



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

**held virtually**  
**on Wednesday 15 July 2020 at 6.30pm**

**I. ATTENDANCE**

Councillor Jackie Fristacky  
Councillor James Searle

Danielle Connell (Senior Co-Ordinator Statutory Planning)  
Chris Stathis (Senior Planner)  
Cindi Johnston (Governance Officer)  
Rhys Thomas (Senior Governance Advisor)

**II. APOLOGIES AND LEAVE OF ABSENCE**

Councillor Stephen Jolly

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

Rhys Thomas declared that his wife is a Director of Urbis Pty Ltd, who are acting for the applicant for PLN19/0570 at 81-89 Rupert Street Collingwood and stated that his role in the meeting is purely administrative and that he has played no role in preparing the reports or officer advice.

**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 1 July 2020 be confirmed.

**CARRIED**

**Printed on 100% recycled paper**

***"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 Fristacky nominated Councillor Searle as Chair.

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

Councillor Searle assumed the Chair.

# 1 INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PL06/0640.03 - 35 Rose Street Fitzroy - Application for s72 amendments for a change of use to a restaurant and office including modifications to the permit preamble, conditions, approved built form and a full reduction in the car parking requirement	6	12
1.2	PLN19/0570 - 81 – 89 Rupert Street, Collingwood. - Construction of mixed use (up to thirteen storeys - containing a residential hotel, retail (shops), cinema, restaurants, restricted recreation facilities – permit required uses) building (inclusive of mezzanine levels) and a reduction in the car parking requirement.	19	30
1.3	PLN19/0857 - 52 Taplin Street Fitzroy North - Full demolition of the existing building for the construction of two, four-storey dwellings	43	46

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**1.1 PL06/0640.03 - 35 Rose Street Fitzroy - Application for s72 amendments for a change of use to a restaurant and office including modifications to the permit preamble, conditions, approved built form and a full reduction in the car parking requirement**

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Reference: D20/118418

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 an Amended Planning Permit PL06/0640 for the amendment to the planning permit for a change of use to a restaurant and office including modifications to the permit preamble, conditions and approved built form with the removal of all on-site car parking at 35 Rose Street, Fitzroy subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plan no's. A200, A201, A202, A203, A204, A205, A206, A400, A401, A500, A501, A502, and A503 (labelled Amendment P4 and dated 20/03/2020) prepared by O'Connor & Houel Architecture but modified to show:
  - (a) Updated demolition plans;
  - (b) Provision of sensor lighting to the recessed entry of the bike store along the eastern elevation;
  - (c) The location of all pits, valves or meters (none of which are to be located on Council property);
  - (d) Location of all plant equipment including air-conditioning units to be concealed from the streetscape.
  - (e) The eastern elevation screened in accordance with the standard at Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
  - (f) The building modified to have no increased overshadowing over the balcony / private open spaces of the dwellings located to the immediate west than the current endorsed scheme.
  - (g) Any element extending beyond the title boundaries reduced to have a projection no greater than 300mm.
  - (h) A materials schedule of all colours and applied finishes that further includes a patterned finish across the exposed western on-boundary wall.
  - (i) Any requirement of the endorsed Landscape Plan (condition 8) (where relevant to be shown on plans).
  - (j) Any requirement of the endorsed Sustainable Management Plan (condition 10) (where relevant to be shown on plans).
  - (k) Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to be shown on plans).
  - (l) Any requirement of the endorsed Waste Management Plan (condition 15) (where relevant to be shown on plans).
  - (m) Any requirement of the endorsed Acoustic Report (condition 18) (where relevant to be shown on plans including notations of key commitments).
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

Uses

3. Unless with the prior approval of the Responsible Authority, the use of the office must only operate between the following hours:

Monday to Friday: 8am – 8pm; and  
Saturday and Sunday: 8am - 6pm.

4. Unless with the prior approval of the Responsible Authority, the restaurant must only operate between the following hours:

Monday to Sunday: 8am – 10pm.

5. No speakers external to the building (including within the balcony or roof terrace) are to be erected or used.
6. 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.
7. Any Council asset damaged resulting from works on the land must be reinstated to the satisfaction of the Responsible Authority.

#### Landscape Plan

8. Concurrent with the plans requested at Condition 1, a 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 Landscape Plan must show:

- (a) not necessary as one was never submitted The landscaping the Level 3 balcony and roof terrace and how this is going to be maintained, 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.
- (b) Indicate depths of the masonry planters where they have not been specified on the current plans.
- (c) Details of custom furniture proposed, ensuring safety and compliance standards are met.

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

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

to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

10. Concurrent with the plans requested at Condition 1, 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 15 October 2019 but modified to make reference to design changes as required by Condition 1.

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

13. Before the building is occupied, 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) Description of the location in the context of alternative modes of transport;
  - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (e) Details of bicycle parking and bicycle routes;
  - (f) Details of GTP funding and management responsibilities;
  - (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
  - (h) Security arrangements to access the employee bicycle storage spaces;
  - (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (j) Provisions for the GTP to be updated not less than every five years.
14. 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

15. Concurrent with the plans requested at Condition 1, 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.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Acoustic Report



