show the following:
 - (a) Additional screening treatment to the northern perimeter of Unit 4's roof terrace in accordance with the submitted Sketch Plan received on 02.03.2020 (Rev D: TP-08).
 - (b) Provision of transparent elements to the garage doors of Units 3 and 4.
 - (c) The following to demonstrate compliance with the objective of Standard B22 (Overlooking objective) of Clause 55 of the Yarra Planning Scheme:
 - (i) The northern perimeter of the first floor balcony of Unit 4.
 - (ii) The north-eastern, first floor kitchen window of Unit 4.
 - (iii) The northern Bedroom 3 windows of Unit 4.
 - (iv) The southern perimeter of Unit 4's roof terrace.
 - (d) The internal partition between the southern ground floor courtyards of Unit 3 and Unit 4 to demonstrate compliance with the objective of Standard B23 (Internal views) of Clause 55 of the Yarra Planning Scheme.
 - (e) Annotation confirming the finished floor level along the edge of the garage slab set at 40mm above the edge of Utopia Place.
 - (f) Location of 6m³ of storage and bins for Unit 1.
 - (g) A separate plan showing the easement removal consistent with the Title Plan.
 - (h) Design changes to implement recommendations of the Sustainable Development Assessment condition of this permit.
 - (i) Design changes to implement any recommendations of the endorsed Waste Management Plan condition of this permit.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. Before the development 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.

4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the plans are endorsed, an amended Sustainable Development Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Development Assessment will be endorsed and will form part of this permit. The Sustainable Development Assessment must include the following:
 - (a) The amended plans, lodged with Council on 03.12.2019.
6. The provisions, recommendation and requirements of the plans and endorsed Sustainable Development Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the plans are endorsed, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.
9. A removal of easement plan submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
10. Prior to commencement of any construction works, the easement affecting the land must be removed from Title.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all external lighting capable of illuminating access to the pedestrian entries and car parking area must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity.to the satisfaction of the Responsible Authority.
12. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
 - (a) be designed, provided and completed to the satisfaction of the Responsible Authority;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all-weather seal coat;all to the satisfaction of the Responsible Authority.

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the footpath at the front of the property if required by Council):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
14. 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.
15. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

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

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
- 16. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 - 17. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
 - 18. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
 - 19. The easement removal approved under this permit will expire if:
 - (a) A removal of easement plan is not certified under the Subdivision Act 1988 within two years of the issue of the permit; or
 - (b) A removal of easement plan is not completed within five years of the date of certification under the Subdivision Act 1988.
 - 20. This permit will expire if:
 - (a) The development is not commenced within two years of the date of this permit; or
 - (b) The development is not completed within four years of the date of this permit.

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

Notes:

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 for further information.

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

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

Before any structure can be built over any easement, the applicant must obtain the consent of all Benefitting Owners with rights over the easement, if applicable.

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

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

Submissions

The Applicant, Michael Gunn addressed the Committee.

The following people also addressed the Committee:

Chris Calvert;
Samantha Rapson; and
Helen Lazaridis.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0323 for part demolition, construction of two (2), double-storey Units (plus roof terraces) at the rear of Nos. 1 & 3 Adam Street, removal of an easement, and reduction in the car parking requirements at 1 and 3 Adam Street Burnley VIC 3121, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

The plans must be generally in accordance with the plans prepared by YBL Remmus Architecture, dated October 2019 (Rev D: TP-02, TP-05, TP-06, TP-07, TP08, TP-09, TP-10, TP-20 and TP-18) but modified to show the following:

- (a) Additional screening treatment to the northern perimeter of Unit 4's roof terrace in accordance with the submitted Sketch Plan received on 02.03.2020 (Rev D: TP-08).
 - (b) Provision of transparent elements to the garage doors of Units 3 and 4.
 - (c) The following to demonstrate compliance with the objective of Standard B22 (Overlooking objective) of Clause 55 of the Yarra Planning Scheme:
 - (i) The northern perimeter of the first floor balcony of Unit 4.
 - (ii) The north-eastern, first floor kitchen window of Unit 4.
 - (iii) The northern Bedroom 3 windows of Unit 4.
 - (iv) The southern perimeter of Unit 4's roof terrace.
 - (d) The internal partition between the southern ground floor courtyards of Unit 3 and Unit 4 to demonstrate compliance with the objective of Standard B23 (Internal views) of Clause 55 of the Yarra Planning Scheme.
 - (e) Annotation confirming the finished floor level along the edge of the garage slab set at 40mm above the edge of Utopia Place.
 - (f) Location of 6m³ of storage and bins for Unit 1.
 - (g) A separate plan showing the easement removal consistent with the Title Plan.
 - (h) Design changes to implement recommendations of the Sustainable Development Assessment condition of this permit.
 - (i) Design changes to implement any recommendations of the endorsed Waste Management Plan condition of this permit.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. Before the development 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.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the plans are endorsed, an amended Sustainable Development Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Development Assessment will be endorsed and will form part of this permit. The Sustainable Development Assessment must include the following:
 - (a) The amended plans, lodged with Council on 03.12.2019.
6. The provisions, recommendation and requirements of the plans and endorsed Sustainable Development Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the plans are endorsed, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.

8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.
9. A removal of easement plan submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
10. Prior to commencement of any construction works, the easement affecting the land must be removed from Title.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all external lighting capable of illuminating access to the pedestrian entries and car parking area must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity.to the satisfaction of the Responsible Authority.
12. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
 - (a) be designed, provided and completed to the satisfaction of the Responsible Authority;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all-weather seal coat;all to the satisfaction of the Responsible Authority.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the footpath at the front of the property if required by Council):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
14. 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.
15. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;

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

During the construction:

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

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

17. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
18. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
19. The easement removal approved under this permit will expire if:
 - (a) A removal of easement plan is not certified under the Subdivision Act 1988 within two years of the issue of the permit; or
 - (b) A removal of easement plan is not completed within five years of the date of certification under the Subdivision Act 1988.
20. This permit will expire if:
 - (a) The development is not commenced within two years of the date of this permit; or
 - (b) The development is not completed within four years of the date of this permit.

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

Notes:

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 for further information.

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

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

Before any structure can be built over any easement, the applicant must obtain the consent of all Benefitting Owners with rights over the easement, if applicable.

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

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

CARRIED UNANIMOUSLY

-
- 1.4 2 Gough Street, Cremorne - PLN15/1176.01 - Section 72 Amendment to allow for changes to the preamble, deletion/amendment of conditions, reconfiguration of building uses, internal reconfiguration, changes to the car parking provision/allocation and built form changes (including new/enlarged terraces over approved roof areas).**
-

Reference: D20/4273

Authoriser: Manager Statutory Planning

RECOMMENDATION

1. That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN15/1176 with the following preamble:

Development of the land for buildings and works, including the construction of three buildings, use of the land as accommodation (dwellings and **residential hotel**), function centre, shop and restaurant, food and drink premises (café), art gallery, reduction in the car parking requirements and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B8 and B9).

and subject to the following conditions:

Staging

- 1 The staging as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**

Stage 2A

- 2 Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of 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 **application plans; TP-000 – TP-006, TP-096 – TP-115, TP-130 – TP-144, TP-150 – TP-155, TP-166 – TP-170, TP-201 – TP-204, TP231, TP-251, TP-301 – TP-303, TP-500 – TP-501, received 8 November 2019 and prepared by Caydon, and TP00 – TP-08, TP10 – TP-13, TP30 – TP32, TP40 – TP-42, TP-60 – TP61 and material details received 18 December 2018 prepared by Lovell Chen** but modified to show:

Staging

- (a) The staging plan for Stage 2A to include:**

- i Building B4, B5, B6, B8 and Victoria Bitter Sign and all basement car park levels within Building B9 including all vehicular access and egress ways and loading area;**
- ii Building B9 outline on all relevant plans**

Land use

- (b) Development schedule to accurately reflect all uses, floor areas and provision of bikes, cars, storage and the like;**
- (c) the bakery/retail as a 'food and drinks premises (café)';**

Built form

- (d) a complete set of detailed elevation **and section** drawings of all buildings clearly showing windows, doors, balconies and the like **and to correctly label each use**;
- (e) no works within the Road Zone, Category 1;
- (f) details of the fire booster cupboards and treatments;
- (g) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass must be confirmed as meeting the relevant EPA standards for glare;
- (h) treatment of all lower level walls with a graffiti-proof finish;
- (i) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;
- (j) **location of all solar panels as outlined within the endorsed SMP;**

Buildings B4 & B5

- (k) deletion of the servery window facing Gough Street along the northern end of B4 (may be replaced with a window that does not function as a servery);
- (l) consistency between the floor and elevation plans of B4 and B5;
- (m) B4 and B5 windows as openable;

Building B6

- (n) external, operable, vertical screening to the level 10-12 western windows of building B6;
- (o) the south setback of level 13, building B6;
- (p) **reconstruction of ground floor northern wall (BOH area) to show window openings or blind windows and not to present as a blank wall;**
- (q) **screening of ground floor plant and equipment adjacent to BOH area;**
- (r) **stair element to south elevation to be treated in another material or detail a patterned concrete finish;**

Building B8

- (s) **notation on roof plan to state location of relocated 'Victoria Bitter' sign;**
- (t) **deletion of structural supports at ground level unless no other option is possible as advised by a suitably qualified engineer.**

Signage

- (u) details of the relocated sign (Victoria Bitter), including:
 - i dimensions;
 - ii the colour, materiality and lettering style;
 - iii the type and level of illumination; and

B9 Car parking/bicycle parking

- (v) **a maximum of 245 spaces on site;**
- (w) **deletion of drop off/pick up area shown on Gough Street;**

