



YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE
MINUTES

held virtually
on Wednesday 12 August 2020 at 6.30pm

I. ATTENDANCE

Councillor Amanda Stone
Councillor Mi-Lin Chen Yi Mei
Councillor Bridgid O'Brien

Sarah Griffiths (Senior Co-ordinator Continuous Improvement – Statutory Planning)
Madeleine Moloney (Senior Planner)
Rhys Thomas (Senior Governance Advisor)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

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

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 29 July 2020 be confirmed.

CARRIED

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Acknowledgement of Country

"Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future."

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 Stone nominated Councillor Chen Yi Mei as Chair.

There being no other nominations, Councillor Chen Yi Mei was appointed Chair.

Councillor Chen Yi Mei assumed the Chair.

1 INTERNAL DEVELOPMENT APPROVALS COMMITTEE

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1.2	Amend PLN16/0922.02 - 1-57 Wellington St and 71-77 Victoria Pde, Collingwood which allows for 'part demolition and development of the land for the construction of an 11 storey building (plus basement Levels); use of part of the land for food and drinks premises (café), art and craft centre and offices; reduction in the car parking requirements associated with dwellings, food and drinks premises (café), art and craft centre and offices'.	9	22

1.1 PLN19/0904 - 25 Abbotsford Street Abbotsford - The construction of one new dwelling.

Reference: D20/125506

Authoriser: Senior Coordinator Statutory Planning

RECOMMENDATION

That a Notice of Decision (NOD) to Grant Planning Permit PLN19/0904 be issued for the construction of one new dwelling at No. 25 Abbotsford Street, Abbotsford, generally in accordance with the decision plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the plans received by application plans, but modified to show:
 - (a) Deletion of the balcony above the entry porch;
 - (b) Incorporation of brick into the front façade;
 - (c) Open car space provided with a minimum clearance of 0.5m between it and the garage roller door, with the length of the garage reduced to no less than 5.8m;
 - (d) Pedestrian gate reduced to a maximum height of 1.5m;
 - (e) Internal North Elevation to demonstrate that the western, north-facing window of the first-floor living room will comply with the overlooking objective of Clause 54.04-6;
 - (f) East-facing, first-floor hallway window screened to comply with the overlooking objective of Clause 54.04-6;
 - (g) Notation to clarify the connection of the rainwater tank to flushing of toilets;
 - (h) Notation to confirm the height of fencing along the western boundary is no less than 1.8m in height; and
 - (i) Deletion of all notations which state 'as selected' and corresponding clarification of materials and design for each detail.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the new building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the 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.
6. 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.

7. This permit will expire if:

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

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

NOTES:

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

Submissions made online during meeting

Oscar Olguin, Design Piece (for the applicant)
Rodney Rodi (applicant)
Kieran Jacka
Angus Husband
Alison Barber
Martin Brown

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor O'Brien

That a Notice of Decision (NOD) to Grant Planning Permit PLN19/0904 be issued for the construction of one new dwelling at No. 25 Abbotsford Street, Abbotsford, generally in accordance with the decision plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the plans received by application plans, but modified to show:
 - (a) Deletion of the balcony above the entry porch;
 - (b) Incorporation of brick into the front façade;
 - (c) Pedestrian gate reduced to a maximum height of 1.5m;
 - (d) Internal North Elevation to demonstrate that the western, north-facing window of the first-floor living room will comply with the overlooking objective of Clause 54.04-6;
 - (e) East-facing, first-floor hallway window screened to comply with the overlooking objective of Clause 54.04-6;
 - (f) Notation to clarify the connection of the rainwater tank to flushing of toilets;

- (g) Notation to confirm the height of fencing along the western boundary is no less than 1.8m in height;
 - (h) Deletion of all notations which state 'as selected' and corresponding clarification of materials and design for each detail;
 - (i) Southern wall of the ground floor laundry provided with a rear setback of at least 5.2m;
 - (j) Ground floor walk-in-robe and first-floor bathroom reconfigured to comply with Standard A13 (Daylight to existing habitable room windows); and
 - (k) Deletion of garage and replacement with an open carport structure (with no walls along the eastern boundary) and with the front, open car space to be provided with a minimum clearance of 0.5m from the front of the carport structure.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the new building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the 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.
6. 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.
7. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

NOTES:

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

CARRIED UNANIMOUSLY

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- 1.2 Amend PLN16/0922.02 - 1-57 Wellington St and 71-77 Victoria Pde, Collingwood which allows for 'part demolition and development of the land for the construction of an 11 storey building (plus basement Levels); use of part of the land for food and drinks premises (café), art and craft centre and offices; reduction in the car parking requirements associated with dwellings, food and drinks premises (café), art and craft centre and offices'.**
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Reference: D20/124862

Authoriser: Manager 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 PLN16/0922.02 for part demolition and development of the land for the construction of an 11 storey building (plus basement Levels); use of part of the land for food and drinks premises (café), art and craft centre and offices; reduction in the car parking requirements associated with dwellings, food and drinks premises (café), art and craft centre and offices at 1-57 Wellington Street and 71-77 Victoria Parade, Collingwood, subject to the following conditions (new or amended conditions on the Permit are highlighted in bold):

- 1 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. **The plans must be generally in accordance with the application plans prepared by Cox Architects dated 05.03.20 but further modified to show:**
 - (a) **TP-85-11 to correctly label Gym entry as Office entry;**
 - (b) **the following balconies converted to winter gardens:**
 - (i) **glasswright building – Level 05, Apt 1502**
 - (ii) **potter building – Level 06, Apt 1610; Level 07, Apt 1702**
 - (iii) **cutler building – Level 05, Apt 1514 (in the alternative, convert Apt 1513 to balcony for symmetry), Level 06, Apt 1609 and Level 08, Apt 1807**
 - (iv) **drapery building – Level 08 Apt 3801/3802**
 - (v) **watchmaker building – Level 06, Apt 3606 and Apt 3604; Level 07 Apt 3702 and Apt 3703**
 - (vi) **milliner building - Level 04, Apt 3401; Level 05, Apt 3501, Level 06, Apt 3601; Level 07, Apt 3701 and Apt 3708; and**
 - (vii) **dressmaker building - Level 04, Apt 3414**
 - (c) **the proposed metal cladding to the Milliner building replaced with Robertson's red brick or the like;**
 - (d) **the façade upstand to balconies at Levels 01, 02 and 03 on the western elevation amended to achieve a more consistent horizontal alignment generally in accordance with TP-30-04 (Revision 6), dated 13.07.20;**
 - (e) **the 1.3m high balustrades between the private terraces and non-trafficable zones on the western elevation increased to 1.5m high;**
 - (f) **walls / screens between balconies to be annotated on the plans as no less than 25% visually permeable to a height not less than 1.7m above finished floor level to prevent overlooking between balconies.**
 - (g) **Apt 1205's winter garden converted to a balcony and the west facing living room window setback from the western boundary in accordance with TP-21-06 (Revision 5), dated 13.07.20;**

- (h) **a car parking allocation schedule with at least 35 car parking spaces allocated to office and at least 9 car parking spaces to be shared between the food and drinks premises and art and craft centre. Spaces in car stackers must be allocated to staff or dwelling residents;**
- (i) **loading Bay 2 to provide signage advising of the low headroom clearance;**
- (j) **at least 18 resident/employee bicycle parking spaces provided at ground floor as horizontal at-grade spaces;**
- (k) **at least 1 locker for every employee bicycle parking space provided;**
- (l) **floor to ceiling heights of at least 2.65m in the living areas, 2.4m in bedrooms and 2.1m in bathrooms (to be absorbed within the approved building heights);**
- (m) **a schedule of colours and materials, including samples (where relevant) and renders, showing the materials, colour and finishes of all external walls, roof, fascias, window frames, glazing, doors and privacy screening. Brick finish to be an English bond pattern; and**
- (n) **any requirement of the endorsed WMP, SMP, Acoustic Report, Wind Report and Landscape plan (where relevant to show on plans).**

- 2 The development and 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.

Structural report

- 3 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 and demonstrate the means by which the retained portions of buildings at 71 to 77 Victoria Parade will be supported during demolition and construction works to ensure their retention.
- 4 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green travel plan

- 5 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Green Travel Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. **The Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group, dated February 2020, but modified to show:**
 - (a) **Consistency with the plans endorsed under condition 1 of the permit.**
- 6 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Landscape Plan

- 7 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Landscape Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. **The Landscape Plan must be generally in accordance with the Landscape Plan prepared by Jack Merlo Design and Landscape, dated 06.12.19 but modified to show or clarify:**

- (a) **planters no less than a minimum width and depth of 400mm;**
- (b) **façade planters to comply with relevant building codes;**
- (c) **a Landscape Management Plan, detailing:**
 - (i) **method of access and egress to planters from common property or the public realm for maintenance (and not from private property);**
 - (ii) **a maintenance schedule, including details and frequency for watering, fertilizer and pruning; and**
 - (iii) **any traffic management requirements.**

- 8 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 to the satisfaction of the Responsible Authority 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.