18. Concurrent with plans requested at Condition 1, 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 Vipac and dated 13 December 2019, but modified to:
  - (a) make reference to design changes as required by Condition 1;
  - (b) Make reference to the hours of operation of each use as permitted under this planning permit;
  - (c) Address patron and music noise impacts to the surrounding residential areas; and
  - (d) Make any changes to the layout required to ameliorate any noise impacts on surrounding neighbouring properties (where necessary).
19. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
20. Prior to the commencement of construction of the development, the permit holder/developer must submit a report on the existing conditions of the laneway abutting the northern building line of the site and to the satisfaction of the Responsible Authority. If required by the Responsible Authority, the part of the existing gravel section of this section of the laneway must be re-laid in bluestone pitches to match the existing paving of the laneway and to the satisfaction of the Responsible Authority. The cost of this works must be borne by the permit holder/ developer.
21. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on nearby land.
22. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to the satisfaction of the Responsible Authority.
23. 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.
24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
25. 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.
26. Prior to the commencement of construction, the applicant must submit for approval to the Responsible Authority a Traffic Management and Construction Management Plan in line with the requirements of the City of Yarra's Building Code of Practice. Once approved, the plan shall form part of this permit. The plan must address, but not be limited to the following:
  - (a) Site contamination and disposal of contaminated matter;
  - (b) Containment of dust, dirt, sediment and mud within the site and method and frequency of clean up procedures in the event if build up of matter outside the site;
  - (c) On site facilities for vehicle washing;
  - (d) Parking facilities for construction workers;
  - (e) Delivery and unloading points and expected frequency;
  - (f) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced; and

- (g) An outline of requests to occupy footpaths or roads, or anticipated disruptions to local services.

27. During the construction phase of the development:

- (a) Only clean rainwater shall be discharged to the stormwater drainage system;
- (b) Stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
- (c) Vehicle borne material from the premises shall not accumulate on the roads abutting the site;
- (d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
- (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be contained within the site boundaries, and disposed of responsibly; and
- (f) All site operations shall comply with the Environmental Protection (Residential Noise) Regulations 1997.

28. The amenity of the area must not be detrimentally affected by:

- (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.

29. Except with the written consent of the Responsible Authority, construction works must only be carried out between 7:00am – 6:00pm. Monday – Friday (excluding public holidays) and 9:00am – 3:00pm. Saturday and public holidays. No works are to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environment protection Authority's Guidelines on Construction and Demolition Noise.

#### Time expiry

30. This permit will expire if:

- (a) the development is not completed within two years of the date of this amended permit;
- (b) the office and restaurant use is not commenced within three years of the date of this amended 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.

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 businesses (whether as owners, lessees/tenants or occupiers) within the development approved under this permit, will not be permitted to obtain business 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.

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

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

#### Submissions made online during the meeting

Paul Little on behalf of the Applicant.

Objectors:

Michael Bogan  
Carl Daaman  
Judith North  
Neville Cowland  
Sandra Harrison  
Robin Room  
Genie Larew

#### Submissions made online prior to the meeting

Colin            The following objections are raised:

Beattie

The rear of the proposed office building is completely out of scale with the residential dwellings immediately adjacent to the west and will create unsightly visual bulk and be completely out of character with these dwellings and the small community surrounding Garryowen Park.

In addition, the removal of setbacks along Garryowen Lane further contributes to this visual bulk. If the concern is about creating an unappealing 'wedding cake' appearance, then the removal of an additional level would be a more logical decision to combat this.

The proposed rebuilding and rendering of the section of building facing onto Garryowen Lane is completely out of character with the heritage brick warehouse aesthetic of units to west along Garryowen Lane and other buildings in this area.

Whilst Rose Street offers other mixed uses (daytime cafes) no other buildings in the immediate vicinity to the north are utilised for any purpose other than residential. The addition of a restaurant with proposed hours of up to 10pm, will create late night noise due to foot traffic from patrons along mechanics Lane and crossing Garryowen Lane. This noise would be even later with staff leaving late at night after closing. There are no other restaurants in this vicinity, the closest being located in the busy Brunswick street area some distance from this quiet residential area. If a restaurant is considered as part of this development then this should be in keeping with the office hours proposed.

At no point should building works obstruct access for units 2 – 12 Garryowen Lane.

Park lighting, cleaning and maintenance must be included in this proposal.

Mark  
Seychelle

1/ It is higher, and therefore out of character with the surrounding buildings.

2/ The proposed development is largely office spaces. It would be expected that most businesses would require some parking for their business cars or visiting clients. There is virtually no parking in surrounding streets.

3/ The single lift appears to be grossly inadequate. I request that council examine the requirements of lifts (and the need for a second lift) in such a development. In this era of covid - 19 (with no end insight) the ability to socially isolate in lifts should be a factor.

4/ No consideration for adequate waste disposal.

All waste from the roof top BBQ , office Kitchettes and the offices themselves, must go via the single lift (unless it is carried several flights down the stairwell). It needs then to be physically moved through the restaurant space.

The bin area appears to be rather small and cramped . In particular, a commercial kitchen would require a larger storage area usually with the ability to accommodate rubbish skips.

5/ There is no provision for vehicles delivering supplies to the restaurant. It appears that supplies would be delivered via the rear. Delivery vehicles would then need to be illegally parked in the adjacent laneways, blocking access for cars parked in the adjoining properties.

6/ Finally, with a glut of office and restaurant space, exacerbated by covid 19 , we may be still faced with an empty building.

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Searle

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PL06/0640 for the amendment to the planning permit for a change of use to a restaurant and office including modifications to the permit preamble, conditions and approved built form with the removal of all on-site car parking at 35 Rose Street, Fitzroy subject to the following conditions:

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

The plans must be generally in accordance with the plan no's. A200, A201, A202, A203, A204, A205, A206, A400, A401, A500, A501, A502, and A503 (labelled Amendment P4 and dated 20/03/2020) prepared by O'Connor & Houel Architecture but modified to show:

- (a) Updated demolition plans;
- (b) A minimum of 24 bicycle spaces with a plan notation confirming that at least 50% are at grade;
- (c) Provision of charging points for two bicycle spaces for e-bikes and at least one cargo bicycle space;
- (d) Provision of sensor lighting to the recessed entry of the bike store along the eastern elevation;
- (e) The location of all pits, valves or meters (none of which are to be located on Council property);
- (f) Location of all plant equipment including air-conditioning units to be concealed from the streetscape.
- (g) The eastern elevation screened in accordance with the standard at Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
- (h) The building modified to have no increased overshadowing over the balcony / private open spaces of the dwellings located to the immediate west than the current endorsed scheme.
- (i) Any element extending beyond the title boundaries reduced to have a projection no greater than 300mm.
- (j) A materials schedule of all colours and applied finishes that further includes a patterned finish across the exposed western on-boundary wall and graffiti proofing of walls with boundaries to the street and laneways.
- (k) The third and fourth floors provided with an upper level setback of 6m from Rose Street.
- (l) Any requirement of the endorsed Landscape Plan (condition 8) (where relevant to be shown on plans).
- (m) Any requirement of the endorsed Sustainable Management Plan (condition 10) (where relevant to be shown on plans).
- (n) Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to be shown on plans).
- (o) Any requirement of the endorsed Waste Management Plan (condition 15) (where relevant to be shown on plans).
- (p) Any requirement of the endorsed Acoustic Report (condition 18) (where relevant to be shown on plans including notations of key commitments).

2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

### Uses

3. Unless with the prior approval of the Responsible Authority, the use of the office must only operate between the following hours:  
  
Monday to Friday: 8am – 8pm; and  
Saturday and Sunday: 8am - 6pm.
4. Unless with the prior approval of the Responsible Authority, the restaurant must only operate between the following hours:  
  
Monday to Sunday: 8am – 8pm.
5. No speakers external to the building (including within the balcony or roof terrace) are to be erected or used.

6. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 8am and 8pm on any day.
7. Any Council asset damaged resulting from works on the land must be reinstated to the satisfaction of the Responsible Authority.

#### Landscape Plan

8. Concurrent with the plans requested at Condition 1, a 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 Landscape Plan must show:
  - (a) not necessary as one was never submitted The landscaping the Level 3 balcony and roof terrace and how this is going to be maintained, 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.
  - (b) Indicate depths of the masonry planters where they have not been specified on the current plans.
  - (c) Details of custom furniture proposed, ensuring safety and compliance standards are met.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

10. Concurrent with the plans requested at Condition 1, 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 15 October 2019 but modified to make reference to design changes as required by Condition 1.
11. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Before the building 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

13. Before the building is occupied, 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) Description of the location in the context of alternative modes of transport;
  - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (e) Details of bicycle parking and bicycle routes;
  - (f) Details of GTP funding and management responsibilities;
  - (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
  - (h) Security arrangements to access the employee bicycle storage spaces;
  - (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (j) Provisions for the GTP to be updated not less than every five years.
14. 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

15. Concurrent with the plans requested at Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must include reference to the provision of separate bins for glass and organics. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### Acoustic Report

18. Concurrent with plans requested at Condition 1, 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 Vipac and dated 13 December 2019, but modified to:
  - (a) make reference to design changes as required by Condition 1;
  - (b) Make reference to the hours of operation of each use as permitted under this planning permit;
  - (c) Address patron and music noise impacts to the surrounding residential areas; and
  - (d) Make any changes to the layout required to ameliorate any noise impacts on surrounding neighbouring properties (where necessary).

19. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
20. Prior to the commencement of construction of the development, the permit holder/developer must submit a report on the existing conditions of the laneway abutting the northern building line of the site and to the satisfaction of the Responsible Authority. If required by the Responsible Authority, the part of the existing gravel section of this section of the laneway must be re-laid in bluestone pitches to match the existing paving of the laneway and to the satisfaction of the Responsible Authority. The cost of this works must be borne by the permit holder/ developer.
21. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on nearby land.
22. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to the satisfaction of the Responsible Authority.
23. 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.
24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
25. 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.

#### Construction Management

26. Before the development commences in accordance with this amended planning permit, an amended 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.

27. The amenity of the area must not be detrimentally affected by:

- (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 written consent of the Responsible Authority, construction works must only be carried out between 7:00am – 6:00pm. Monday – Friday (excluding public holidays) and 9:00am – 3:00pm. Saturday and public holidays. No works are to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environment protection Authority's Guidelines on Construction and Demolition Noise.

Time expiry

29. This permit will expire if:

- (a) the development is not completed within two years of the date of this amended permit;
- (b) the office and restaurant use is not commenced within three years of the date of this amended 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.

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 businesses (whether as owners, lessees/tenants or occupiers) within the development approved under this permit, will not be permitted to obtain business 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.

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

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

**CARRIED UNANIMOUSLY**

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**1.2 PLN19/0570 - 81 – 89 Rupert Street, Collingwood. - Construction of mixed use (up to thirteen storeys - containing a residential hotel, retail (shops), cinema, restaurants, restricted recreation facilities – permit required uses) building (inclusive of mezzanine levels) and a reduction in the car parking requirement.**

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Reference: D20/120388

Authoriser: Manager Statutory Planning

## **RECOMMENDATION**

265. That having considered all objections and relevant planning policies, the Committee resolves to advise the VCAT, permit applicant and parties to the proceedings, that if it were in a position to, it would have issued a Notice of Decision to Grant a Planning Permit for the Part demolition to allow for the development of a multi-level building and use for a residential hotel, retail (shops), cinema, restaurant, and restricted recreation with a reduction in the associated car parking requirement of the Yarra Planning Scheme generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans prepared by 6a Architects, and dated 28 November 2019 but modified to:
  - (a) Adopt all design changes as shown and detailed on the plans received by Council prepared by 6a Architects, dated 22 May 2020 which show (key changes):
    - (i) The reduction in the length of the crossover across the façade of the subject site and conversion of the central crossover to a kerb and channel;
    - (ii) Removal of any reference to the removal of paint from the parapet of the former *Davis’ Pickle and Sauce Factory* building;
    - (iii) The central laneway within the development widened to 11.84m and the retail tenancies reconfigured to have “Unit A” (as labelled on the plans), extend across the Rupert Street boundary;
    - (iv) The stairs of the central ravine extended with landing decks;
    - (v) Reconfigured bicycle and end-of-trip facilities;
    - (vi) The setback of Building B, from the fifth floor and above, increased to 3m from Rupert Street; and
    - (vii) The residential hotel rooms increased with areas ranging between 15.6sq.m.- 29.7sq.m.