- (x) ramp grades and lengths dimensioned;
- (y) kerbs, barriers, wheel stops and structural elements shown in the car parking areas;
- (z) the location and dimensions of supporting columns within all car park areas. The car parking spaces must meet diagram 1 of clause 52.06-9 of the Yarra Planning Scheme;
- (aa) sectional drawings of the ramps and access ways, demonstrating a minimum headroom clearance of 2.2m, with the exception being a minimum 2.5m height clearance above disabled car parking spaces;
- (bb) details of car park security (e.g. roller doors, intercoms, swipe card readers, etc.);
- (cc) 1 in 20 scale cross-sectional drawings of the development's vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profiles of Gough Street (from the kerb line to the centre line of the road) and the access ways inside the property must be accurately drawn. The cross-section must demonstrate that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out, using a B99 design vehicle;
- (dd) underside clearance of over-bonnet storage cages;
- (ee) all bicycle parking spaces located to the satisfaction of the responsible authority;
- (ff) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (gg) details of bicycle storage/parking systems to the satisfaction of the responsible authority;
- (hh) at least 25% of the provided bicycle parking accessible at ground level (i.e. not hanging systems);
- (ii) an overall provision of 300 bicycle parking spaces including provision for non residential use;
- (jj) all resident and staff bicycle parking spaces secured behind lockable gates;
- (kk) a convex mirror adjacent to the vehicular exit;
- (ll) dimensions of parallel car parking spaces;
- (mm) the width of the aisle between the west row of parking spaces and the face of the column in basements 1-4
- (nn) the length of the loading bay, with a minimum overhead clearance of 4.5m;
- (oo) **review of column locations for the following spaces:**
 - i **Spaces 43 (TP-166, TP-167 and TP-168);**
 - ii **Space 38 (TP-169)**
 - iii **Spaces 15 and 16 ((TP-166, TP-167 and TP-168); and**
 - iv **Spaces 14 and 15 (TP-169)**
- (pp) **Modifications to the cut back of ramp and column locations as shown on plans prepared by Irwin consultants contained within The Malt District Stage 2 report dated 7 November 2019 and referenced as:**
 - i **12ME0257 SK179**

- ii **12ME0257 SK182**
- iii **12ME0257 SK185; and**
- iv **12ME0257 SK188**

- (qq) dimension of blind aisle extensions;
- (rr) number of car parking spaces, storage cages and bicycle parking spaces to correlate between the project area summary and the plans;
- (ss) at least 5 car share spaces provided on site;
- (tt) **electric vehicle charging point locations**
- (uu) **details of the roller/tilt doors to vehicular access and egress point and loading area;**

General

- (vv) a lighting plan addressing entries and public spaces within the development;
- (ww) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (xx) **Location and details of the water tanks as outlined within the SMP (50,000 litre tanks in B6 and B8)**
- (yy) changes (as necessary) as per the endorsed, **façade strategy, landscape plan** Acoustic Report, Wind Report, Sustainable Management Plan, and Waste Management Plan.

Stage 2B

- 3 Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of 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 **application plans; TP-000 – TP-006, TP-096 – TP-115, TP-170 – TP-185, TP-201 – TP-204, TP-271 – TP-273, TP-301 – TP-303, TP-502, TP-599 – TP-613 received 8 November 2019 and prepared by Caydon** but modified to show:

Staging

- (a) **The staging plan for Stage 2B to include:**
 - i **Building B9 and Nylex Sign**
 - ii **Buildings B6 and B8 interface with B9**

Land use

- (b) **Development schedule to accurately reflect all uses, floor areas and provision of bikes, cars, storage and the like;**
- (c) the 'bar' on top of building B9 (inside and outside areas) shown as a 'restaurant';

Built form

- (d) a complete set of detailed elevation **and section** drawings of all buildings clearly showing windows, doors, balconies and the like **and to correctly label each use;**
- (e) no works within the Road Zone, Category 1;

- (f) details of the fire booster cupboards and treatments;
- (g) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass must be confirmed as meeting the relevant EPA standards for glare;
- (h) treatment of all lower level walls with a graffiti-proof finish;
- (i) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;

Building B9

- (j) deletion of all openings in the wall along the western boundary of B9 and treatment of this interface to avoid its presentation as a blank wall;
- (k) screening to habitable room windows, balcony or terrace to address internal overlooking, where necessary, to the satisfaction of the responsible authority;
- (l) at least 25% of the smaller units capable of amalgamation into larger 2 or 3 bedroom apartments; floor, section and elevation plans to correlate;
- (m) maximum floor to ceiling heights of 2.7m in living rooms and bed rooms;
- (n) a general signage plan, directing pedestrians to each residential entry;
- (o) B9 – level 3 and above set back a minimum 4.5m from the western boundary
- (p) B9 – levels 1 to 11 – deletion of the bedroom south of the wintergarden and extension of the adjacent living/dining/kitchen area;
- (q) details of dining and living room furnishing for four adults for the two-bedroom dwellings
- (r) other than the connecting bridges new building B9 segment is to be set back a minimum of 3.4m from the retained B9 silos;
- (s) maximised area of operability for wintergarden facades (above balustrade height);
- (t) **details of above ground rainwater treatment plant adjacent to silos;**
- (u) **redesign of Level 1 & 2 dwellings (west facing) as depicted in sketch plans prepared by Caydon received 13 December 2019;**
- (v) **redesign of dwellings 101, 114, 201, 218, 301, 316, 410, 415, 501, 515, 601, 613, 701, 713, 801, 813, 901, 912, 1001, 1009, 1101, 1112, 1201, 1209, 1301 and 1310 as shown in sketch plan labelled sheet 001 – response to item 55B dated 8 November 2019;**
- (w) **redesign of dwellings 402, 502, 602, 802, 902, 1102 and 1302 to improve outlook and amenity from the balcony space.**
- (x) **Review and redesign apartment layouts for 502, 602, 802 and 902 to improve living/dinner habitable spaces;**
- (y) **Redesign of dwelling 902 as shown in sketch plan labelled sheet 002 – response to item 55Div dated 8 November 2019.**
- (z) **Pergola structure proposed to level 14 dwelling 1306 and outdoor terrace area of the ‘Nylex restaurant’**

- (aa) **Ground level plan to include access and egress and loading area as shown on endorsed plans for Stage 2a.**

B9 Car parking/bicycle parking

- (bb) **All car parking and loading areas as endorsed under Stage 2A**

Signage

- (cc) details of the relocated sign (Nylex), including:
- i dimensions;
 - ii the colour, materiality and lettering style;
 - iii the type and level of illumination; and
 - iv confirmation that the Nylex sign will be turned on.

General

- (dd) a lighting plan addressing entries and public spaces within the development;
- (ee) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (ff) **Location and details of the water tank as outlined within the SMP 60,000 litre tank in B9**
- (gg) changes (as necessary) as per the endorsed, **façade strategy, landscape plan** Acoustic Report, Wind Report, Sustainable Management Plan, and Waste Management Plan.

Occupation of Stage 2A

- 4 Prior to the occupation of any of the uses in stage 2A, the car parking, access and loading required for these uses must be constructed, completed and be to the satisfaction of the Responsible Authority.**

General

- 5 The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 6 After the relocation of the Nylex sign, the sign must be turned on to the satisfaction of the responsible authority.
- 7 As part of the ongoing consultant team, Fender Katsalidis Architects and Lovell Chen or an architectural firm(s) 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.

Façade Strategy

- 8 In conjunction with the submission of development plans before each stage, a Façade Strategy and Materials and Finishes Plan prepared in consultation with David Local Associates 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 facade details for all buildings;**
- (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 to include:**
 - i **the use of actual bricks (i.e. not snaplock) within the podium level of building B9**

Landscape Plan

- 9 Before the plans required by Condition No. 2 or 3 of this permit respectively are endorsed, updated landscape plans generally in accordance with the landscape concepts included within The Malt District Cremorne – Stage 2 dated 16 October 2019 prepared by Oculus must be submitted to and approved by the Responsible Authority. When approved, the Landscape plans will be endorsed and will form part of this permit. The landscape plan must show:**
- (a) **Areas proposed to be landscaped (stage 2A or 2B)**
 - (b) **landscape concepts more consistent with those shown on LP01 – Ground Floor Plan dated 5 June 2017.**
 - (c) **street tree species for Gough Street to be – Hymenosporum flavum, 100L size or a suitable alternative**
 - (d) **the type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);**
 - (e) **the location of all areas to be covered by lawn, paving or other surface materials;**
 - (f) **the specification of works to be undertaken prior to planting;**
 - (g) **details of the watering and maintenance regime;**
 - (h) **garden bed dimensions;**
 - (i) **areas of paving and proposed materials;**
 - (j) **the location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;**
 - (k) **a clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;**
 - (l) **water sensitive urban design [WSUD] features;**
 - (m) **a clear delineation of public/private interface;**
 - (n) **cross-sections of open space areas are required, confirming which areas are raised or sunken;**

- (o) simplification of the ground level paving and lawn treatments (not too busy with larger lawn areas);
 - (p) proposed treatments to unused roof areas;
 - (q) the location of street trees with no loss of on street car parking (excluding for the new crossover);
 - (r) **location of bike parking within each landscape precinct;**
 - (s) **modified landscape treatment to area between B5 and B6 as shown in schematic plan contained within David Lock Associates advice dated 14 February 2020.**
- 10 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.
- 11 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the responsible authority.
- 12 All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the responsible authority.
- 13 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the responsible authority.
- 14 All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
- 15 All pipes except down 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.
- 16 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any wall located on a boundary facing public property must be treated with a graffiti-proof finish to the satisfaction of the responsible authority.
- 17 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, laneway and dwelling entrances must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- all to the satisfaction of the responsible authority.
- 18 The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 19 The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

General Use Conditions

- 20 The amenity of the area must not be detrimentally affected by the uses, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin;
- to the satisfaction of the responsible authority.

Dwellings

- 21 The **gym** located in B9 must only be used by dwelling residents and employees of any business conducted in the development.

