



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

**held on Wednesday 26 August 2020 at 6.30pm**  
**in MS Teams**

**I. ATTENDANCE**

Councillor Misha Coleman  
Councillor Danae Bosler  
Councillor Jackie Fristacky (substitute for Cr Daniel Nguyen)

Amy Hodgen (Senior Co-ordinator Statutory Planning)  
Laura Condon (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 Fristacky **Seconded:** Councillor Bosler

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 12 August 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 Fristacky nominated Councillor Coleman as Chair.

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

Councillor Coleman assumed the Chair.

# 1 INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN19/0911 700-718 Heidelberg Road, Alphington - Development of the land for construction of a multi-storey building, use of land for dwellings, construction of two or more dwellings, removal of party wall easements and reduction in the statutory car parking requirements.	6	15
1.2	PLN18/0442 - 291-295 Swan Street, Richmond - Part demolition, the construction of a seven storey building, the use of the land for a residential hotel (serviced apartments), food and drink premises and shop, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Swan Street.	26	35
1.3	PLN13/0152.03 - 200 Gipps Street and 1 Harper Street, Abbotsford - Section 72 amendment to include the use of the land as a restricted retail premises and indoor recreational facility, modify the warehouse to allow the storage of sporting goods associated with the restricted retail premises instead of furniture, display of internally illuminated business identification signage, external alterations to the existing building and a further reduction in the car parking requirements of the Yarra Planning Scheme	45	49

## Order of Items

- 1.1 Was heard first.
- 1.3 Was heard second.
- 1.2 Was heard third.

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**1.1 PLN19/0911 700-718 Heidelberg Road, Alphington for Development of the land for construction of a multi-storey building, use of land for dwellings, construction of two or more dwellings, removal of party wall easements and reduction in the statutory car parking requirements**

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Reference: D20/126396

Authoriser: Manager Statutory Planning

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to recommend that VCAT issue a Planning Permit PLN19/0911 for Development of the land for construction of a multi-storey building, use of land for dwellings, construction of two or more dwellings, removal of party wall easements and reduction in the statutory car parking requirements at 700-718 Heidelberg Road, Alphington, generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (TP000 to T300, dated 31/1/2020, TP301 to TP308, dated 24/2/2020, TP309 to TP402, dated 31/1/2020, TP403 to TP428 dated 24/2/2020 and TP501, dated 31/1/2020 prepared by DKO) but modified to show:

### Built form

- (a) Incorporate more non-glazing material to Park Avenue retail frontage.
- (b) A continuous awning be provided along Heidelberg Road.
- (c) Provide glazing to the façade recess immediately south of main pedestrian entrance to ensure outlook to the lobby area.
- (d) Provide exact height to the top of the roof services.
- (e) Clearly demonstrate that over 50% of dwellings meet the accessibility standard by providing dimensions on apartment layouts.
- (f) Height of front fences on Park Avenue to be dimensioned.
- (g) Retail tenancy relabelled as ‘shop’ on the ground floor plan;
- (h) Any additional overlooking treatments to the southernmost apartments to demonstrate there is no direct views in adjacent secluded private open space or habitable room windows within 9m;
- (i) Details of privacy screening measures to the private balconies on Level 1 to prevent overlooking from the communal courtyard;
- (j) Any additional overlooking treatments to the south orientated apartments to demonstrate there is no direct internal views to the northernmost townhouse terrace and vice versa;
- (k) Dimensions provided on apartment layouts to demonstrate 50 per cent of dwellings within the development achieve Standard D17 (Accessibility) of Clause 58 of the Yarra Planning Scheme.
- (l) Demonstrate that existing corner building splays to Heidelberg Road are not encroached by built form;
- (m) Provide balcony width dimensions for apartments 2B, 2J, 2K.
- (n) Notations to confirm common corridor spaces receive natural ventilation.
- (o) Operability of habitable room windows to be clearly notated.

### Car park and services

- (p) The depths of columns within the car park dimensioned.
- (q) Dimension the widths of vehicle crossing and the distance the vehicle crossing is to nearest intersection.
- (r) Clearance to walls from all car spaces to be dimensioned.