Tree management plan

- 9 Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of existing street trees to be retained (noting 2 were omitted from the application material):
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers and Tree Protection Zones prior to any works within a Tree Protection Zone (TPZ), a non-destructive dig (NDD) must occur to identify roots present;
 - (c) any pruning necessary;
 - (d) watering and maintenance regimes; and
 - (e) a useful life expectancy (ULE) assessment of the existing trees on the west side of Wellington Street. If the existing trees have a ULE of less than 5 years, the plan must outline replacement trees and the value of the one-off contribution value the Responsible Authority to be used for the new street tree plantings (in addition to those required by condition 12) as a result of the development.
- 10 The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
- 11 Before the development starts, the permit holder must provide a security bond to the Responsible Authority to protect the street trees around the site ("bonded works"). The security bond:
- (a) is to be equal to the value of the bonded works (the combined tree amenity and ecological value);
 - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (c) may be held by the Responsible Authority until the development is completed to the satisfaction of the Responsible Authority; and
 - (d) may be applied by the Responsible Authority to replace any damaged/impacted street trees.

Once the bonded works are completed to the satisfaction of the Responsible Authority, any portion of the security bond which has not been applied by the Responsible Authority to replace any impacted street trees will be refunded to the permit holder.

Street trees

- 12 Before the development commences, the permit holder must make a one off contribution of \$3500 (excluding GST) to the Responsible Authority to be used for 9 new street tree plantings along the west side of Wellington Street that are required as a result of the development. As of 1 July 2018 and each financial year accordingly, this contribution will increase based on the ABS CPI rate (calculated when payment occurs).

Art and craft centre

- 13 **Within 6 months of the date the permit is amended**, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
 - (a) details of the commissioned artist(s);
 - (b) description of art work, including:
 - (i) materials;
 - (ii) colours;
 - (iii) dimensions;
 - (iv) content;
 - (v) special features (e.g. lighting);
 - (c) details of the installation process; and
 - (d) details of art work maintenance schedule.
- 14 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art as shown in the endorsed Public Art Managements Plan must be carried out and completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Wind report

- 15 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Wind Assessment Report prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. **The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Windtech and dated 25 August 2012 December 2019, but modified to include (or show):**
 - (a) **an assessment of plans as amended under condition 1 on the permit;**
 - (b) wind tunnel testing with appropriate mitigation measures (where required); and
 - (c) specific details of any required wind mitigation measures/techniques (e.g. the specific locations and heights of any wind barriers or changes to balcony screens, etc.).
- 16 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Car park management plan

- 17 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended 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 be generally in accordance with the Car Parking Management Plan prepared by Traffix Group, dated February 2020, but modified to show:**
- (a) **bicycle parking allocation and locations in accordance with condition 1 of the permit; and**
 - (b) **a car parking allocation schedule, with at least 35 car parking spaces allocated to office and 9 spaces shared for the food and drinks premises and art and craft centre. Spaces in car stackers must be allocated to staff or dwelling residents.**
- 18 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Car parking, bicycles and loading

- 19 Vehicular access into and out of the Wellington Street vehicular entry/exit must only be left in / left out.
- 20 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be to the satisfaction of the Responsible Authority and:
- (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.
- 21 Unless otherwise agreed in writing with the Responsible Authority, 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.
- 22 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
- 23 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
- 24 The car stacker devices must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements.
- 25 No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices, unless otherwise agreed by the Responsible Authority.

Sustainable Management Plan

- 26 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority and prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. **The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ADP and dated 18 December 2019, but modified to include or show:**
- (a) **demonstration that the proposal would achieve a maximum individual apartment maximum cooling load of 30MJ/m².**
- 27 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