Shop/Bakery

- 22 Except with the written consent of the responsible authority the Shop/Bakery must only operate between the hours of 7am to 8pm, any day.

B5 café

- 23 Except with the written consent of the responsible authority no more than 84 patrons are permitted in the B5 café at any one time.
- 24 Except with the written consent of the responsible authority the B5 café must only operate between the hours of 7am to 8pm, any day.

B5 restaurant

- 25 Except with the written consent of the responsible authority no more than 195 patrons are permitted in the B5 restaurant at any one time.
- 26 Except with the written consent of the responsible authority the B5 restaurant must only operate between the hours of 7am to 11pm, any day.

B6 restaurants

- 27 **Except with the written consent of the responsible authority no more than 120 patrons are permitted in the B6 restaurants at any one time.**
- 28 **Except with the written consent of the responsible authority the B9 restaurants must only operate between the hours of 6am to 11pm, any day.**

B9 restaurants

- 29 Except with the written consent of the responsible authority no more than 100 patrons are permitted in the B9 restaurants at any one time.
- 30 Except with the written consent of the responsible authority the B9 restaurants must only operate between the hours of 7am to 1.00am, any day.

B9 Function centre

- 31 Except with the written consent of the responsible authority no more than 100 patrons are permitted in the function centre at any one time.
- 32 Except with the written consent of the responsible authority the function centre must only operate between the hours of 8am to 11pm, any day.

B9 Art gallery

- 33 Except with the written consent of the responsible authority no more than 50 patrons are permitted in the art gallery at any one time.

- 34 Except with the written consent of the responsible authority the art gallery must only operate between the hours of 8am to 6pm, any day.

Victorian Bitter and Nylex signs

- 35 The location and details of the VB and Nylex signs, including the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 36 The signs must not include any flashing or intermittent light.
- 37 External sign lighting must be designed, baffled and located to the satisfaction of the responsible authority.
- 38 The signage component of this permit will expire if the signs are not erected within six years of the date of this permit. The responsible authority may extend the period referred to if a request is made in writing before the signage component of the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

Structural report requirement

- 39 Before the demolition of either stage (2A or 2B) starts, a structural report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.
- 40 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the responsible authority.

Public Art Management Plan

- 41 Before either stage (2A or 2B) of the development is occupied, a Public Art Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) details of the commissioned artist(s);
 - (b) description of art work, including:
 - i materials;
 - ii colours;
 - iii dimensions;
 - iv content;
 - v special features (e.g. lighting);
 - (c) details of the installation process; and
 - (d) details of art work maintenance schedule.
- 42 Before the final Stage of the development is occupied, buildings or by such later date as approved in writing by the responsible authority, the approved public art must be completed or security to the satisfaction of the responsible authority provided to secure its completion. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the responsible authority.

Public realm

- 43 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the Permit holder's expense.
- 44 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the footpaths along the Gough and Cremorne Street frontages of the site must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.
- The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.
- 45 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the road pavements outside the Gough and Cremorne Street frontages of the site must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.
- The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.
- 46 Before each stage of the development 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.
- 47 Before each stage of the buildings are occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossings must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the responsible authority.
- 48 Except with the prior written consent of the responsible authority, Council assets must not be altered in any way. All public works require the consent of the responsible authority prior to any works being undertaken.
- 49 Pit lids and levels must be readjusted to match the surface of the footpath, to the satisfaction of the responsible authority.
- 50 Trees in the road reserves must be provided with structural soils to protect road pavements from damage by roots. The preferred tree cut size is 1.5m x 1.5m.
- 51 The layout of the street trees in Gough Street must show parking spaces between trees.
- 52 All street tree planting works must be carried out by the Council's tree planting contractor. Once tree locations are finalised, a cost to the owner will be determined and the owner is then responsible for payment to Council.

- 53 **Prior to the occupation of Stage 2A and** subject to obtaining the consent of the responsible authority and any other relevant road authority, all of the proposed network improvements set out in the GTA consultants report dated 18 July 2017 must be the subject of detailed plans and specifications prepared by the owner and then approved by the responsible authority. All works must be carried out in accordance with the approved plans and at the owner's cost in each and every respect.

Public Access Management

- 54 Before each stage of the development starts or at some later time approved by the responsible authority, a Public Access Management Plan must be prepared by the owner and approved by the responsible authority. The Public Access Management Plan must show all areas to be accessible by the public and must provide for the ongoing management and maintenance to the satisfaction of the responsible authority of all publicly accessible areas.
- 55 Once approved, the provisions, recommendations and requirements of the approved Public Access Management Plan must be implemented to the satisfaction of the responsible authority.

Wind Assessment Report

- 56 Before the plans required by Condition No.2 and 3 of this permit are endorsed respectively, an amended Wind Assessment Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority as relevant. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac and dated 18 March 2016, but modified to:
- (a) reflect the decision plans submitted for endorsement **including pergola structures on level 14 of building B9;**
 - (b) include wind tunnel modelling to verify the results of the preliminary assessment;
 - (c) show details of the type, size and density of foliage of trees used to mitigate wind impacts; and
 - (d) confirm that the northern B5 café outdoor seating area would fulfil the sitting criteria.
- 57 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the responsible authority.

Acoustic report

- 58 Before the plans required by Condition No. 2 and 3 of this permit are endorsed respectively, an amended Acoustic Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority as relevant. 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 **Octave Acoustics, dated 18 October 2019** and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met and must:
- (a) be amended to reflect the decision plans;

- (b) prescribe the form of acoustic treatment to protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development (including the lift, residential air conditioner units and commercial plant and equipment);
- (c) prescribe the form of acoustic treatment to protect all dwelling occupants within the development from noise associated with City Link;
- (d) include an assessment of the remaining land uses on the balance of the site and the impact on the proposed dwellings (unless the land uses on the balance of the site have ceased). The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the responsible authority;
- (e) include an assessment of the impact of the following on the proposed dwellings; car park entrance door, the car park itself, any non-residential land uses, common residential areas, structure-borne noise through the pool and supermarket and shop services. Treatments must be provided to achieve a reasonable level of amenity for residents and must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the responsible authority;
- (f) address the impact of the restaurants, food and drinks premises (cafes), shops, function centre, exhibition centre, art gallery and venue on residents on and off the site; and
- (g) demonstrate compliance with the requirements of Schedule 3 to the Comprehensive Development Zone of the Yarra Planning Scheme to ensure that new development or refurbished / converted buildings for new residential and other noise sensitive uses, located on the southern part of the site directly adjacent to City Link, include appropriate acoustic measures as outlined in AS 3671 – 1999 “Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction” to attenuate noise levels internally within the building;
- (h) **address the impact of the loading bay area on dwellings with the door installed to the loading dock must achieve a minimum sound insulation performance of not less than Rw 22db.**

59 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.

60 On the completion of any works required by the endorsed Acoustic Report and before the residential use commences of any Stage of the of the development, an updated Acoustic Report prepared by a suitably qualified acoustic consultant to the satisfaction of the responsible authority must be submitted to the responsible authority demonstrating by measurement that the required level of noise attenuation has been achieved. The report must:

- (a) confirm compliance with relevant conditions of this permit; and

- (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with 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.

61 The recommendations and any works contained in the approved Acoustic Report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the responsible authority.

Residential Hotel Management Plan

62 Before the residential hotel use starts, a Residential Hotel Management Plan must be submitted to, and approved by the responsible authority. When approved, the Residential Hotel Management Plan will be endorsed and will then form part of the permit. The Residential Hotel Management Plan must detail the following:

- (a) procedures, and standards for guests to minimise amenity and parking impacts in the neighbourhood.
- (b) measures to be taken by the operator to ensure that residential hotel guests and visitors do not cause nuisance or annoyance 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) **Management of communal terraces;**
- (f) details of eviction process in the event house rules are broken;
- (g) standards for property maintenance, health and cleanliness; and
- (h) security against thefts and break-ins, including security of guests' belongings.

Sustainable Management Plan

63 **Before each stage of the development starts as relevant an amended Sustainable Management Plans for all buildings (B4, B5, B6, B8 and B9)** 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 Irwin Consult dated 31 October 2019**, but modified to show/reflect/demonstrate:

- (a) the decision plans;
- (b) the changes required as per condition 1 (where relevant);
- (c) a minimum 100% STORM score for each building;
- (d) a minimum 4 star green star rating for each building;

- (e) glazing as either clear or tinted blue with a VLT of 0.6 or higher;
- (f) demonstration that all exposed north, east and west facing dwellings will achieve cooling loads no higher than 30MJ/m2/pa;
- (g) daylight modelling for the **amended** western level 1 and 2 B9 dwellings, demonstrating BESS compliance to the satisfaction of the responsible authority;
- (h) provision of a mechanical supply fresh air system to all single aspect dwellings to supply rates 50% above the minimum requirements in AS1668;
- (i) additional ventilation is provided to single aspect dwellings to supply rates 50% above the minimum requirements in AS1668;
- (j) commitment to install extraction fans in all kitchens (not re-circulating ranges);
- (k) include detail on waste and recycling;
- (l) detail hot water system(s) for dwellings;
- (m) nominate the showerhead flowrate and WELS efficiency;
- (n) include solar photovoltaic system(s) to contribute to common area electricity consumption;
- (o) consider FSC accredited timber;
- (p) **delete ambiguous language**

64 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

65 **Before each stage of 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

66 **Before stage 2A starts, Waste Management Plans for Buildings B4 and B5 to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit. The plan must:**

- (a) **reflect the decision plans;**
- (b) **be written as a standalone document;**
- (c) **be written regardless if a private or Council collection;**
- (d) **address both rubbish and recycling for all uses (including hard, recycling and green (food) waste);**
- (e) **include bin room details (for all tenants, residential, commercial, retail, supermarket, etc). The bin room(s) must be of an appropriate size for their intended use;**

- (f) **confirm a minimum number of collections for all users, however, more than weekly collection may be considered with appropriate justification; and**
- (g) **include information to tenants, owners corporation, property manager (information pack details);**

- 67 **The provisions, recommendations and requirements of the Waste Management Plans for Building B6, B8 and B9 prepared by Irwin Consultants dated 30 October 2019 be endorsed and must be implemented and complied with to the satisfaction of the responsible authority.**
- 68 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

- 69 Before each stage of the development is occupied, as relevant, or such later date as is approved by the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority, unless security to the satisfaction of the responsible authority is provided for its completion.
- 70 The landscaping shown on the endorsed plans 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;
- all to the satisfaction of the responsible authority.