- (s) The stacker model and type is to be identified to establish the vehicle clearance height.
- (t) Section of the internal ramp showing the minimum head clearance measured perpendicular from the surface of the ramp to the underside of the ground floor slab.
- (u) Relocate the entry / access to the Substation and Main Switch away from the main pedestrian entry.
- (v) At least 20 visitor spaces that are accessible and clearly visible from the public realm, majority of which to be provided within the property boundary. The additional bicycle spaces within the public realm must be in accordance with *Council's Street Furniture details 01: Bicycle Hoops*.
- (w) A minimum of 80 resident/employee bicycle spaces within a secure and conveniently located compound internally and in accordance with the requirements of AS23890.3.

#### Reports and Plans

- (x) Any amendments as required by the Amended Landscaping Plan pursuant to Condition 5
- (y) Any amendments as required by the Amended Sustainable Management Plan pursuant to Condition 7, including recommended changes to meet NCC.
- (z) Any amendments as required by the Amended Acoustic Report pursuant to condition 9.
- (aa) Any amendments as required by the Wind Tunnel Study pursuant to Condition 15
- (bb) Any amendments as required by the Amended Waste Management Plan pursuant to Condition 12.

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

#### **Façade Strategy**

3. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
  - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained, including any vegetation; and
  - (d) a sample board and coloured drawings outlining colours, materials and finishes.

#### **Ongoing architect involvement**

4. As part of the ongoing consultant team, DKO Architecture Pty Ltd or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### **Amended Landscaping Plan Required**

5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Hansen Partnership and dated 3 February 2020, but modified to include (or show):
  - (a) Reflect amended plans pursuant to Condition 1
  - (b) WSUD initiatives contained within the endorsed SMP report to be notated

- (c) Show all existing street trees ensuring they are protected in accordance with AS1970-2009 Protection of Trees on Development Sites.
- (d) Replace the proposed *Acanthus mollis* Oyster Plant
- (e) Substitute *Lomandra longifolia* 'Tanika' (LOM tan) with *Lomandra* 'shara' fluviatilis, *Lomandra filiformis* Wattle mat-rush (local provenance) or *Lomandra longifolia* (local provenance)
- (f) Cross-sections details for planted areas and edges as well as dimensions of garden beds including depths.
- (g) Plant numbers and planting plan to show location of balcony planting
- (h) Details of planter size and depths of balcony planting
- (i) Street paving materials consistent with Council's Public Domain Manual including:
  - (i) Sawn blue stone feature paving to entrances
  - (ii) Bluestone setts to carpark entrance thresholds

6. Before the new 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 at the cost of the permit holder and to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

to the satisfaction of the Responsible Authority.

#### **Amended Sustainable Management Plan**

7. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by SBE and dated 3 February 2020, but modified to include or show:

- (a) Increasing the solar generation capacity to meet the potential in terms of orientation and roof area.
- (b) Increase the provision of bicycle parking with a target of 1:1 for bike parks to apartments
- (c) Provide end of trip facilities to support workers of retail tenancies.
- (d) Commit to the provision of a building Users Guide to optimise usability and performance of building.
- (e) Clarify provision of operable windows for GF commercial space.
- (f) Provide an updated assessment of effective ventilation against the BESS standard including an update to ventilation diagrams to include the whole of living areas in the single sided depth calculation. Kitchens should be included as part of living areas.
- (g) Provide daylight modelling and analysis to identify DF% across the development. (SMP, p.30 + 45)
- (h) Identify proportion of apartments with adequate external views.
- (i) Confirm use of low VOC, PVC and Formaldehyde building products.
- (j) Provide analysis to identify reduction in GHG emissions over reference building.
- (k) Confirm approach to water metering.
- (l) Provide details around material procurement in terms of recycled and reused materials.
- (m) Provide details around procurement of certified timber products.
- (n) Provide an assessment of local car share opportunities
- (o) Identify the location of EV infrastructure on basement plans.