- 28 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Acoustic Report prepared by a suitably qualified acoustic engineer and 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 ADP and dated 06/03/2020, but modified to include (or show, or address):**
- (a) **consistency with the plans endorsed under condition 1;**
 - (b) the following internal residential maximum targets and how they will be achieved, unless otherwise agreed by the Responsible Authority:
 - (i) 35 dBA, Leq 8h to bedrooms during the night;
 - (ii) 40 dBA, Leq 16h to all habitable rooms (**including bedrooms**) during the day; and
 - (iii) the loudest hour not to exceed 40 dBA Leq night (10pm to 7am) in bedrooms, 45 dBA Leq during the day (7am to 10pm) in all habitable rooms (**including bedrooms**);
- 29 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 30 Before the development is occupied, an updated acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must demonstrate the required level of noise attenuation has been achieved. The report must also:
- (a) confirm compliance with the requirements of the endorsed Acoustic Report; and
 - (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other relevant requirement including relevant sleep disturbance criteria.
- 31 The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Public lighting plan

- 32 Before the development commences, a Public Lighting Plan prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the Wellington Street, Victoria Parade and rear (western) laneway frontage of the site and the entrance to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) a lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) the control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) the locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) a maintenance regime for the lighting scheme within the curtilage of the property; and
 - (f) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
- 33 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Office use (within Mixed Use Zone segment)

- 34 Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the hours of 7am and 7pm.

Food and drinks premises (café) use (within Mixed Use Zone segment)

- 35 Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) use authorised by this permit may only operate between the hours of 6.30am to 10pm Monday to Saturday and 8am to 8pm Sunday
- 36 Except with the prior written consent of the Responsible Authority, each of the food and drinks tenancies must not have any more than the following number of patrons at any one time:
- (a) Tenancy 1 (233sqm at ground floor): 150 patrons;**
 - (b) Tenancy 2 (319 sqm at ground floor); 200 patrons; and**
 - (c) Tenancy 3 (155sqm at first floor); 100 patrons.**
- 37 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.

Art and craft centre

- 38 Except with the prior written consent of the Responsible Authority, the art and craft centre use authorised by this permit may only operate between the hours of 8am to 8pm.
- 39 **Before the development is occupied, the owner (or other person in anticipation of becoming the owner) must enter into an amended agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:**

- (a) the minimum 100sqm art and craft centre shown on the endorsed plans must be subdivided and gifted to the Responsible Authority at no cost to the Responsible Authority before the development authorised by this permit is occupied;
- (b) the owner will undertake the fit out of the internal art and craft centre (to include floor covering, ceiling, lighting and air conditioning) before the art and craft centre is gifted to the Responsible Authority. The fit out must be in a manner to be agreed by the owner and the Responsible Authority before the internal works commence for the fit out, all at no cost to the Responsible Authority; and
- (c) **deletion to any reference that the owner will agree to establish a management plan for the use of the accessway to the art and craft centre to the satisfaction of the Responsible Authority.**

The owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.

40 No more than 130 patrons are permitted on the land at any one time.

General

- 41 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 basement car park, pedestrian walkway, laneway and dwelling entrances must be provided within the property boundary. Lighting must be provided to the satisfaction of the Responsible Authority and:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity.
- 42 The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- 43 The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 44 The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 45 The provision of music and entertainment on the land associated with the office, food and drinks premises (café) and art and craft centre, as authorised by this permit, must be at a background noise level. Speakers external to the building must not be erected or used.
- 46 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.
- 47 All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.

- 48 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 49 As part of the ongoing consultant team, Cox Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee the 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.
- 50 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 51 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.

Waste

- 52 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Waste Management Plan prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. **The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 6 March 2020, but modified to show:**
- (a) food waste diversion as a requirement; and
 - (b) how four waste streams (glass, garbage, recycling and food waste) will be separated with regards to the chute system to comply with the Victorian Government's 10-year policy and action plan for waste and recycling (*Recycling Victoria, Department of Environment, Land, Water and Planning, February 2020*).
- 53 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Environmental audit

- 54 Before the development commences (excluding demolition), either:
- (a) a certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - (b) an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
- The Certificate or Statement must be provided to the Responsible Authority before the development commences.
- 55 If, pursuant to condition 55, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);

- (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
- (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Construction

- 56 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, including the existing fencing and driveways along the western boundary of the lane;
 - (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, businesses 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 (including businesses) 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 (including impacts on the operation of businesses); and
- (q) a detailed dilapidation report detailing and documenting the existing and post construction conditions of surrounding road infrastructure and adjoining private properties;
- (r) if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority. Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational; and
- (s) any site-specific requirements.

57 During the construction:

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

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

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

60 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.