Car parking

- 71 Before the development starts, a Car Park Management Plan prepared 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 then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the **development schedule to accurately reflect all uses and floor areas**
 - (b) the provision of a maximum of 245 car spaces;
 - (c) the **allocation of car parking spaces as follows:**
 - i **139 residential spaces;**
 - ii **1 café space;**
 - iii **14 restaurant spaces;**
 - iv **5 function centre spaces;**
 - v **2 art gallery spaces;**
 - vi **1 shop space;**
 - vii **50 office spaces;**
 - viii **10 hotel spaces;**

ix 5 car share spaces

The allocation of car spaces can be varies with the written consent of the Responsible Authority.

- (d) management details for residential loading/unloading when moving;
- (e) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (f) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (g) any policing arrangements and formal agreements;
- (h) 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;
- (i) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the endorsed Waste Management Plan (refer to Condition No. 57 of this permit);
- (j) how the residential hotel drop off **and pick will** be managed;
- (k) details regarding the management of loading and unloading of goods and materials **for the commercial uses.**
- (l) at least five car share spaces to be provided on site.

72 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.

73 Before each stage of the development is occupied, as relevant, 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.

Traffic, roads and footpaths

74 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.

75 Before the development starts, the permit holder must pay a bank guarantee to the value of \$50,000 to the City of Yarra for traffic, car parking, road improvements and associated studies in the Cremorne area.

The bank guarantee may be drawn down by Council and used for the proposed works and study by the responsible authority for traffic/road/car parking improvements in the Cremorne area, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the traffic/road/car parking improvements are not commenced by the relevant authorities before the final Stage of the development is occupied.

Green Travel Plan

- 76 Before each stage of the development is occupied, as relevant, 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) the provision of real time passenger information displays for nearby stops within each residential lobby;
 - (c) employee / resident welcome packs (e.g. provision of Myki);
 - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of Green Travel Plan funding and management responsibilities; and
 - (g) include provisions to be updated not less than every five years.
- 77 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

Construction

- 78 Before each stage of the development starts, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management 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) a lighting plan which must include:

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

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

79 During the construction:

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

80 Before each stage of the development 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.

81 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossings must be constructed:

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

82 No parking restriction signs must be removed, adjusted, changed or relocated without approval or authorisation from the responsible authority.

83 Except with the prior written consent of the responsible authority, demolition or construction works must not be carried out:

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

Public lighting plan

84 Before each stage of the development starts, as relevant, a Public Lighting Plan must be submitted to and approved by the responsible authority. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must:

- (a) confirm that all primary pedestrian access to a residential/ multi-purpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;

- (b) confirm that any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
- (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
- (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
- (e) include a commitment that the permit holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
- (f) confirm that the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the permit holder.

85 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with to the satisfaction of the responsible authority.

VicRoads Conditions

- 86 VicRoads prohibits the construction of building/s or the carrying out of works within the Road Zone Category 1 (i.e. Punt Road and Harcourt Parade).
- 87 VicRoads prohibits vehicular, pedestrian or cycling access to the site along Harcourt Parade.
- 88 The luminance of the advertising sign/s (including The Victoria Bitter and Nylex signs) must be such it does not give a veiling of luminance to the driver, of greater than 0.25cdm², throughout the driver's approach to the advertising sign/s.
- 89 Before the development starts, a truck wheel wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting land.
- 90 The truck wheel wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Council.

CityLink Conditions

- 91 There should be no interruption to traffic flow on CityLink assets.
- 92 CityLink assets should not be exposed to any waste generated from the project.
- 93 New buildings should not cause any adverse impacts on the users of CityLink (e.g. reflective glare from the buildings).

PTV Conditions

- 94 Before the development starts, or at any other time agreed to in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of the permit.

The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) The design details and the location of the bike share station;
 - (b) Consideration must be given to the integration between the bike share station and public access, and connection to exiting shared paths within the vicinity of the site.
- 95 The bike share station is to be design and constructed to the satisfaction of Public Transport Victoria and the responsible authority and at no cost to Public Transport Victoria before the development is occupied.

Melbourne Water Conditions

- 96 The ground floor areas of the new buildings must be constructed with finished floor levels set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 97 All lifts and stairwells, windows, openings, vents or other entry and exit points that could allow entry of floodwaters to the basement must be set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 98 The entry / exit driveway of the basement car park at the north west corner of the site must incorporate a flood proof apex set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 99 Flood resistant materials must be used for the construction of floor levels and walls (including any glass/glazing window panels) below the applicable flood level.
- 100 Signage and flood gauge boards must be provided at the basement car park entrance at the north western end of Gough Street to provide warning for flood depths during extreme flood events, to the satisfaction of Melbourne Water.
- 101 Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
- 102 Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 103 Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Expiry

- 104 This permit will expire if one of the following circumstances applies:
- (a) the development is not started within three years of the issued date of this permit;
 - (b) the development is not completed within six years of the issued date of this permit;
 - (c) the uses are not commenced within nine years from the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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.

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

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

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

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

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

Submissions

Vicky Grillakis addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee.

Hugh Richardson; and
Michelle Summers.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

1. That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN15/1176 with the following preamble:

Development of the land for buildings and works, including the construction of three buildings, use of the land as accommodation (dwellings and **residential hotel**), function centre, shop and restaurant, food and drink premises (café), art gallery, reduction in the car parking requirements and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B8 and B9).

and subject to the following conditions:

Staging

- 1 The staging as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**

Stage 2A

- 2 Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of 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 **application plans; TP-000 – TP-006, TP-096 – TP-115, TP-130 – TP-144, TP-150 – TP-155, TP-166 – TP-170, TP-201 – TP-204, TP231, TP-251, TP-301 – TP-303, TP-500 – TP-501, received 8 November 2019 and prepared by Caydon, and TP00 – TP-08, TP10 – TP-13, TP30 – TP32, TP40 – TP-42, TP-60 – TP61 and material details received 18 December 2018 prepared by Lovell Chen but modified to show:****

Staging

- (a) The staging plan for Stage 2A to include:**

- i Building B4, B5, B6, B8 and Victoria Bitter Sign and all basement car park levels within Building B9 including all vehicular access and egress ways an loading area;**
- ii Building B9 outline on all relevant plans**

Land use

- (b) Development schedule to accurately reflect all uses, floor areas and provision of bikes, cars, storage and the like;**
- (c) the bakery/retail as a ‘food and drinks premises (café)’;**
- (d) location of heritage visitor centre within the ground floor to outline the history of the former brewery;**

Built form

- (e) a complete set of detailed elevation **and section** drawings of all buildings clearly showing windows, doors, balconies and the like **and to correctly label each use;****
- (f) no works within the Road Zone, Category 1;**
- (g) details of the fire booster cupboards and treatments;**
- (h) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass must be confirmed as meeting the relevant EPA standards for glare;**
- (i) treatment of all lower level walls with a graffiti-proof finish;**
- (i) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;**
- (k) **location of all solar panels as outlined within the endorsed SMP;****

Buildings B4 & B5

- (l) deletion of the servery window facing Gough Street along the northern end of B4 (may be replaced with a window that does not function as a servery);**
- (m) consistency between the floor and elevation plans of B4 and B5;**

- (n) B4 and B5 windows as operable;

Building B6

- (o) external, operable, vertical screening to the level 10-12 western windows of building B6;
- (p) the south setback of level 13, building B6;
- (g) reconstruction of ground floor northern wall (BOH area) to show window openings or blind windows and not to present as a blank wall;**
- (r) screening of ground floor plant and equipment adjacent to BOH area;**
- (s) stair element to south elevation to be treated in another material or detail a patterned concrete finish;**
- (t) windows within the hotel rooms to be shown as operable;
- (u) details of the glazing treatment of B6 and concrete strip pattern to ensure a quality and cohesive design response;
- (v) insertion of additional balconies to the southern façade hotel rooms to improve amenity of these rooms and improve fenestration of the southern façade of the building.