- (p) Provide a construction Waste Management Plan that identifies strategies for reducing construction waste or firm commitment of recycling >80% of construction waste.
  - (q) Provide an operational Waste Management Plan that identifies waste generation, storage capacity and management of development. Identify strategies for collecting organic waste as part of the plan.
  - (r) Justify the provision of space, and identify a strategy for green waste within the operational Waste Management Plan (see above).
8. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Amended Acoustic Report**

9. Before the development commences, an amendment Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must be generally in accordance with the Acoustic Report prepared by WSP dated January 2020, but modified to include:
- (a) Reference to the decision plans and any changes pursuant to condition 1
  - (b) Road traffic noise measurements to quantify the Leq,16h and Leq,8h noise impacts to the subject site. Ideally unattended noise logging should be undertaken to quantify noise impacts over a representative period. If attended measurements only are conducted, the report should provide detail as to how the measured levels have been used to determine the Leq,16h and Leq,8h levels.
  - (c) Confirmation that road traffic noise levels will not exceed 45 dBA Leq,1hr in living rooms between the hours of 7 am to 10 pm and 35 dBA Leq,1hr in bedrooms between the hours of 10 pm and 7 am. Detailed advice for façade upgrade treatments to address road traffic noise, including minimum required acoustic ratings for glazing and walls.
  - (d) The requirement for any food and beverage tenancies proposed to operate after 10 pm on any night to commission an acoustic report assessing noise impacts from the use.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:
- (a) Compliance of the mechanical plant, car park entrance door, car stackers and loading bay with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings.
  - (b) Compliance with any recommendations or requirements of the report referenced within Condition 8.

When approved, the Acoustic Report will be endorsed and will then form part of this permit.

#### **Waste Management Plan**

12. Before the development commences, an amendment Waste Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified waste engineer and must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will form part of this permit. The WMP must be generally in accordance with the WMP prepared by WSP dated 9 December 2019, but modified to include:
- (a) Demonstrate that private and Council services do not operate at the same site.
  - (b) Please include any relevant risk assessments.

- (c) Details on path of access from the street to the bin collection point;
  - (d) Detail how the chute system will operate with regards to the changes in the waste service system recently announced by the State Government.(Multi Unit Apartments)(Glass separation).
  - (e) Excess space should be made available to accommodate future kerbside service for the townhouses.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
14. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### **Wind Tunnel Study**

15. Before the development commences, a Wind Tunnel Study to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Study will be endorsed and will form part of this permit. The Wind Tunnel Study to be conducted to qualify the wind strategies suggested by Windtech dated 3 February 2020 as well as to test and quantify the wind conditions against recognised wind criteria prior to development. The wind tunnel study will need to examine:
- (a) Existing Configuration wind conditions i.e. the wind conditions for the current building and surrounding buildings
  - (b) Proposed Configuration with existing surrounds
  - (c) Proposed Configuration with permitted and under construction surrounding buildings along the Heidelberg Road façade and any recommendations to achieve an acceptable wind comfort level for outdoor seating;
  - (d) Residential lobby entry to Parkview road
  - (e) Adjacent street corners (Parkview Road & Heidelberg Road and Park Avenue & Heidelberg Road).
16. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Public realm and Infrastructure**

17. Within three months of commencement of the development, the owner of the site must submit detailed engineering documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner showing the following:
- (a) Redesign of Parkview Road to accommodate the proposed vehicle crossover and turning circle movements
  - (b) Reconstruction of the kerb and channel along Parkview Road, Heidelberg Road and Park Avenue
  - (c) Resheeting of the pavement along Parkview Road immediately outside the property's frontage

#### **Timing of works**

18. Before the building is occupied, all works required by condition 16 must be fully constructed and completed at the full cost of the owner to the satisfaction of the Responsible Authority.

#### **Car parking**

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and

- (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

- 20. 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.
- 21. 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.
- 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.

### **Road Infrastructure**

- 23. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the power pole on Park Avenue adjacent to the proposed vehicle entrance necessary to facilitate the development must be undertaken:
  - (a) in accordance with any requirements or conditions imposed by the relevant authority;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
- 24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
- 26. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the public light poles necessary to facilitate the development must be undertaken:
  - (a) in accordance with any requirements or conditions imposed by the relevant authority;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
- 27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### **Lighting**

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating accesses to the car park, dwelling entrances and the residential lobby must be provided within the property boundary. Lighting must be:

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

to the satisfaction of the Responsible Authority.

**General**

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

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

to the satisfaction of the Responsible Authority.

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

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

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

33. 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.

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

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

**Construction Management Plan**

35. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,

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

During the construction:

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

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

### **Time Expiry**

37. This permit will expire if:

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

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

### **Notes:**

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

A building permit maybe required before development is commenced.