But further modified to show:

### General

- (b) Correction of north point on floor plans;
- (c) Plans correctly to label each floor level;
- (d) All retail premises to be shown as ‘shop’ on the floor plans

### Design

- (e) Retention of existing facade windows (with the exception of that to the immediate north of the central door) of former *Davis’ Pickle and Sauce Factory* building;

### Car parking

- (f) The 'stair' between the ground floor and mezzanine level bike parking facility deleted and replaced with a ramp or lift compliant with AS2890.3 requirements. It is acceptable if the total number of bike parking spaces is reduced to achieve this.
- (g) A minimum of 28 visitor spaces in a location easily accessible to visitors of the site with at least half the visitor spaces horizontal at grade space (e.g. bike hoop).
- (h) A minimum of 61 employee bike parking spaces in a secure location only accessible to employees of the site or residential hotel guests.
- (i) The headroom clearance of the ramped access-way dimensioned;
- (j) Plan notation from an accredited access consultant confirming that the accessible parking spaces are satisfactory from an accessibility perspective and satisfy the intent of the DDA;
- (k) All column depths, setbacks and locations clearly annotated and dimensioned and positioned to ensure that they do not encroach into the parking space clearance envelopes;
- (l) All ramp grade and transition grade lengths dimensioned;
- (m) The deletion of any directional arrows and hold lines;
- (n) The surface material of the setback area adjacent to the laneway different to that of the laneway to clearly demarcate the difference in surface treatment;

#### Reports

- (o) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 3) (where relevant to show on plans).
  - (p) Any requirement of the endorsed Landscape Plan (condition 7) (where relevant to show on plans).
  - (q) Any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans).
  - (r) Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to show on plans).
  - (s) Any requirement of the endorsed Waste Management Plan (condition 15) (where relevant to show on plans).
  - (t) Any requirement of the endorsed Acoustic Report (condition 18) (where relevant to show on plans including notations of key commitments).
  - (u) Any requirement of the endorsed Wind Assessment Report (condition 24) (where relevant to show on plans).
2. Before demolition commences, a detailed and annotated photographic record of the former *Davis' Pickle and Sauce Factory* building context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) include the interior and each external elevation of the building;
  - (b) be submitted in black and white format; and
  - (c) be taken by a suitably qualified heritage photographer.

#### Façade Strategy and Materials and Finishes Plan

3. 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 or 1:50 illustrating typical podium and tower details, entries and doors;

- (b) elevations at a scale of 1:20 or 1:50 detailing all reconstruction works of the northern and southern boundary returns of the former Davis Pickle sauce Factory including notations to say use of recycled bricks and details of all façade works including all restoration works and 'make good works' associated with works to the entries to be prepared by suitably qualified heritage architect;
  - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (d) information about how the heritage façade will be maintained, including any vegetation and informal seating; and
  - (e) a materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls to the street.
4. 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.
  5. Before the endorsement of plans, written confirmation must be provided from the relevant water authority that the sewer vent in the laneway can either be retained in the existing location or is no longer required and can be removed. If neither of these options can occur, the sewer vent is to be relocated to the satisfaction of the relevant water authority.
  6. As part of the ongoing progress and development of the site, 6a 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.

#### Landscape Plan

7. Concurrent with the plans requested at Condition 1, a 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 Landscape Plan must show:
  - (a) make reference to design changes as required by Condition 1 and include additional landscaping as required by the amended Wind Assessment Report at Condition 20;
  - (b) The landscaping on any of the upper levels and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch;
  - (c) 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;
  - (d) Details of custom furniture proposed, ensuring safety and compliance standards are met; and
  - (e) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*.
8. 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.

### Sustainable Management Plan

9. Concurrent with the plans requested at Condition 1, 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 Atelier Ten dated June 2019 but modified to make reference to design changes as required by Condition 1 and include the following details
  - (a) Clarify provision of operable windows throughout office areas to reduce reliance on mechanical systems;
  - (b) The report and the proposed energy modelling to be consistent in its detailing (i.e. there are inconsistencies between the model input of VLT (0.55) for Glazing and the stated minimum (0.4);
  - (c) The type of glazing with regard to energy modelling and clarification of daylight modelling;
  - (d) Preliminary modelling or glazing calculations to support evidence for energy savings (i.e. note that a target over the 2016 reference case is required);
  - (e) Clarification regarding the consistency with zero carbon goal (i.e. this may not be feasible);
  - (f) Specify proportions as % of total, or GHG reduced and remove vague language from materials section;
  - (g) Provision of an EMP; and
  - (h) Update architectural drawings to match details provided in any updated Waste Management Plan.
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, 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.

### Car Park Management Plan

12. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) any tandem parking spaces allocated to a single tenancy;
  - (c) the number and location of car spaces for shared use, including time of shared use;
  - (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
  - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (f) policing arrangements and formal agreements;
  - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and

- (h) details regarding the management of loading and unloading of goods and materials.

#### Green Travel Plan

13. Concurrent with the plans requested at Condition 1, 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 One Mile Grid Traffic Engineering dated 3<sup>rd</sup> July 2019, but modified to make reference to the plans as endorsed at Condition 1.
14. 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

15. Concurrent with the plans requested at Condition 1, 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.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Acoustic Report

18. Concurrent with plans requested at Condition 1, 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 Wood and Grieve Engineers and dated 20 November 2019, but modified to include / make reference to:
  - (a) The plans requested at Condition 1
  - (b) Confirmation and evidence to show consideration and all amelioration measures required to address the location of any music venues including 'Rupert on Rupert'.
19. Within 6 months of the commencement of the residential hotel use, a supplementary Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer that confirms that all measures endorsed as part of the Acoustic Report required at Condition 18 have been implemented. The acoustic report must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit.
20. All uses must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. All uses must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
22. The provision of music on the land must be at a background noise level at all times.