Building B8

- (w) notation on roof plan to state location of relocated 'Victoria Bitter' sign;**
- (x) deletion of structural supports at ground level unless no other option is possible as advised by a suitably qualified engineer.**

Signage

- (y) details of the relocated sign (Victoria Bitter), including:
 - i dimensions;
 - ii the colour, materiality and lettering style;
 - iii the type and level of illumination; and

B9 Car parking/bicycle parking

- (z) a maximum of 245 spaces on site;
- (aa) deletion of drop off/pick up area shown on Gough Street;**
- (bb) ramp grades and lengths dimensioned;
- (cc) kerbs, barriers, wheel stops and structural elements shown in the car parking areas;
- (dd) the location and dimensions of supporting columns within all car park areas. The car parking spaces must meet diagram 1 of clause 52.06-9 of the Yarra Planning Scheme;
- (ee) sectional drawings of the ramps and access ways, demonstrating a minimum headroom clearance of 2.2m, with the exception being a minimum 2.5m height clearance above disabled car parking spaces;
- (ff) details of car park security (e.g. roller doors, intercoms, swipe card readers, etc.);

- (gg) 1 in 20 scale cross-sectional drawings of the development's vehicular entrances, showing the actual reduced levels (not interpolated levels from the application drawings) of the road profile, the lip of the channel, the invert of the channel, the top of kerb and the existing building line. The existing road profiles of Gough Street (from the kerb line to the centre line of the road) and the access ways inside the property must be accurately drawn. The cross-section must demonstrate that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out, using a B99 design vehicle;
- (hh) underside clearance of over-bonnet storage cages;
- (ii) all bicycle parking spaces located to the satisfaction of the responsible authority;
- (ii) bicycle signage as per clause 52.34-5 of the Yarra Planning Scheme;
- (kk) details of bicycle storage/parking systems to the satisfaction of the responsible authority;
- (ll) at least 25% of the provided bicycle parking accessible at ground level (i.e. not hanging systems);
- (mm) an overall provision of 300 bicycle parking spaces including provision for non residential use;
- (nn) all resident and staff bicycle parking spaces secured behind lockable gates;
- (oo) a convex mirror adjacent to the vehicular exit;
- (pp) dimensions of parallel car parking spaces;
- (qq) the width of the aisle between the west row of parking spaces and the face of the column in basements 1-4
- (rr) the length of the loading bay, with a minimum overhead clearance of 4.5m;
- (ss) **review of column locations for the following spaces:**
 - i **Spaces 43 (TP-166, TP-167 and TP-168);**
 - ii **Space 38 (TP-169)**
 - iii **Spaces 15 and 16 ((TP-166, TP-167 and TP-168); and**
 - iv **Spaces 14 and 15 (TP-169)**
- (tt) **Modifications to the cut back of ramp and column locations as shown on plans prepared by Irwin consultants contained within The Malt District Stage 2 report dated 7 November 2019 and referenced as:**
 - i **12ME0257 SK179**
 - ii **12ME0257 SK182**
 - iii **12ME0257 SK185; and**
 - iv **12ME0257 SK188**
- (uu) dimension of blind aisle extensions;
- (vv) number of car parking spaces, storage cages and bicycle parking spaces to correlate between the project area summary and the plans;
- (ww) at least 5 car share spaces provided on site;

(xx) **electric vehicle charging point locations**

(yy) **details of the roller/tilt doors to vehicular access and egress point and loading area;**

General

(zz) a lighting plan addressing entries and public spaces within the development;

(aaa) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;

(bbb) **Location and details of the water tanks as outlined within the SMP (50,000 litre tanks in B6 and B8)**

(ccc) changes (as necessary) as per the endorsed, **façade strategy, landscape plan** Acoustic Report, Wind Report, Sustainable Management Plan, and Waste Management Plan.

Stage 2B

- 3 Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of 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 **application plans; TP-000 – TP-006, TP-096 – TP-115, TP-170 – TP-185, TP-201 – TP-204, TP-271 – TP-273, TP-301 – TP-303, TP-502, TP-599 – TP-613 received 8 November 2019 and prepared by Caydon** but modified to show:

Staging

(a) **The staging plan for Stage 2B to include:**

- i **Building B9 and Nylex Sign**
- ii **Buildings B6 and B8 interface with B9**

Land use

- (b) **Development schedule to accurately reflect all uses, floor areas and provision of bikes, cars, storage and the like;**
- (c) the 'bar' on top of building B9 (inside and outside areas) shown as a 'restaurant';

Built form

- (d) a complete set of detailed elevation **and section** drawings of all buildings clearly showing windows, doors, balconies and the like **and to correctly label each use;**
- (e) no works within the Road Zone, Category 1;
- (f) details of the fire booster cupboards and treatments;
- (g) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass must be confirmed as meeting the relevant EPA standards for glare;
- (h) treatment of all lower level walls with a graffiti-proof finish;
- (i) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;

- (i) reduction in the provision of services along Gough Street to improve pedestrian connectivity with Gough Street.

Building B9

- (k) deletion of all openings in the wall along the western boundary of B9 and treatment of this interface to avoid its presentation as a blank wall;
- (l) screening to habitable room windows, balcony or terrace to address internal overlooking, where necessary, to the satisfaction of the responsible authority;
- (m) at least 25% of the smaller units capable of amalgamation into larger 2 or 3 bedroom apartments; floor, section and elevation plans to correlate;
- (n) maximum floor to ceiling heights of 2.7m in living rooms and bed rooms;
- (o) a general signage plan, directing pedestrians to each residential entry;
- (p) B9 – level 3 and above set back a minimum 4.5m from the western boundary
- (q) B9 – levels 1 to 11 – deletion of the bedroom south of the wintergarden and extension of the adjacent living/dining/kitchen area;
- (r) details of dining and living room furnishing for four adults for the two-bedroom dwellings
- (s) other than the connecting bridges new building B9 segment is to be set back a minimum of 3.4m from the retained B9 silos;
- (t) maximised area of operability for wintergarden facades (above balustrade height);
- (u) **details of above ground rainwater treatment plant adjacent to silos;**
- (v) **redesign of Level 1 & 2 dwellings (west facing) as depicted in sketch plans prepared by Caydon received 13 December 2019;**
- (w) **redesign of dwellings 101, 114, 201, 218, 301, 316, 410, 415, 501, 515, 601, 613, 701, 713, 801, 813, 901, 912, 1001, 1009, 1101, 1112, 1201, 1209, 1301 and 1310 as shown in sketch plan labelled sheet 001 – response to item 55B dated 8 November 2019;**
- (x) **redesign of dwellings 402, 502, 602, 802, 902, 1102 and 1302 to improve outlook and amenity from the balcony space.**
- (y) **Review and redesign apartment layouts for 502, 602, 802 and 902 to improve living/dinner habitable spaces;**
- (z) **Redesign of dwelling 902 as shown in sketch plan labelled sheet 002 – response to item 55Div dated 8 November 2019.**
- (aa) **Pergola structure proposed to level 14 dwelling 1306 and outdoor terrace area of the 'Nylex restaurant'.**
- (bb) **Ground level plan to include access and egress and loading area as shown on endorsed plans for Stage 2a.**

B9 Car parking/bicycle parking

- (cc) **All car parking and loading areas as endorsed under Stage 2A**

Signage

- (dd) details of the relocated sign (Nylex), including:

- i dimensions;
- ii the colour, materiality and lettering style;
- iii the type and level of illumination; and
- iv confirmation that the Nylex sign will be turned on.

General

- (ee) a lighting plan addressing entries and public spaces within the development;
- (ff) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (gg) Location and details of the water tank as outlined within the SMP 60,000 litre tank in B9**
- (hh) changes (as necessary) as per the endorsed, **façade strategy, landscape plan** Acoustic Report, Wind Report, Sustainable Management Plan, and Waste Management Plan.

Occupation of Stage 2A

- 4 Prior to the occupation of any of the uses in stage 2A, the car parking, access and loading required for these uses must be constructed, completed and be to the satisfaction of the Responsible Authority.**

General

- 5 The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 6 After the relocation of the Nylex sign, the sign must be turned on to the satisfaction of the responsible authority.
- 7 As part of the ongoing consultant team, Fender Katsalidis Architects and Lovell Chen or an architectural firm(s) 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.

Façade Strategy

- 8 In conjunction with the submission of development plans before each stage, a Façade Strategy and Materials and Finishes Plan prepared in consultation with David Local Associates 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 facade details for all buildings;**
 - (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 to include:**
 - i **the use of actual bricks (i.e. not snaplock) within the podium level of building B9**

Landscape Plan

9 Before the plans required by Condition No. 2 or 3 of this permit respectively are endorsed, updated landscape plans generally in accordance with the landscape concepts included within The Malt District Cremorne – Stage 2 dated 16 October 2019 prepared by Oculus must be submitted to and approved by the Responsible Authority. When approved, the Landscape plans will be endorsed and will form part of this permit. The landscape plan must show:

- (a) **Areas proposed to be landscaped (stage 2A or 2B)**
- (b) **landscape concepts more consistent with those shown on LP01 – Ground Floor Plan dated 5 June 2017.**
- (c) street tree species for Gough Street to be – *Hymenosporum flavum*, 100L size or a suitable alternative
- (d) the type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);
- (e) the location of all areas to be covered by lawn, paving or other surface materials;
- (f) the specification of works to be undertaken prior to planting;
- (g) details of the watering and maintenance regime;
- (h) garden bed dimensions;
- (i) areas of paving and proposed materials;
- (j) the location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
- (k) a clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
- (l) water sensitive urban design [WSUD] features;
- (m) a clear delineation of public/private interface;
- (n) cross-sections of open space areas are required, confirming which areas are raised or sunken;
- (o) simplification of the ground level paving and lawn treatments (not too busy with larger lawn areas);
- (p) proposed treatments to unused roof areas;
- (q) the location of street trees with no loss of on street car parking (excluding for the new crossover);

(r) location of bike parking within each landscape precinct;

(s) modified landscape treatment to area between B5 and B6 as shown in schematic plan contained within David Lock Associates advice dated 14 February 2020.

- 10 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.
- 11 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the responsible authority.
- 12 All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the responsible authority.
- 13 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the responsible authority.
- 14 All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
- 15 All pipes except down 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.
- 16 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any wall located on a boundary facing public property must be treated with a graffiti-proof finish to the satisfaction of the responsible authority.
- 17 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, laneway and dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,all to the satisfaction of the responsible authority.
- 18 The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 19 The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

General Use Conditions

- 20 The amenity of the area must not be detrimentally affected by the uses, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;

- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin;
- to the satisfaction of the responsible authority.

Dwellings

- 21 The **gym** located in B9 must only be used by dwelling residents and employees of any business conducted in the development.

Shop/Bakery

- 22 Except with the written consent of the responsible authority the Shop/Bakery must only operate between the hours of 7am to 8pm, any day.

B5 café

- 23 Except with the written consent of the responsible authority no more than 84 patrons are permitted in the B5 café at any one time.
- 24 Except with the written consent of the responsible authority the B5 café must only operate between the hours of 7am to 8pm, any day.