61 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, kerb and channel and any adjacent Copenhagen bicycle lane treatment/infrastructure (as relevant):

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

- 62 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 63 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council's infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 64 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.
- 65 Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority:
- (a) the full-width footpath immediately outside the property's Wellington Street Road frontage must be stripped and re-sheeted;
 - (b) any necessary changes to the Copenhagen bicycle lane/infrastructure along Wellington Street (including reinstatement where vehicle crossings are to be removed);
 - (c) the right of way abutting the western boundary of the site, from Victoria Parade to Derby Street, must be fully restored; and
 - (d) any necessary modification of the vehicle crossings at the northern and southern ends of the Right of Way (Victoria Parade and Derby Street) so as to enable the ground clearance for the B99 design vehicle (demonstrated using a ground clearance check).
- 66 Unless with the further written consent of the Responsible Authority, detailed design drawings must be prepared prior to the commencement of the development by a suitably qualified person and to the satisfaction of the Responsible Authority addressing all civil and road infrastructure works associated with this development (outlined in condition 66) must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit. Before the development is completed, all works shown on endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 67 Parking restriction signs, line-marked on-street parking bays and parking sensors must not be removed, adjusted, changed or relocated without the prior written consent of the Responsible Authority and must be undertaken at the expense of the Permit Holder.
- 68 Before the occupation of the development, the existing electrical pole in the area to be occupied by the new vehicle crossing must be relocated to the satisfaction of the relevant power authority at the expense of the Permit Holder. The relocated electrical pole must be clear of any vehicle crossings or other road related infrastructure.
- 69 All service pits must be relocated from any new vehicle crossing or pedestrian entry point to the building.
- 70 Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense with the prior written approval of the relevant authority/authorities.
- 71 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.

VicRoads Condition

- 72 The development must be constructed and managed so as not to compromise the ability of vehicles to enter and exit the intersection of Wellington Street and Victoria Parade in a safe manner or compromise the operational efficiency of the intersection or public safety.

Public Transport Victoria Condition

- 73 The permit holder must take all reasonable steps to ensure that disruption to bus operation along Victoria Parade is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Head, Transport for Victoria fourteen days (14) prior.

Expiry

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

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

NOTES:

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

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

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

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

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

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

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

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

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

Submissions made online during meeting

Angela Ash, Contour (for the applicant)

Peter Sullivan, Cox Architecture (for the applicant)

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor O'Brien

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN16/0922.02 for part demolition and development of the land for the construction of an 11 storey building (plus basement Levels); use of part of the land for food and drinks premises (café), art and craft centre and offices; reduction in the car parking requirements associated with dwellings, food and drinks premises (café), art and craft centre and offices at 1-57 Wellington Street and 71-77 Victoria Parade, Collingwood, subject to the following conditions (new or amended conditions on the Permit are highlighted in bold):

- 1 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. **The plans must be generally in accordance with the application plans prepared by Cox Architects dated 05.03.20 but further modified to show:**
 - (a) **TP-85-11 to correctly label Gym entry as Office entry;**
 - (b) **the following balconies converted to winter gardens:**
 - (i) **glasswright building – Level 05, Apt 1502**
 - (ii) **potter building – Level 06, Apt 1610; Level 07, Apt 1702**
 - (iii) **cutler building – Level 05, Apt 1514 (in the alternative, convert Apt 1513 to balcony for symmetry), Level 06, Apt 1609 and Level 08, Apt 1807**
 - (iv) **drapery building – Level 08 Apt 3801/3802**
 - (v) **watchmaker building – Level 06, Apt 3606 and Apt 3604; Level 07 Apt 3702 and Apt 3703**
 - (vi) **milliner building - Level 04, Apt 3401; Level 05, Apt 3501, Level 06, Apt 3601; Level 07, Apt 3701 and Apt 3708; and**
 - (vii) **dressmaker building - Level 04, Apt 3414**
 - (c) **the proposed metal cladding to the Milliner building replaced with Robertson's red brick or the like;**
 - (d) **the façade upstand to balconies at Levels 01, 02 and 03 on the western elevation amended to achieve a more consistent horizontal alignment generally in accordance with TP-30-04 (Revision 6), dated 13.07.20;**
 - (e) **the 1.3m high balustrades between the private terraces and non-trafficable zones on the western elevation increased to 1.5m high;**
 - (f) **walls / screens between balconies to be annotated on the plans as no less than 25% visually permeable to a height not less than 1.7m above finished floor level to prevent overlooking between balconies.**
 - (g) **Apt 1205's winter garden converted to a balcony and the west facing living room window setback from the western boundary in accordance with TP-21-06 (Revision 5), dated 13.07.20;**