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

#### Wind Assessment Report

24. Concurrent with the plans requested at Condition 1, 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 findings of the report titled '*Environmental Wind Speed Measurements on a Wind Tunnel Model of the 81-89 Rupert Street Development, Collingwood*' prepared and authored by MEL Consultants and dated 22 November 2019 (Revision No. 2) but modified to include (or show):

- (a) Assessment of the development as amended pursuant to Condition 1 with:
  - (i) Further assessment of the open air terraces on Levels 01 and 03;
  - (ii) Planting of established trees on Level 03 with a maintenance regime that ensures their survival; and
  - (iii) Application of stricter wind comfort criteria of '*stationary short exposure*' to the lift lobbies and tenancy entrance areas.

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

#### Community Benefit Assessment Report

26. The Community Benefit Assessment Report prepared by SGS Economics and Planning dated 19 November 2019, must be updated to the satisfaction of the Responsible Authority to reflect the plans as required by Condition 1 and its requirements. The report must also provide details in relation to the methods applied to ensure ongoing public access to all uses within the hours of operation detailed within this planning permit (including the roof top garden). When approved, the plan will be endorsed and will then form part of the permit.

Within 12 months of the uses commencing, confirmation from the permit holder that all community benefit measures outlined in the endorsed Community Benefit Assessment are operational.

#### Residential Hotel Use / Management Plan

27. Concurrent with the plans required by Condition 1, a Residential Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail the following:
- (a) procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood;
  - (b) ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
  - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
  - (d) an outline of all house rules intended to be used to manage residents and guests including:
    - (i) guest behaviour;
    - (ii) noise; and



(iii) methods of eviction if house rules are broken;

- (e) details of eviction process in the event house rules are broken;
- (f) standards for property maintenance, health and cleanliness;
- (g) security against thefts and break-ins, including security of guests' belongings.

28. The residential hotel use must be managed in accordance with the endorsed Residential Hotel Management Plan.

#### Retail (Shops)

29. Except with the prior written consent of the Responsible Authority, the retail (shops) use authorised by this permit may only operate between the following hours:

- (a) Monday to Sunday: 7.00am – 10pm.

#### Cinema

30. Except with the prior written consent of the Responsible Authority, the cinema authorised by this permit may only operate between the following hours with up to 46 patrons:

- (a) Monday to Sunday: 10.00am – 12 midnight.

#### Restaurant / food and drink premises

31. Except with the prior written consent of the Responsible Authority, the restaurant(s) / food and drink premises authorised by this permit may only operate between the following hours:

- (a) Monday to Sunday: 7.00am – 12 midnight.

32. Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this permit may only operate with the following patron numbers:

- (a) Unit B (Second floor): 350 patrons; and
- (b) Unit B (Mezzanine): 110 patrons.

#### Restricted Recreation

33. Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this permit may only operate between the following hours:

- (a) Monday to Sunday: 5.00am – 10pm.

34. Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this permit may only operate with the following patron numbers:

- (a) Unit C - Wellness Suite: 150 Patrons; and
- (b) Gymnasium: 150 patrons.

#### Developer contribution

35. Prior to the commencement of the development, the permit holder must pay the Responsible Authority a \$5,000 contribution for the installation of a contra-flow bicycle lane on Rupert Street between Gipps Street and Langridge Street – or similar bicycle access improvements to the subject site as agreed in writing.

36. The Responsible Authority must use the funds on the agreed project within 12 months of the permit expiry. After 12 months, after the expiry of the permit, the permit holder may request a refund for the full amount if the agreed project has not been commenced.

#### Road Infrastructure

37. 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.
38. 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 constructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all public infrastructure, including re-sheeting of the footpath for the entire width of the property must be pursued:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
40. 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

41. 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.
42. Except with the prior written consent of the Responsible Authority, no less than 40 car spaces must be provided on the site at all times.

#### Loading on Site

43. 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.

### Lighting

44. 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

45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
46. Speakers external to the building (inclusive of the balcony / terraces and rooftop areas) must not be erected or used.
47. As part of the ongoing progress and development of the site, 6a Architects (being the architect who designed the building), 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.
48. 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.
49. 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.
50. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
51. 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.
52. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### Construction Management

53. Before the use and 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.

### Construction Times

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

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

Time expiry

55. This permit will expire if:

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

56. 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 businesses (whether as owners, lessees/tenants or occupiers) within the development approved under this permit, will not be permitted to obtain business 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.

#### Submission made online during the meeting

Dan Honey addressed the Committee, on behalf the Applicant.

### **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Searle

That having considered all objections and relevant planning policies, the Committee resolves to advise the VCAT, permit applicant and parties to the proceedings, that if it were in a position to, it would have issued a Notice of Decision to Grant a Planning Permit for land at 81 – 89 Rupert Street, Collingwood for the Part demolition to allow for the development of a multi-level building and use for a residential hotel, retail (shops), cinema, restaurant, and restricted recreation with a reduction in the associated car parking requirement of the Yarra Planning Scheme generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans prepared by 6a Architects, and dated 28 November 2019 but modified to:
  - (a) Adopt all design changes as shown and detailed on the plans received by Council prepared by 6a Architects, dated 22 May 2020 which show (key changes):
    - (i) The reduction in the length of the crossover across the façade of the subject site and conversion of the central crossover to a kerb and channel;
    - (ii) Removal of any reference to the removal of paint from the parapet of the former *Davis' Pickle and Sauce Factory* building;
    - (iii) The central laneway within the development widened to 11.84m and the retail tenancies reconfigured to have “Unit A” (as labelled on the plans), extend across the Rupert Street boundary;
    - (iv) The stairs of the central ravine extended with landing decks;
    - (v) Reconfigured bicycle and end-of-trip facilities;
    - (vi) The setback of Building B, from the fifth floor and above, increased to 3m from Rupert Street; and
    - (vii) The residential hotel rooms increased with areas ranging between 15.6sq.m.-29.7sq.m.