B5 restaurant

- 25 Except with the written consent of the responsible authority no more than 195 patrons are permitted in the B5 restaurant at any one time.
- 26 Except with the written consent of the responsible authority the B5 restaurant must only operate between the hours of 7am to 11pm, any day.

B6 restaurants

- 27 **Except with the written consent of the responsible authority no more than 120 patrons are permitted in the B6 restaurants at any one time.**
- 28 **Except with the written consent of the responsible authority the B9 restaurants must only operate between the hours of 6am to 11pm, any day.**

B9 restaurants

- 29 Except with the written consent of the responsible authority no more than 100 patrons are permitted in the B9 restaurants at any one time.
- 30 Except with the written consent of the responsible authority the B9 restaurants must only operate between the hours of 7am to 1.00am, any day.

B9 Function centre

- 31 Except with the written consent of the responsible authority no more than 100 patrons are permitted in the function centre at any one time.
- 32 Except with the written consent of the responsible authority the function centre must only operate between the hours of 8am to 11pm, any day.

B9 Art gallery

- 33 Except with the written consent of the responsible authority no more than 50 patrons are permitted in the art gallery at any one time.
- 34 Except with the written consent of the responsible authority the art gallery must only operate between the hours of 8am to 6pm, any day.

Victorian Bitter and Nylex signs

- 35 The location and details of the VB and Nylex signs, including the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 36 The signs must not include any flashing or intermittent light.
- 37 External sign lighting must be designed, baffled and located to the satisfaction of the responsible authority.
- 38 The signage component of this permit will expire if the signs are not erected within six years of the date of this permit. The responsible authority may extend the period referred to if a request is made in writing before the signage component of the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

Structural report requirement

- 39 Before the demolition of either stage (2A or 2B) starts, a structural report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.
- 40 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the responsible authority.

Public Art Management Plan

- 41 Before either stage (2A or 2B) of the development is occupied, a Public Art Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
 - (a) details of the commissioned artist(s);
 - (b) description of art work, including:
 - i materials;
 - ii colours;
 - iii dimensions;
 - iv content;
 - v special features (e.g. lighting);
 - (c) details of the installation process; and
 - (d) details of art work maintenance schedule.
- 42 Before the final Stage of the development is occupied, buildings or by such later date as approved in writing by the responsible authority, the approved public art must be completed or security to the satisfaction of the responsible authority provided to secure its completion. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the responsible authority.

Public realm

- 43 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the Permit holder's expense.
- 44 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the footpaths along the Gough and Cremorne Street frontages of the site must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.
- 45 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the road pavements outside the Gough and Cremorne Street frontages of the site must be profiled and re-sheeted:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.
- 46 Before each stage of the development 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.
- 47 Before each stage of the buildings are occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossings must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the responsible authority.
- 48 Except with the prior written consent of the responsible authority, Council assets must not be altered in any way. All public works require the consent of the responsible authority prior to any works being undertaken.
- 49 Pit lids and levels must be readjusted to match the surface of the footpath, to the satisfaction of the responsible authority.
- 50 Trees in the road reserves must be provided with structural soils to protect road pavements from damage by roots. The preferred tree cut size is 1.5m x 1.5m.
- 51 The layout of the street trees in Gough Street must show parking spaces between trees.
- 52 All street tree planting works must be carried out by the Council's tree planting contractor. Once tree locations are finalised, a cost to the owner will be determined and the owner is then responsible for payment to Council.

- 53 **Prior to the occupation of Stage 2A and** subject to obtaining the consent of the responsible authority and any other relevant road authority, all of the proposed network improvements set out in the GTA consultants report dated 18 July 2017 must be the subject of detailed plans and specifications prepared by the owner and then approved by the responsible authority. All works must be carried out in accordance with the approved plans and at the owner's cost in each and every respect.

Public Access Management

- 54 Before each stage of the development starts or at some later time approved by the responsible authority, a Public Access Management Plan must be prepared by the owner and approved by the responsible authority. The Public Access Management Plan must show all areas to be accessible by the public and must provide for the ongoing management and maintenance to the satisfaction of the responsible authority of all publicly accessible areas.
- 55 Once approved, the provisions, recommendations and requirements of the approved Public Access Management Plan must be implemented to the satisfaction of the responsible authority.

Wind Assessment Report

- 56 Before the plans required by Condition No.2 and 3 of this permit are endorsed respectively, an amended Wind Assessment Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority as relevant. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac and dated 18 March 2016, but modified to:
- (a) reflect the decision plans submitted for endorsement **including pergola structures on level 14 of building B9;**
 - (b) include wind tunnel modelling to verify the results of the preliminary assessment;
 - (c) show details of the type, size and density of foliage of trees used to mitigate wind impacts; and
 - (d) confirm that the northern B5 café outdoor seating area would fulfil the sitting criteria.
 - (e) assess the inclusion of balconies to the upper levels of building B6.
- 57 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the responsible authority.

Acoustic report

- 58 Before the plans required by Condition No. 2 and 3 of this permit are endorsed respectively, an amended Acoustic Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority as relevant. 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 **Octave Acoustics, dated 18 October 2019** and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met and must:

- (a) be amended to reflect the decision plans;
- (b) prescribe the form of acoustic treatment to protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development (including the lift, residential air conditioner units and commercial plant and equipment);
- (c) prescribe the form of acoustic treatment to protect all dwelling occupants within the development from noise associated with City Link;
- (d) include an assessment of the remaining land uses on the balance of the site and the impact on the proposed dwellings (unless the land uses on the balance of the site have ceased). The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the responsible authority;
- (e) include an assessment of the impact of the following on the proposed dwellings; car park entrance door, the car park itself, any non-residential land uses, common residential areas, structure-borne noise through the pool and supermarket and shop services. Treatments must be provided to achieve a reasonable level of amenity for residents and must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the responsible authority;
- (f) address the impact of the restaurants, food and drinks premises (cafes), shops, function centre, exhibition centre, art gallery and venue on residents on and off the site; and
- (g) demonstrate compliance with the requirements of Schedule 3 to the Comprehensive Development Zone of the Yarra Planning Scheme to ensure that new development or refurbished / converted buildings for new residential and other noise sensitive uses, located on the southern part of the site directly adjacent to City Link, include appropriate acoustic measures as outlined in AS 3671 – 1999 “Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction” to attenuate noise levels internally within the building;
- (h) **address the impact of the loading bay area on dwellings with the door installed to the loading dock must achieve a minimum sound insulation performance of not less than Rw 22db.**

- 59 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.

- 60 On the completion of any works required by the endorsed Acoustic Report and before the residential use commences of any Stage of the of the development, an updated Acoustic Report prepared by a suitably qualified acoustic consultant to the satisfaction of the responsible authority must be submitted to the responsible authority demonstrating by measurement that the required level of noise attenuation has been achieved. The report must:
- (a) confirm compliance with relevant conditions of this permit; and
 - (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with 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.
- 61 The recommendations and any works contained in the approved Acoustic Report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the responsible authority.

Residential Hotel Management Plan

- 62 Before the residential hotel use starts, a Residential Hotel Management Plan must be submitted to, and approved by the responsible authority. When approved, the Residential Hotel Management Plan will be endorsed and will then form part of the permit. The Residential Hotel Management Plan must detail the following:
- (a) procedures, and standards for guests to minimise amenity and parking impacts in the neighbourhood.
 - (b) measures to be taken by the operator to ensure that residential hotel guests and visitors do not cause nuisance or annoyance 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) **Management of communal terraces;**
 - (f) details of eviction process in the event house rules are broken;
 - (g) standards for property maintenance, health and cleanliness; and
 - (h) security against thefts and break-ins, including security of guests' belongings.

Sustainable Management Plan

- 63 **Before each stage of the development starts as relevant an amended Sustainable Management Plans for all buildings (B4, B5, B6, B8 and B9) 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 Irwin Consult dated 31 October 2019**, but modified to show/reflect/demonstrate:

- (a) the decision plans;
- (b) the changes required as per condition 1 (where relevant);
- (c) a minimum 100% STORM score for each building;
- (d) a minimum 4 star green star rating for each building;
- (e) glazing as either clear or tinted blue with a VLT of 0.6 or higher;
- (f) demonstration that all exposed north, east and west facing dwellings will achieve cooling loads no higher than 30MJ/m2/pa;
- (g) daylight modelling for the **amended** western level 1 and 2 B9 dwellings, demonstrating BESS compliance to the satisfaction of the responsible authority;
- (h) provision of a mechanical supply fresh air system to all single aspect dwellings to supply rates 50% above the minimum requirements in AS1668;
- (i) additional ventilation is provided to single aspect dwellings to supply rates 50% above the minimum requirements in AS1668;
- (j) commitment to install extraction fans in all kitchens (not re-circulating ranges);
- (k) include detail on waste and recycling;
- (l) detail hot water system(s) for dwellings;
- (m) nominate the showerhead flowrate and WELS efficiency;
- (n) include solar photovoltaic system(s) to contribute to common area electricity consumption;
- (o) consider FSC accredited timber;
- (p) **delete ambiguous language**

64 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

65 **Before each stage of 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

66 **Before stage 2A starts, Waste Management Plans for Buildings B4 and B5 to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit. The plan must:**

- (a) **reflect the decision plans;**

- (b) **be written as a standalone document;**
- (c) **be written regardless if a private or Council collection;**
- (d) **address both rubbish and recycling for all uses (including hard, recycling and green (food) waste);**
- (e) **include bin room details (for all tenants, residential, commercial, retail, supermarket, etc). The bin room(s) must be of an appropriate size for their intended use;**
- (f) **confirm a minimum number of collections for all users, however, more than weekly collection may be considered with appropriate justification; and**
- (g) **include information to tenants, owners corporation, property manager (information pack details);**

67 The provisions, recommendations and requirements of the Waste Management Plans for Building B6, B8 and B9 prepared by Irwin Consultants dated 30 October 2019 be endorsed and must be implemented and complied with to the satisfaction of the responsible authority.