Provision must be made for drainage of the site to a legal point of discharge.

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

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

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

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

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

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

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

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

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

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

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

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website:

<http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

### **Department of Transport note**

Separate consent will be required from Head, Department of Transport (Department of Transport) under the Road Management Act 2004 for all buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. Heidelberg Road). Please contact the Department prior to commencing any works.

### Submissions made online during the meeting

Sam McCubbin, DKO Architects (for the applicant)

Bruce Hartnet, AFADA  
Todd Perry  
Sally Tonkin, AFADA

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Bosler

**Seconded:** Councillor Fristacky

That having considered all objections and relevant planning policies, the Committee resolves to recommend that VCAT issue a Planning Permit PLN19/0911 for Development of the land for construction of a multi-storey building, use of land for dwellings, construction of two or more dwellings, removal of party wall easements and reduction in the statutory car parking requirements at 700-718 Heidelberg Road, Alphington, generally in accordance with the plans noted previously as the "decision plans" and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (TP000 to T300, dated 31/1/2020, TP301 to TP308, dated 24/2/2020, TP309 to TP402, dated 31/1/2020, TP403 to TP428 dated 24/2/2020 and TP501, dated 31/1/2020 prepared by DKO) but modified to show:

#### Built form

- (a) Deletion of Levels 5, 6 and 7 of the apartment building to achieve a maximum height of five storeys.

- (b) Provision of deep soil planting to at least 15% of the site in accordance with Standard D10.
- (c) Allocation and volume of the external storage in accordance with standard D20 (Storage).
- (d) Incorporate more non-glazing material to Park Avenue retail frontage.
- (e) A continuous awning be provided along Heidelberg Road.
- (f) Provide glazing to the façade recess immediately south of main pedestrian entrance to ensure outlook to the lobby area.
- (g) Provide exact height to the top of the roof services.
- (h) Clearly demonstrate that over 50% of dwellings meet the accessibility standard by providing dimensions on apartment layouts.
- (i) Height of front fences on Park Avenue to be dimensioned.
- (j) Retail tenancy relabelled as 'shop' on the ground floor plan;
- (k) Any additional overlooking treatments to the southernmost apartments to demonstrate there is no direct views in adjacent secluded private open space or habitable room windows within 9m;
- (l) Details of privacy screening measures to the private balconies on Level 1 to prevent overlooking from the communal courtyard;
- (m) Any additional overlooking treatments to the south orientated apartments to demonstrate there is no direct internal views to the northernmost townhouse terrace and vice versa;
- (n) Dimensions provided on apartment layouts to demonstrate 50 per cent of dwellings within the development achieve Standard D17 (Accessibility) of Clause 58 of the Yarra Planning Scheme.
- (o) Demonstrate that existing corner building splays to Heidelberg Road are not encroached by built form;
- (p) Provide balcony width dimensions for apartments 2B, 2J, 2K.
- (q) Notations to confirm common corridor spaces receive natural ventilation.
- (r) Operability of habitable room windows to be clearly notated.

#### Car park and services

- (s) The depths of columns within the car park dimensioned.
- (t) Dimension the widths of vehicle crossing and the distance the vehicle crossing is to nearest intersection.
- (u) Clearance to walls from all car spaces to be dimensioned.
- (v) The stacker model and type is to be identified to establish the vehicle clearance height.
- (w) Section of the internal ramp showing the minimum head clearance measured perpendicular from the surface of the ramp to the underside of the ground floor slab.
- (x) Relocate the entry / access to the Substation and Main Switch away from the main pedestrian entry.
- (y) At least 20 visitor spaces that are accessible and clearly visible from the public realm, majority of which to be provided within the property boundary. The additional bicycle spaces within the public realm must be in accordance with *Council's Street Furniture details 01: Bicycle Hoops*.
- (z) A minimum of 80 resident/employee bicycle spaces within a secure and conveniently located compound internally and in accordance with the requirements of AS23890.3.