But further modified to show:

### General

- (b) Correction of north point on floor plans;
- (c) Plans correctly to label each floor level;
- (d) All retail premises to be shown as 'shop' on the floor plans

### Design

- (e) Deletion of the tenth and eleventh levels and consequent reduction in overall building height;
- (f) The setback of the new portion of building (i.e. the northern tower) behind the heritage façade of the former *Davis' Pickle and Sauce Factory* building, increased to 5m from the eastern (front) boundary and the existing roof behind the parapet, of equal depth, maintained with corresponding deletion or redesign of the terrace area;
- (g) Retention of existing facade windows (with the exception of that to the immediate north of the central door) of former *Davis' Pickle and Sauce Factory* building;

### Bicycle and Car parking

- (h) The 'stair' between the ground floor and mezzanine level bike parking facility deleted and replaced with a ramp or lift compliant with AS2890.3 requirements. It is acceptable if the total number of bike parking spaces is reduced to achieve this.
- (i) A minimum of 28 visitor spaces in a location easily accessible to visitors of the site with at least half (50% of the total) the visitor spaces horizontal at grade space (e.g. bike hoop) provided on the ground floor, with at least four cargo bicycle spaces.
- (j) A minimum of 61 employee bike parking spaces in a secure location only accessible to employees of the site or residential hotel guests.
- (k) Provision of e-bike charging locations for at least 5% of the total of bicycle spaces.
- (l) The headroom clearance of the ramped access-way dimensioned;
- (m) Plan notation from an accredited access consultant confirming that the accessible parking spaces are satisfactory from an accessibility perspective and satisfy the intent of the DDA;
- (n) All column depths, setbacks and locations clearly annotated and dimensioned and positioned to ensure that they do not encroach into the parking space clearance envelopes;
- (o) All ramp grade and transition grade lengths dimensioned;
- (p) The deletion of any directional arrows and hold lines;
- (q) The surface material of the setback area adjacent to the laneway different to that of the laneway to clearly demarcate the difference in surface treatment;

### Reports

- (r) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 3) (where relevant to show on plans).
- (s) Any requirement of the endorsed Landscape Plan (condition 7) (where relevant to show on plans).
- (t) Any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans).
- (u) Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to show on plans).
- (v) Any requirement of the endorsed Waste Management Plan (condition 15) (where relevant to show on plans).
- (w) Any requirement of the endorsed Acoustic Report (condition 18) (where relevant to show on plans including notations of key commitments).

- (x) Any requirement of the endorsed Wind Assessment Report (condition 24) (where relevant to show on plans).
2. Before demolition commences, a detailed and annotated photographic record of the former *Davis' Pickle and Sauce Factory* building context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) include the interior and each external elevation of the building;
  - (b) be submitted in black and white format; and
  - (c) be taken by a suitably qualified heritage photographer.

#### Façade Strategy and Materials and Finishes Plan

3. 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 or 1:50 illustrating typical podium and tower details, entries and doors;
  - (b) elevations at a scale of 1:20 or 1:50 detailing all reconstruction works of the northern and southern boundary returns of the former Davis Pickle sauce Factory including notations to say use of recycled bricks and details of all façade works including all restoration works and 'make good works' associated with works to the entries to be prepared by suitably qualified heritage architect;
  - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (d) information about how the heritage façade and portion of roof as required at Condition 1(f) will be maintained, including any vegetation and informal seating; and
  - (e) a materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls, including doors, perforations and upper levels (where necessary).
4. 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.
5. Before the endorsement of plans, written confirmation must be provided from the relevant water authority that the sewer vent in the laneway can either be retained in the existing location or is no longer required and can be removed. If neither of these options can occur, the sewer vent is to be relocated to the satisfaction of the relevant water authority.
6. As part of the ongoing progress and development of the site, 6a 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.

#### Landscape Plan

7. Concurrent with the plans requested at Condition 1, a 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 Landscape Plan must show:



- (d) make reference to design changes as required by Condition 1 and include additional landscaping as required by the amended Wind Assessment Report at Condition 20;
- (e) The landscaping on any of the upper levels and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch;
- (f) 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;
- (g) Details of custom furniture proposed, ensuring safety and compliance standards are met; and
- (h) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*.

8. 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.

#### Sustainable Management Plan

9. Concurrent with the plans requested at Condition 1, 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 Atelier Ten dated June 2019 but modified to make reference to design changes as required by Condition 1 and include the following details

- (a) Clarify provision of operable windows throughout office areas to reduce reliance on mechanical systems;
- (b) The report and the proposed energy modelling to be consistent in its detailing (i.e. there are inconsistencies between the model input of VLT (0.55) for Glazing and the stated minimum (0.4);
- (c) The type of glazing with regard to energy modelling and clarification of daylight modelling;
- (d) Preliminary modelling or glazing calculations to support evidence for energy savings (i.e. note that a target over the 2016 reference case is required);
- (e) Clarification regarding the consistency with zero carbon goal (i.e. this may not be feasible);
- (f) Specify proportions as % of total, or GHG reduced and remove vague language from materials section;
- (g) Provision of an EMP;
- (h) Update architectural drawings to match details provided in any updated Waste Management Plan; and
- (i) The rainwater tank connected to the toilets for flushing whilst maintaining a 100% STORM score.

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, 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.

#### Car Park Management Plan

12. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) any tandem parking spaces allocated to a single tenancy;
  - (c) the number and location of car spaces for shared use, including time of shared use;
  - (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
  - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (f) policing arrangements and formal agreements;
  - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and
  - (h) details regarding the management of loading and unloading of goods and materials.