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

Landscaping

69 Before each stage of the development is occupied, as relevant, or such later date as is approved by the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority, unless security to the satisfaction of the responsible authority is provided for its completion.

70 The landscaping shown on the endorsed plans 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;**
- all to the satisfaction of the responsible authority.**

Car parking

71 Before the development starts, a Car Park Management Plan prepared 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 then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) **the development schedule to accurately reflect all uses and floor areas**
- (b) **the provision of a maximum of 245 car spaces;**
- (c) **the allocation of car parking spaces as follows:**
 - i 139 residential spaces;**

- ii 1 café space;
- iii 14 restaurant spaces;
- iv 5 function centre spaces;
- v 2 art gallery spaces;
- vi 1 shop space;
- vii 50 office spaces;
- viii 10 hotel spaces;
- ix 5 car share spaces

The allocation of car spaces can be varies with the written consent of the Responsible Authority.

- (d) management details for residential loading/unloading when moving;
- (e) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (f) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (g) any policing arrangements and formal agreements;
- (h) 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;
- (i) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the endorsed Waste Management Plan (refer to Condition No. 57 of this permit);
- (j) how the residential hotel drop off **and pick will** be managed;
- (k) details regarding the management of loading and unloading of goods and materials **for the commercial uses.**
- (l) at least five car share spaces to be provided on site.

72 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.

73 Before each stage of the development is occupied, as relevant, 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.

Traffic, roads and footpaths

- 74 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.
- 75 Before the development starts, the permit holder must pay a bank guarantee to the value of \$50,000 to the City of Yarra for traffic, car parking, road improvements and associated studies in the Cremorne area.

The bank guarantee may be drawn down by Council and used for the proposed works and study by the responsible authority for traffic/road/car parking improvements in the Cremorne area, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the traffic/road/car parking improvements are not commenced by the relevant authorities before the final Stage of the development is occupied.

Green Travel Plan

- 76 Before each stage of the development is occupied, as relevant, 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) the provision of real time passenger information displays for nearby stops within each residential lobby;
 - (c) employee / resident welcome packs (e.g. provision of Myki);
 - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of Green Travel Plan funding and management responsibilities; and
 - (g) include provisions to be updated not less than every five years.
- 77 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

Construction

- 78 Before each stage of the development starts, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management 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) a lighting plan which must include:
 - i details if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
 - ii confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
 - iii confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
- (i) management of any environmental hazards including, but not limited to:
 - i contaminated soil;
 - ii materials and waste;
 - iii dust;
 - iv stormwater contamination from run-off and wash-waters;
 - v sediment from the land on roads;
 - vi washing of concrete trucks and other vehicles and machinery; and
 - vii spillage from refuelling cranes and other vehicles and machinery;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) an emergency contact that is available for 24 hours per day for residents and the responsible authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the responsible authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

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

79 During the construction:

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

80 Before each stage of the development 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.

81 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossings must be constructed:

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

82 No parking restriction signs must be removed, adjusted, changed or relocated without approval or authorisation from the responsible authority.

83 Except with the prior written consent of the responsible authority, demolition or construction works must not be carried out:

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

Public lighting plan

- 84 Before each stage of the development starts, as relevant, a Public Lighting Plan must be submitted to and approved by the responsible authority. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must:
- (a) confirm that all primary pedestrian access to a residential/ multi-purpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
 - (b) confirm that any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
 - (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
 - (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
 - (e) include a commitment that the permit holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
 - (f) confirm that the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the permit holder.
- 85 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with to the satisfaction of the responsible authority.

VicRoads Conditions

- 86 VicRoads prohibits the construction of building/s or the carrying out of works within the Road Zone Category 1 (i.e. Punt Road and Harcourt Parade).
- 87 VicRoads prohibits vehicular, pedestrian or cycling access to the site along Harcourt Parade.
- 88 The luminance of the advertising sign/s (including The Victoria Bitter and Nylex signs) must be such it does not give a veiling of luminance to the driver, of greater than 0.25cdm², throughout the driver’s approach to the advertising sign/s.
- 89 Before the development starts, a truck wheel wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting land.
- 90 The truck wheel wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Council.

CityLink Conditions

- 91 There should be no interruption to traffic flow on CityLink assets.
- 92 CityLink assets should not be exposed to any waste generated from the project.

- 93 New buildings should not cause any adverse impacts on the users of CityLink (e.g. reflective glare from the buildings).

PTV Conditions

- 94 Before the development starts, or at any other time agreed to in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of the permit.

The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) The design details and the location of the bike share station;
 - (b) Consideration must be given to the integration between the bike share station and public access, and connection to exiting shared paths within the vicinity of the site.
- 95 The bike share station is to be design and constructed to the satisfaction of Public Transport Victoria and the responsible authority and at no cost to Public Transport Victoria before the development is occupied.

Melbourne Water Conditions

- 96 The ground floor areas of the new buildings must be constructed with finished floor levels set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 97 All lifts and stairwells, windows, openings, vents or other entry and exit points that could allow entry of floodwaters to the basement must be set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 98 The entry / exit driveway of the basement car park at the north west corner of the site must incorporate a flood proof apex set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 99 Flood resistant materials must be used for the construction of floor levels and walls (including any glass/glazing window panels) below the applicable flood level.
- 100 Signage and flood gauge boards must be provided at the basement car park entrance at the north western end of Gough Street to provide warning for flood depths during extreme flood events, to the satisfaction of Melbourne Water.
- 101 Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
- 102 Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 103 Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Expiry

104 This permit will expire if one of the following circumstances applies:

- (a) the development is not started within three years of the issued date of this permit;
- (b) the development is not completed within six years of the issued date of this permit;
- (c) the uses are not commenced within nine years from the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

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.

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

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

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

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

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

CARRIED UNANIMOUSLY

1.5 PLN18/0945 - 130 Gwynne Street, Cremorne - Development of the land for the construction of a triple storey dwelling with a basement

Reference: D19/213768

Authoriser: Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, Council resolve to advise the Victorian Civil and Administrative Tribunal that it supports the decision plans, and that had Council been in a position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN18/0945 for the development of the land for the construction of a triple storey dwelling with a basement at 130 Gwynne Street, Cremorne, 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 C. McFadyen Design, Drawing Nos. 1803-TP01 to TP18, Rev D and dated 24 June 2019 but modified to show:
 - (a) Additional vertical slits along the Munro Street fence.
 - (b) The submission of a Water Sensitive Urban Design Response in accordance with Clause 22.16 of the Yarra Planning Scheme.
 - (c) The copper screen material legend on elevation TP-10 to provide an annotation that it is to be 25% transparent.
 - (d) The copper screening along the northern section of first floor terrace to be set back 1.2m from the northern boundary.
 - (e) Any additional screening to the west-facing, first floor window as a result of condition 1(d) in accordance with Clause 54.04-6 (overlooking) of the Yarra Planning Scheme.
 - (f) Notation stating the car space can only accommodate a small vehicle.
 - (g) An alternative finish/material to be incorporated along the second floor northern boundary wall.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. This permit will expire if:
- (a) The development is not commenced within two years of the date of this permit; or
 - (b) The development is not completed within four years of the date of this permit.

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

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 for further information.

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

Submission

The Applicant, Robert La Rosa addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Jolly

That Council resolve to advise the Victorian Civil and Administrative Tribunal that it supports the decision plans, and that had Council been in a position to, it would have issued a Notice of Refusal to Grant a Planning Permit PLN18/0945 for the development of the land for the construction of a triple storey dwelling with a basement at 130 Gwynne Street, Cremorne, on the following grounds:

1. The proposal would result in an urban design outcome that does not respect the character of the existing neighbourhood and that fails to positively contribute to the local character.
2. The proposal fails to satisfy the following standards contained within Clause 55 (Two or more dwellings on a lot) of the Yarra Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives (relative to the decision guidelines set out for each objective):
 - (a) Clause 55.03-3 (Site Coverage Objective).
 - (b) Clause 55.03-4 (Permeability Objective).
 - (c) Clause 55.05-5 (Overshadowing Objective).
3. The proposal fails to meet the following design standard contained within Clause 52.06 (Car Parking) of the Yarra Planning Scheme.
 - (a) Design Standard 2 – Car Parking Spaces.

CARRIED UNANIMOUSLY

1.6 PLN19/0450 - 36-52 Wellington Street, Collingwood - Construction of a multi-storey office building, use of the land for food and drink premises and a reduction in the car parking requirement.