- (h) a car parking allocation schedule with at least 35 car parking spaces allocated to office and at least 9 car parking spaces to be shared between the food and drinks premises and art and craft centre. Spaces in car stackers must be allocated to staff or dwelling residents;
- (i) loading Bay 2 to provide signage advising of the low headroom clearance;
- (j) at least 18 resident/employee bicycle parking spaces provided at ground floor as horizontal at-grade spaces;
- (k) at least 1 locker for every employee bicycle parking space provided;
- (l) floor to ceiling heights of at least 2.65m in the living areas, 2.4m in bedrooms and 2.1m in bathrooms (to be absorbed within the approved building heights);
- (m) a schedule of colours and materials, including samples (where relevant) and renders, showing the materials, colour and finishes of all external walls, roof, fascias, window frames, glazing, doors and privacy screening. Brick finish to be an English bond pattern;
- (n) any requirement of the endorsed WMP, SMP, Acoustic Report, Wind Report and Landscape plan (where relevant to show on plans); and
- (o) increase the amount of site covered in vegetation from approximately 13% to 20%.

- 2 The development and 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.

Structural report

- 3 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 and demonstrate the means by which the retained portions of buildings at 71 to 77 Victoria Parade will be supported during demolition and construction works to ensure their retention.
- 4 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green travel plan

- 5 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Green Travel Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. **The Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group, dated February 2020, but modified to show:**

- (a) **Consistency with the plans endorsed under condition 1 of the permit.**

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

Landscape Plan

- 7 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Landscape Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit.

The Landscape Plan must be generally in accordance with the Landscape Plan prepared by Jack Merlo Design and Landscape, dated 06.12.19 but modified to show or clarify:

- (a) planters no less than a minimum width and depth of 400mm;**
- (b) façade planters to comply with relevant building codes;**
- (c) a Landscape Management Plan, detailing:**
 - (i) method of access and egress to planters from common property or the public realm for maintenance (and not from private property);**
 - (ii) a maintenance schedule, including details and frequency for watering, fertilizer and pruning; and**
 - (iii) any traffic management requirements.**
- (d) increase the amount of site covered in vegetation from approximately 13% to 20%.**

- 8 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 to the satisfaction of the Responsible Authority 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.

Tree management plan

- 9 Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of existing street trees to be retained (noting 2 were omitted from the application material):
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers and Tree Protection Zones prior to any works within a Tree Protection Zone (TPZ), a non-destructive dig (NDD) must occur to identify roots present;
 - (c) any pruning necessary;
 - (d) watering and maintenance regimes; and
 - (e) a useful life expectancy (ULE) assessment of the existing trees on the west side of Wellington Street. If the existing trees have a ULE of less than 5 years, the plan must outline replacement trees and the value of the one-off contribution value the Responsible Authority to be used for the new street tree plantings (in addition to those required by condition 12) as a result of the development.
- 10 The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
- 11 Before the development starts, the permit holder must provide a security bond to the Responsible Authority to protect the street trees around the site ("bonded works"). The security bond:
- (a) is to be equal to the value of the bonded works (the combined tree amenity and ecological value);

- (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
- (c) may be held by the Responsible Authority until the development is completed to the satisfaction of the Responsible Authority; and
- (d) may be applied by the Responsible Authority to replace any damaged/impacted street trees.

Once the bonded works are completed to the satisfaction of the Responsible Authority, any portion of the security bond which has not been applied by the Responsible Authority to replace any impacted street trees will be refunded to the permit holder.

Street trees

- 12 Before the development commences, the permit holder must make a one off contribution of \$3500 (excluding GST) to the Responsible Authority to be used for 9 new street tree plantings along the west side of Wellington Street that are required as a result of the development. As of 1 July 2018 and each financial year accordingly, this contribution will increase based on the ABS CPI rate (calculated when payment occurs).

Art and craft centre

- 13 **Within 6 months of the date the permit is amended**, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) details of the commissioned artist(s);
 - (b) description of art work, including:
 - (i) materials;
 - (ii) colours;
 - (iii) dimensions;
 - (iv) content;
 - (v) special features (e.g. lighting);
 - (c) details of the installation process; and
 - (d) details of art work maintenance schedule.
- 14 Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art as shown in the endorsed Public Art Managements Plan must be carried out and completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Wind report

- 15 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Wind Assessment Report prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. **The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Windtech and dated 25 August 2012 December 2019, but modified to include (or show):**
- (a) **an assessment of plans as amended under condition 1 on the permit;**
 - (b) wind tunnel testing with appropriate mitigation measures (where required); and
 - (c) specific details of any required wind mitigation measures/techniques (e.g. the specific locations and heights of any wind barriers or changes to balcony screens, etc.).