#### Green Travel Plan

13. Concurrent with the plans requested at Condition 1, 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 One Mile Grid Traffic Engineering dated 3<sup>rd</sup> July 2019, but modified to make reference to the plans as endorsed at Condition 1.
14. 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

15. Concurrent with the plans requested at Condition 1, 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 Waste Management Plan must include details of all waste procedures and on the provision of separate bins for glass, recycling and organics.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### Acoustic Report

18. Concurrent with plans requested at Condition 1, 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 Wood and Grieve Engineers and dated 20 November 2019, but modified to include / make reference to:
  - (a) The plans requested at Condition 1
  - (b) Confirmation and evidence to show consideration and all amelioration measures required to address the location of any music venues including 'Rupert on Rupert'.
19. Within 6 months of the commencement of the residential hotel use, a supplementary Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer that confirms that all measures endorsed as part of the Acoustic Report required at Condition 18 have been implemented. The acoustic report must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit.
20. All uses must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. All uses must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
22. The provision of music on the land must be at a background noise level at all times.
23. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### Wind Assessment Report

24. Concurrent with the plans requested at Condition 1, 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 findings of the report titled '*Environmental Wind Speed Measurements on a Wind Tunnel Model of the 81-89 Rupert Street Development, Collingwood*' prepared and authored by MEL Consultants and dated 22 November 2019 (Revision No. 2) but modified to include (or show):
  - (a) Assessment of the development as amended pursuant to Condition 1 with:
    - (i) Further assessment of the open air terraces on Levels 01 and 03;
    - (ii) Planting of established trees on Level 03 with a maintenance regime that ensures their survival; and
    - (iii) Application of stricter wind comfort criterions of '*stationary short exposure*' to the lift lobbies and tenancy entrance areas.
25. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### Community Benefit Assessment Report

26. The Community Benefit Assessment Report prepared by SGS Economics and Planning dated 19 November 2019, must be updated to the satisfaction of the Responsible Authority to reflect the plans as required by Condition 1 and its requirements. The report must also provide details in relation to the methods applied to ensure ongoing public access to all uses within the hours of operation detailed within this planning permit (including the roof top garden). When approved, the plan will be endorsed and will then form part of the permit
27. Within 12 months of the uses commencing, confirmation from the permit holder that all community benefit measures outlined in the endorsed Community Benefit Assessment are operational.

#### Structural Report Requirement

28. Before the demolition commences, 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, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.
29. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Residential Hotel Use / Management Plan

30. Concurrent with the plans required by Condition 1, a Residential Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail the following:
  - (a) procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood;
  - (b) ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
  - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
  - (d) an outline of all house rules intended to be used to manage residents and guests including:
    - (i) guest behaviour;
    - (ii) noise; and
    - (iii) methods of eviction if house rules are broken;
  - (e) details of eviction process in the event house rules are broken;
  - (f) standards for property maintenance, health and cleanliness;
  - (g) security against thefts and break-ins, including security of guests' belongings.
31. The residential hotel use must be managed in accordance with the endorsed Residential Hotel Management Plan.

#### Retail (Shops)

32. Except with the prior written consent of the Responsible Authority, the retail (shops) use authorised by this permit may only operate between the following hours:
  - (a) Monday to Sunday: 7.00am – 10pm.

### Cinema

33. Except with the prior written consent of the Responsible Authority, the cinema authorised by this permit may only operate between the following hours with up to 46 patrons:
- (a) Monday to Sunday: 10.00am – 12 midnight.

### Restaurant / food and drink premises / Restaurant Management Plan

34. Except with the prior written consent of the Responsible Authority, the restaurant(s) / food and drink premises authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday: 7.00am – 12 midnight.
35. Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this permit may only operate with the following patron numbers:
- (a) Unit B (Second floor): 350 patrons; and  
(b) Unit B (Mezzanine): 110 patrons.
36. Concurrent with the plans required by Condition 1, a Restaurant Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail the following:
- (a) procedures, and standards for managing patrons and any parking issues to minimise amenity impacts to the surrounding neighbourhood; and  
(b) ongoing measures to be taken to ensure patrons do not cause any unreasonable amenity impact to persons beyond the land.
37. The restaurant use must be managed in accordance with the endorsed Restaurant Management Plan.

### Restricted Recreation

38. Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday: 5.00am – 10pm.
39. Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this permit may only operate with the following patron numbers:
- (a) Unit C - Wellness Suite: 150 Patrons; and  
(b) Gymnasium: 150 patrons.

### Developer contribution

40. Prior to the commencement of the development, the permit holder must pay the Responsible Authority a \$10,000 contribution for the installation of a contra-flow bicycle lane with supporting signage both on-road on Rupert Street between Gipps Street and Langridge Street and at vehicle entry points – or similar bicycle access improvements to the subject site as agreed in writing to the satisfaction of the Responsible Authority.

41. The Responsible Authority must use the funds on the agreed project within 12 months of the permit expiry; 12 months after the expiry of the permit, the permit holder may request a refund for the full amount if the agreed project has not been commenced or is not proposed to proceed.

#### Road Infrastructure

42. 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.
43. 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 constructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all public infrastructure, including re-sheeting of the footpath for the entire width of the property must be pursued:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
45. 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

46. 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.
47. Except with the prior written consent of the Responsible Authority, no less than 40 car spaces must be provided on the site at all times.

### Loading on Site

48. 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.

### Lighting

49. 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

50. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
51. Speakers external to the building (inclusive of the balcony / terraces and rooftop areas) must not be erected or used.
52. 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.
53. 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.
54. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
55. 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.
56. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### Construction Management

57. Before the use and 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.

### Construction Times

- 58.** 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.

Time expiry

59. This permit will expire if:

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

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 businesses (whether as owners, lessees/tenants or occupiers) within the development approved under this permit, will not be permitted to obtain business 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.