Reference: D20/25752

Authoriser:

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to notify the Victorian Civil and Administrative Tribunal and all parties that had Council been in a position to determine the application, it would have issued a Notice of Decision to Grant a Planning Permit PLN19/0450 for construction of a multi-storey office building, use of the land for food and drink premises and a reduction in car parking requirements at 36-52 Wellington Street, Collingwood, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of 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 plans identified as TP0-100 – TP9-101 dated 31 January 2020, prepared by Jackson Clements Burrows Architects but modified to show:
 - (a) The height of the western portion of the building reduced by increasing the setback of Level 12 by 11m from the western boundary (i.e. to match Level 13), with subsequent relocation of the Level 13 terrace to Level 12;
 - (b) Café relabelled as 'Food and Drink (café) Tenancy 1' and the food and drink premises relabelled as 'Food and Drink Tenancy 2';
 - (c) Size of the rainwater tank to be annotated;
 - (d) Timber frame construction to be referenced on the section drawings;
 - (e) A pedestrian sightline triangle (2m x 2.5m) to be superimposed on the drawings at the exit point from the site;
 - (f) Columns that are non-compliant with Diagram 1 of clause 52.06-9 repositioned or redesigned to not encroach upon the parking space;
 - (g) 1:8 transition grades at the base of vehicle ramps to be a minimum of 2.5m in length;
 - (h) Revised vehicle crossover cross-sectional drawing in accordance with the City of Yarra Vehicle Crossings Information Sheet demonstrating that a 99th percentile vehicle profile can traverse the crossover;
 - (i) Changes as a result of the road safety audit if required by the responsible authority;
 - (j) Minimum 1.5m wide footpath area clear of any obstructions (e.g. street furniture, bicycle parking areas, street tree pits etc.) identified along Northumberland Street;
 - (k) Minimum 3.5m clearance in radius is provided from the existing street trees along Wellington Street;
 - (l) Roof top services screen modified from white to be a light grey colour finish;
 - (m) Additional staff bicycle spaces to achieve BESS best practice (i.e. total of 186);
 - (n) Any requirement of the endorsed Façade Strategy and materials and Finishes plan, where relevant show on the plans in accordance with condition 4;

- (o) any requirement of the endorsed Sustainable Management Plan, where relevant to show on plans in accordance with Condition 9;
 - (p) any requirement of the endorsed Waste Management Plan, where relevant to show on plans in accordance with Condition 12;
 - (q) any requirement of the endorsed Acoustic Report, where relevant to show on plans in accordance with Condition 15;
 - (r) any requirement of the endorsed Wind Report, where relevant to show on plans in accordance with Condition 19; and
 - (s) Any requirement of the endorsed landscaping plan, where relevant to shown on plans in accordance with Condition 17.
2. The use and development as shown on the endorsed plans must not be altered 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.

Façade Strategy

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 including;
 - (i) the use of actual bricks (i.e. not snaplock) within the podium
 - (ii) timber frame construction
 - (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; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes

Food and drink premises use

5. Except with the prior written consent of the responsible authority, the food and drink premises (incl. café) may only operate between the hours of 7.00am and 6.00pm, seven days per week.
6. No more than 20 patrons are permitted within the Food and Drink (café) Tenancy 1 at any one time.
7. No more than 130 patrons are permitted within Food and Drink Tenancy 2 at any one time.

8. The provision of music and entertainment within the food and drink premises (incl. café) must be at a background noise level.

Sustainable Management Plan

9. Before the development starts, 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 Aurecon prepared on 28 June 2019, but modified to include or show:
 - (a) A more comprehensive shading strategy
 - (b) Daylight modelling for a typical floor
 - (c) U-Value, Solar Heat Gain Coefficient and Visible Light Transmission of the glazing solution proposed
 - (d) Preliminary energy modelling report
 - (e) Supporting details for Thermal Performance based on façade properties
 - (f) Supporting data for Green House Gas reduction credits
 - (g) Solar photovoltaic system capacity
 - (h) Landscaping shown on terraces to be included in BESS scope
 - (i) A statement addressing how the building design has mitigated urban heat island
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
11. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, 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 endorsed Sustainability Management Plan pursuant to Condition 9 have been implemented, including a 5 star Green Star rating.

Waste Management Plan

12. 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 Aecom and dated 15 August 2019, but modified to include (or show/address):
 - (a) Reduce the number of waste collections required;
 - (b) Detail on managing hard waste;
 - (c) An explanation on how risk associated with the waste management and collection process will be managed.
 - (d) A clause that would require the review of the waste management plan if the operational requirements are to change.

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

Acoustic report

15. Before the development commences, an 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 Aecom and dated 28 June 2019, but modified to include (or show, or address):
 - (a) The exact locations of all sensitive receiver locations clearly indicated in the report;
 - (b) SEPP N-1 noise limits determined from all receivers potentially affected by noise from the development; and
 - (c) An assessment of noise from all mechanical plant and equipment to be conducted during the detailed design phase of the project, to ensure that SEPP N-1 noise limits are not exceeded.
16. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.

Landscape Plan

17. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the Landscape Town Planning Report prepared by Openwork Pty Ltd and dated 10 September 2019, but modified to include (or show):
 - (a) Planting within the title boundaries;
 - (b) The planter boxes extended along the southern side of the Level 4 terrace
 - (c) Detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (d) Confirm plants are not on the *DELWP Advisory List of Environmental Weeds in Victoria*;
 - (e) detail of supporting structures for any vertical and cascading plants (if proposed);
 - (f) provide a specification of works to be undertaken prior to planting; and
 - (g) detail plant/planting maintenance schedules and requirementsto the satisfaction of the responsible authority.
18. Before the development is occupied, or by such later date as approved in writing by the responsible authority, 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.

Wind Assessment Report

19. Before the development starts, a Wind Assessment to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Wind Assessment will be endorsed and will form part of this permit. The Wind Assessment must address (include/show):
- (a) Wind tunnel testing to verify the assumptions within the desktop study prepared by Windtech and dated 21 August 2019;
 - (b) Achieve recommended criteria without the reliance on vegetation
20. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the responsible authority.

Public Realm works

21. Before the development starts, an amended Public Realm Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Public Realm Plan will be endorsed and will then form part of this Permit. The public realm works must be generally in accordance with the Landscape Town Planning Report prepared by Openwork Pty Ltd and dated 10 September 2019, but modified to show:
- (a) Clear distinction between existing and proposed street trees.
 - (b) Street tree planting along Northumberland Street to have regard to:
 - (i) any underground services
 - (ii) Shading from the development to the north
 - (iii) Soil volumes
 - (iv) Root impact on surface treatments
 - (c) Minimum 1.5m wide footpath area adjacent Northumberland Street that is clear of any obstructions (e.g. street furniture, bicycle parking areas, street trees pits etc);
 - (d) On-street parking bays and line marking that are impacted by the proposal.
 - (e) Existing and proposed power/light poles;
 - (f) Spot levels, falls/grading along the footpath interfaces.
 - (g) Indication of surface drainage type, locations and materiality
 - (h) Clarify whether tactile indicators and/or handrails are required and demonstrate that these will not obstruct any desired pedestrian line of travel
 - (i) Replace brick pavers within in the public realm (incl. road) with an alternative material in accordance with the City of Yarra's Public Domain Manual and smooth for cyclists;
 - (j) Delineation of the title boundaries (e.g. non slip/trip metal banding)
 - (k) Delete the planter box seat next to the vehicle entrance;

- (l) Provision for 5 bicycle hoops and a bench seat along Wellington Street in accordance with the City of Yarra's Public Domain Manual;
 - (m) Bicycle hoops along Northumberland Street and Wellington Street to be angled to maximise the pedestrian accessway width;
 - (n) Heritage interpretation programme to include signage near the corner of Northumberland and Wellington Streets that provides a brief illustrated history of the old Victoria Distillery; and
 - (o) the raised concrete barrier for the Copenhagen lane extended across the reinstated vehicle crossing and any subsequent lane marking/painting.
22. The public realm works shown on the endorsed Public Realm Plan must be carried out and completed before the development is occupied or by such later date as approved in writing by the responsible authority, at the permit holder's cost and to the satisfaction of the responsible authority.
23. Prior commencement of the development authorised by this permit, or at a later date if agreed in writing by the responsible authority, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Minimum 1.5m wide footpath area adjacent to Northumberland Street as shown on the endorsed plans pursuant to condition 1 of this permit must remain unobstructed and maintained by the owner in good order, at no cost to Council, to the satisfaction of the Responsible Authority.

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

Road Infrastructure

24. Prior to the endorsement of plans, a Road Safety Audit to assess and provide recommendations on the following:
- (a) How conflicts will be managed at the western end of Northumberland when parked cars are present
25. Before the development 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, any redundant vehicular crossings 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.

27. Before the development is occupied, or by such later date as approved in writing by the responsible authority, any damage to Council infrastructure resulting from the development reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.
28. All road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement.

Car parking

29. Before the development 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; and
 - (c) line-marked or provided with some adequate means of showing the car parking spaces to the satisfaction of the responsible authority.

Green Travel Plan

30. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Aecom and dated 27 August 2019, but include the following:
 - (a) Types of lockers within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (b) Security arrangements to access the employee bicycle storage space; and
 - (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
31. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

Lighting

32. Before the development is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensityto the satisfaction of the responsible authority.

General

33. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.
34. The amenity of the area must not be detrimentally affected by the construction and 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 verminto the satisfaction of the responsible authority.
35. Before the development is occupied, or by such later date as approved in writing by the responsible authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the responsible authority.
36. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
37. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
38. 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 7.00am or after 6.00pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9.00am or after 3.00pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Tree Management Plan

39. 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 street trees adjacent to the Wellington Street frontage;
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,to the satisfaction of the Responsible Authority.

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

Construction Management

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

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the responsible authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

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

During the construction:

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

Time expiry

42. This permit will expire if:

- (a) The development is not started within two (2) years of the issue date of this Permit.
- (b) The development is not completed within four (4) years of the issue date of this Permit.
- (c) The use is not started within five (5) years of the issue date of this Permit.

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

Notes:

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

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

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

Submission

Vaughan Connor addressed the Committee on behalf of the Applicant.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Searle

That the Committee resolves to notify the Victorian Civil and Administrative Tribunal and all parties that had Council been in a position to determine the application, it would have issued a Notice of Refusal to Grant a Planning Permit PLN19/0450 for construction of a multi-storey office building, use of the land for food and drink premises and a reduction in car parking requirements at 36-52 Wellington Street, Collingwood, on the following grounds:

1. The proposed height and scale of the development is excessive and not site responsive.
2. The proposed development fails to respond appropriately to the heritage interface, resulting in a loss of visual identity and principal views to the old distillery site.
3. Waste management processes are unacceptable.
4. The proposed development fails to achieve acceptable levels of environmental sustainable design.

CARRIED UNANIMOUSLY

The meeting closed at 8.35pm.

Confirmed at the meeting held on Wednesday 25 March 2020

Chair