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

Car park management plan

- 17 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended 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 be generally in accordance with the Car Parking Management Plan prepared by Traffix Group, dated February 2020, but modified to show:
- (a) **bicycle parking allocation and locations in accordance with condition 1 of the permit; and**
 - (b) **a car parking allocation schedule, with at least 35 car parking spaces allocated to office and 9 spaces shared for the food and drinks premises and art and craft centre. Spaces in car stackers must be allocated to staff or dwelling residents.**
- 18 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Car parking, bicycles and loading

- 19 Vehicular access into and out of the Wellington Street vehicular entry/exit must only be left in / left out.
- 20 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be to the satisfaction of the Responsible Authority and:
- (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.
- 21 Unless otherwise agreed in writing with the Responsible Authority, 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.
- 22 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
- 23 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
- 24 The car stacker devices must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements.

- 25 No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices, unless otherwise agreed by the Responsible Authority.

Sustainable Management Plan

- 26 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority and prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority.
When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. **The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ADP and dated 18 December 2019, but modified to include or show:**
- (a) demonstration that the proposal would achieve a maximum individual apartment maximum cooling load of 30MJ/m².
 - (b) commitment to a minimum 6.5- star average NatHERS rating and a BESS Energy total score for the development of no less than 70%.
 - (c) commitment to approximately 20% of the site covered in vegetation.
- 27 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

- 28 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Acoustic Report prepared by a suitably qualified acoustic engineer and 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 ADP and dated 06/03/2020, but modified to include (or show, or address):**
- (a) consistency with the plans endorsed under condition 1;
 - (b) the following internal residential maximum targets and how they will be achieved, unless otherwise agreed by the Responsible Authority:
 - (i) 35 dBA, Leq 8h to bedrooms during the night;
 - (ii) 40 dBA, Leq 16h to all habitable rooms (**including bedrooms**) during the day; and
 - (iii) the loudest hour not to exceed 40 dBA Leq night (10pm to 7am) in bedrooms, 45 dBA Leq during the day (7am to 10pm) in all habitable rooms (**including bedrooms**);
- 29 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 30 Before the development is occupied, an updated acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must demonstrate the required level of noise attenuation has been achieved. The report must also:
- (a) confirm compliance with the requirements of the endorsed Acoustic Report; and

- (b) provide measurement data taken from inside the dwellings of the development demonstrating compliance with State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other relevant requirement including relevant sleep disturbance criteria.

- 31 The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Public lighting plan

- 32 Before the development commences, a Public Lighting Plan prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the Wellington Street, Victoria Parade and rear (western) laneway frontage of the site and the entrance to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) a lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) the control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) the locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) a maintenance regime for the lighting scheme within the curtilage of the property; and
 - (f) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
- 33 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Office use (within Mixed Use Zone segment)

- 34 Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the hours of 7am and 7pm.

Food and drinks premises (café) use (within Mixed Use Zone segment)

- 35 Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) use authorised by this permit may only operate between the hours of 6.30am to 10pm Monday to Saturday and 8am to 8pm Sunday
- 36 Except with the prior written consent of the Responsible Authority, each of the food and drinks tenancies must not have any more than the following number of patrons at any one time:
- (a) **Tenancy 1 (233sqm at ground floor): 150 patrons;**
 - (b) **Tenancy 2 (319 sqm at ground floor); 200 patrons; and**
 - (c) **Tenancy 3 (155sqm at first floor); 100 patrons.**
- 37 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.

Art and craft centre

- 38 Except with the prior written consent of the Responsible Authority, the art and craft centre use authorised by this permit may only operate between the hours of 8am to 8pm.
- 39 **Before the development is occupied, the owner (or other person in anticipation of becoming the owner) must enter into an amended agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:**
- (a) the minimum 100sqm art and craft centre shown on the endorsed plans must be subdivided and gifted to the Responsible Authority at no cost to the Responsible Authority before the development authorised by this permit is occupied;
 - (b) the owner will undertake the fit out of the internal art and craft centre (to include floor covering, ceiling, lighting and air conditioning) before the art and craft centre is gifted to the Responsible Authority. The fit out must be in a manner to be agreed by the owner and the Responsible Authority before the internal works commence for the fit out, all at no cost to the Responsible Authority; and
 - (c) **deletion to any reference that the owner will agree to establish a management plan for the use of the accessway to the art and craft centre to the satisfaction of the Responsible Authority.**
- The owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.
- 40 No more than 130 patrons are permitted on the land at any one time.