**CARRIED UNANIMOUSLY**

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**1.3 PLN19/0857 - 52 Taplin Street Fitzroy North - Full demolition of the existing building for the construction of two, four-storey dwellings**

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Reference: D20/108436

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 PLN19/0857 for full demolition of the existing building for the construction of two, four storey dwellings at No. 52 Taplin Street Fitzroy North, subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by OnOff Architects, TP002, TP100, TP101, TP102, TP200 and TP201 dated 12 February 2019 but modified to show:
  - (a) The design changes in accordance with the Sketch plans submitted on 17 June 2020, which show:
    - (i) The West Elevation of the second floor to Dwelling 1, setback by 1 metre from the west title boundary where it abuts the balconies of No. 50 Taplin Street.
    - (ii) The entrance foyer of Dwelling 2 widened.
    - (iii) The garage door panel of Dwelling 1 as obscure glass cladding.
    - (iv) The perforated screen panels with 50% transparency.
    - (v) Further details in the Materials and Finishes Schedule, including planterboxes.

But further modified to show:
  - (b) Dwelling 1 with a single entry, tandem garage and the study relocated to the dwelling frontage.
  - (c) A motion sensor light to the Dwelling 2 entry.
  - (d) The location of the rainwater tanks (as committed to in the SDA) with the size (Lt) and connection to irrigation systems or toilet flushing notated.
  - (e) The double glazed windows, clothes lines and solar panels as committed to in the SDA.
  - (f) The existing crossover to Taplin Street removed and constructed to Council standards and requirements, including the submission of a Sectional Diagram of the crossover to demonstrate that a Standard B85 vehicle will not scrape or bottom out. The vehicle crossing is to span the same width as the single entry garage doorway.
  - (g) The depth of planterboxes and window ledges dimensioned.
  - (h) An Overlooking Diagram demonstrating that the views to No. 123 Fergie Street's first floor terrace from Dwelling 2's terrace are in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
  - (i) A mailbox for each dwelling.
  - (j) The setback of Dwelling 2's garage constructed in a different material than the laneway.
  - (k) The finished floor levels along the edge of the slab as 40mm above the edge of the laneway.
  - (l) A ground clearance check demonstrating that a Standard B85 vehicle can enter and exit Dwelling 2 without scraping or bottoming out.

2. The development or use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the dwelling entrances must be provided within the property boundary. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
5. The amenity of the area must not be detrimentally affected by the 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.
6. 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.
7. Before the buildings are 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.
8. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
9. 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.

10. 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 further external works.

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

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

Submissions made online during the meeting

Objectors

Paul Reidy.  
Susanna Starr

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Searle

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0857 for full demolition of the existing building for the construction of two, four storey dwellings at No. 52 Taplin Street Fitzroy North, subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by OnOff Architects, TP002, TP100, TP101, TP102, TP200 and TP201 dated 12 February 2019 but modified to show:
  - (a) The design changes in accordance with the Sketch plans submitted on 17 June 2020, which show:
    - (i) The West Elevation of the second floor to Dwelling 1, setback by 1 metre from the west title boundary where it abuts the balconies of No. 50 Taplin Street.
    - (ii) The entrance foyer of Dwelling 2 widened.
    - (iii) The garage door panel of Dwelling 1 as obscure glass cladding.
    - (iv) The perforated screen panels with 50% transparency.
    - (v) Further details in the Materials and Finishes Schedule, including planterboxes and details of graffiti proof surfaces to the street/laneway boundaries through design (e.g. perforated relief work) or materials.
  - But further modified to show:
  - (b) Dwelling 1 with a single entry, tandem garage and the study relocated to the dwelling frontage.
  - (c) A motion sensor light to the Dwelling 2 entry.
  - (d) The location of the rainwater tanks (as committed to in the SDA) with the size (Lt) and connection to irrigation systems or toilet flushing notated.
  - (e) The double glazed windows, clothes lines and solar panels as committed to in the SDA.
  - (f) The existing crossover to Taplin Street removed and constructed to Council standards and requirements, including the submission of a Sectional Diagram of the crossover to demonstrate that a Standard B85 vehicle will not scrape or bottom out. The vehicle crossing is to span the same width as the single entry garage doorway.
  - (g) The depth of planterboxes and window ledges dimensioned.
  - (h) An Overlooking Diagram demonstrating that the views to No. 123 Fergie Street's first floor terrace from Dwelling 2's terrace are in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
  - (i) A mailbox for each dwelling.

- (j) The setback of Dwelling 2's garage constructed in a different material than the laneway.
  - (k) The finished floor levels along the edge of the slab as 40mm above the edge of the laneway.
  - (l) A ground clearance check demonstrating that a Standard B85 vehicle can enter and exit Dwelling 2 without scraping or bottoming out.
  - (m) No additional shadows to the POS of No. 125 Fergie Street at 2pm at the Equinox, in accordance with the objective of Clause 55.04-5 (Overshadowing Standard) of the Yarra Planning Scheme.
  - (n) The provision of glass and organic bin storage areas.
2. The development or use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
    - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
    - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
  4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the dwelling entrances must be provided within the property boundary. Lighting must be:
    - (a) located;
    - (b) directed;
    - (c) shielded; and
    - (d) of limited intensity,
 to the satisfaction of the Responsible Authority.
  5. The amenity of the area must not be detrimentally affected by the development, including through:
    - (a) the transport of materials, goods or commodities to or from land;
    - (b) the appearance of any buildings, works or materials;
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 to the satisfaction of the Responsible Authority.
  6. 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.
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  8. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

9. 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.
10. 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 further external works.

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



A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 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 and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.**

**CARRIED UNANIMOUSLY**

The meeting closed at 9.54pm.

**Confirmed at the meeting held on Wednesday 29 July 2020**

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**Chair**