General

- 41 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 basement car park, pedestrian walkway, laneway and dwelling entrances must be provided within the property boundary. Lighting must be provided to the satisfaction of the Responsible Authority and:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity.
- 42 The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- 43 The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 44 The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 45 The provision of music and entertainment on the land associated with the office, food and drinks premises (café) and art and craft centre, as authorised by this permit, must be at a background noise level. Speakers external to the building must not be erected or used.

- 46 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.
- 47 All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
- 48 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 49 As part of the ongoing consultant team, Cox Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee the 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.
- 50 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 51 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.

Waste

- 52 Except with the prior written consent of the Responsible Authority, within two months of the date the permit is amended, an amended Waste Management Plan prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. **The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 6 March 2020, but modified to show:**
 - (a) food waste diversion as a requirement; and
 - (b) how four waste streams (glass, garbage, recycling and food waste) will be separated with regards to the chute system to comply with the Victorian Government's 10-year policy and action plan for waste and recycling (*Recycling Victoria, Department of Environment, Land, Water and Planning, February 2020*).
- 53 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Environmental audit

- 54 Before the development commences (excluding demolition), either:
 - (a) a certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - (b) an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.The Certificate or Statement must be provided to the Responsible Authority before the development commences.

- 55 If, pursuant to condition 55, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
 - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
 - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Construction

- 56 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, including the existing fencing and driveways along the western boundary of the lane;
 - (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, businesses 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 (including businesses) 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 (including impacts on the operation of businesses); and
- (q) a detailed dilapidation report detailing and documenting the existing and post construction conditions of surrounding road infrastructure and adjoining private properties;
- (r) if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority. Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational; and
- (s) any site-specific requirements.

57 During the construction:

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

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

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

60 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.

- 61 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, kerb and channel and any adjacent Copenhagen bicycle lane treatment/infrastructure (as relevant):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 62 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 63 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council's infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 64 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.
- 65 Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority:
 - (a) the full-width footpath immediately outside the property's Wellington Street Road frontage must be stripped and re-sheeted;
 - (b) any necessary changes to the Copenhagen bicycle lane/infrastructure along Wellington Street (including reinstatement where vehicle crossings are to be removed);
 - (c) the right of way abutting the western boundary of the site, from Victoria Parade to Derby Street, must be fully restored; and
 - (d) any necessary modification of the vehicle crossings at the northern and southern ends of the Right of Way (Victoria Parade and Derby Street) so as to enable the ground clearance for the B99 design vehicle (demonstrated using a ground clearance check).
- 66 Unless with the further written consent of the Responsible Authority, detailed design drawings must be prepared prior to the commencement of the development by a suitably qualified person and to the satisfaction of the Responsible Authority addressing all civil and road infrastructure works associated with this development (outlined in condition 66) must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit. Before the development is completed, all works shown on endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 67 Parking restriction signs, line-marked on-street parking bays and parking sensors must not be removed, adjusted, changed or relocated without the prior written consent of the Responsible Authority and must be undertaken at the expense of the Permit Holder.
- 68 Before the occupation of the development, the existing electrical pole in the area to be occupied by the new vehicle crossing must be relocated to the satisfaction of the relevant power authority at the expense of the Permit Holder. The relocated electrical pole must be clear of any vehicle crossings or other road related infrastructure.
- 69 All service pits must be relocated from any new vehicle crossing or pedestrian entry point to the building.
- 70 Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense with the prior written approval of the relevant authority/authorities.

- 71 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.

VicRoads Condition

- 72 The development must be constructed and managed so as not to compromise the ability of vehicles to enter and exit the intersection of Wellington Street and Victoria Parade in a safe manner or compromise the operational efficiency of the intersection or public safety.

Public Transport Victoria Condition

- 73 The permit holder must take all reasonable steps to ensure that disruption to bus operation along Victoria Parade is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Head, Transport for Victoria fourteen days (14) prior.

Expiry

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

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

NOTES:

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

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

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

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

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

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

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

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

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

CARRIED UNANIMOUSLY

The meeting closed at 8.16pm.

Confirmed at the meeting held on Wednesday 26 August 2020

Chair