#### Reports and Plans

- (aa) Any amendments as required by the Amended Landscaping Plan pursuant to Condition 5
- (bb) Any amendments as required by the Amended Sustainable Management Plan pursuant to Condition 7, including recommended changes to meet NCC.
- (cc) Any amendments as required by the Amended Acoustic Report pursuant to condition 9.
- (dd) Any amendments as required by the Wind Tunnel Study pursuant to Condition 15
- (ee) Any amendments as required by the Amended Waste Management Plan pursuant to Condition 12.



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

#### **Façade Strategy**

3. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
  - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained, including any vegetation; and
  - (d) a sample board and coloured drawings outlining colours, materials and finishes.
  - (e) graffiti surfaces, finishes, materials to the lower levels and walls on site boundaries facing the public realm.

#### **Ongoing architect involvement**

4. As part of the ongoing consultant team, DKO Architecture Pty Ltd or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### **Amended Landscaping Plan Required**

5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Hansen Partnership and dated 3 February 2020, but modified to include (or show):
  - (a) Reflect amended plans pursuant to Condition 1 including deep soil planting for tree provision.
  - (b) WSUD initiatives contained within the endorsed SMP report to be notated.
  - (c) Show all existing street trees ensuring they are protected in accordance with AS1970-2009 Protection of Trees on Development Sites.
  - (d) Replace the proposed *Acanthus mollis* Oyster Plant.
  - (e) Substitute *Lomandra longifolia* 'Tanika' (LOM tan) with *Lomandra* 'shara' fluviatilis, *Lomandra filiformis* Wattle mat-rush (local provenance) or *Lomandra longifolia* (local provenance)
  - (f) Cross-sections details for planted areas and edges as well as dimensions of garden beds including depths.
  - (g) Plant numbers and planting plan to show location of balcony planting
  - (h) Details of planter size and depths of balcony planting
  - (i) Street paving materials consistent with Council's Public Domain Manual including:
    - (i) Sawn blue stone feature paving to entrances
    - (ii) Bluestone setts to carpark entrance thresholds
6. Before the new 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 at the cost of the permit holder and to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

to the satisfaction of the Responsible Authority.

#### **Amended Sustainable Management Plan**

7. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by SBE and dated 3 February 2020, but modified to include or show:

- (a) Increasing the solar generation capacity to maximise the potential in terms of orientation and roof area.
- (b) Increase the provision of bicycle parking with a target of 1:1 for bike parks to dwellings and provision for a minimum 3 bicycle spaces for the retail tenancies.
- (c) Included EV charging points for E-bikes and storage for cargo-bikes.
- (d) Provide end of trip facilities to support workers of retail tenancies.
- (e) Commit to the provision of a building Users Guide to optimise usability and performance of building.
- (f) Clarify provision of operable windows for GF commercial space.
- (g) Provide an updated assessment of effective ventilation against the BESS standard including an update to ventilation diagrams to include the whole of living areas in the single sided depth calculation. Kitchens should be included as part of living areas.
- (h) Provide daylight modelling and analysis to identify DF% across the development. (SMP, p.30 + 45)
- (i) Identify proportion of apartments with adequate external views.
- (j) Confirm use of low VOC, PVC and Formaldehyde building products.
- (k) Provide analysis to identify reduction in GHG emissions over reference building.
- (l) Confirm approach to water metering.
- (m) Provide details around material procurement in terms of recycled and reused materials.
- (n) Provide details around procurement of certified timber products.
- (o) Provide an assessment of local car share opportunities
- (p) Identify the location of EV infrastructure on basement plans.
- (q) Provide a construction Waste Management Plan that identifies strategies for reducing construction waste or firm commitment of recycling >80% of construction waste.
- (r) Provide an operational Waste Management Plan that identifies waste generation, storage capacity and management of development. Identify strategies for collecting organic waste as part of the plan.
- (s) Justify the provision of space, and identify a strategy for green waste and glass recycling within the operational Waste Management Plan (see above).

8. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Amended Acoustic Report**

9. Before the development commences, an amendment Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must be generally in accordance with the Acoustic Report prepared by WSP dated January 2020, but modified to include:

- (a) Reference to the decision plans and any changes pursuant to condition 1
  - (b) Road traffic noise measurements to quantify the  $Leq,16h$  and  $Leq,8h$  noise impacts to the subject site. Ideally unattended noise logging should be undertaken to quantify noise impacts over a representative period. If attended measurements only are conducted, the report should provide detail as to how the measured levels have been used to determine the  $Leq,16h$  and  $Leq,8h$  levels.
  - (c) Confirmation that road traffic noise levels will not exceed 45 dBA  $Leq,1hr$  in living rooms between the hours of 7 am to 10 pm and 35 dBA  $Leq,1hr$  in bedrooms between the hours of 10 pm and 7 am. Detailed advice for façade upgrade treatments to address road traffic noise, including minimum required acoustic ratings for glazing and walls.
  - (d) The requirement for any food and beverage tenancies proposed to operate after 10 pm on any night to commission an acoustic report assessing noise impacts from the use.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:
- (a) Compliance of the mechanical plant, car park entrance door, car stackers and loading bay with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings.
  - (b) Compliance with any recommendations or requirements of the report referenced within Condition 8.

When approved, the Acoustic Report will be endorsed and will then form part of this permit.

#### **Waste Management Plan**

12. Before the development commences, an amendment Waste Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified waste engineer and must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will form part of this permit. The WMP must be generally in accordance with the WMP prepared by WSP dated 9 December 2019, but modified to include:
- (a) Demonstrate that private and Council services do not operate at the same site.
  - (b) Please include any relevant risk assessments.
  - (c) Details on path of access from the street to the bin collection point;
  - (d) Detail how the chute system will operate with regards to the changes in the waste service system recently announced by the State Government.(Multi Unit Apartments)(Glass separation).
  - (e) Excess space should be made available to accommodate future kerbside service for the townhouses.
  - (f) The provision of glass and organic bin storage areas.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
14. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### **Wind Tunnel Study**

15. Before the development commences, a Wind Tunnel Study to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Study will be endorsed and will form part of this permit.

The Wind Tunnel Study to be conducted to qualify the wind strategies suggested by Windtech dated 3 February 2020 as well as to test and quantify the wind conditions against recognised wind criteria prior to development. The wind tunnel study will need to examine:

- (a) Existing Configuration wind conditions i.e. the wind conditions for the current building and surrounding buildings
- (b) Proposed Configuration with existing surrounds
- (c) Proposed Configuration with permitted and under construction surrounding buildings along the Heidelberg Road façade and any recommendations to achieve an acceptable wind comfort level for outdoor seating;
- (d) Residential lobby entry to Parkview road
- (e) Adjacent street corners (Parkview Road & Heidelberg Road and Park Avenue & Heidelberg Road).

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

#### **Public realm and Infrastructure**

17. Within three months of commencement of the development, the owner of the site must submit detailed engineering documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner showing the following:
- (a) Redesign of Parkview Road to accommodate the proposed vehicle crossover and turning circle movements
  - (b) Reconstruction of the kerb and channel along Parkview Road, Heidelberg Road and Park Avenue
  - (c) Resheeting of the pavement along Parkview Road immediately outside the property's frontage

#### **Timing of works**

18. Before the building is occupied, all works required by condition 16 must be fully constructed and completed at the full cost of the owner to the satisfaction of the Responsible Authority.

#### **Car parking**

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

20. 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.
21. 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.
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.

### **Road Infrastructure**

23. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the power pole on Park Avenue adjacent to the proposed vehicle entrance necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
26. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the public light poles necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### **Lighting**

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating accesses to the car park, dwelling entrances and the residential lobby must be provided within the property boundary. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

### **General**

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

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

to the satisfaction of the Responsible Authority.

- 30. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 31. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 33. 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.
- 34. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

#### **Construction Management Plan**

- 35. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
  - (vi) any site-specific requirements.

During the construction:

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

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

#### **Time Expiry**

37. This permit will expire if:

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

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

#### **Notes:**

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

A building permit maybe required before development is commenced.

Provision must be made for drainage of the site to a legal point of discharge.

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

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

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

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

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

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

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

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

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

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

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

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website:

<http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>



**Department of Transport note**

Separate consent will be required from Head, Department of Transport (Department of Transport) under the Road Management Act 2004 for all buildings and works undertaken outside the title boundary within a Road Zone Category 1 (i.e. Heidelberg Road). Please contact the Department prior to commencing any works

**CARRIED UNANIMOUSLY**

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**1.2      PLN18/0442 - 291-295 Swan Street, Richmond - Part demolition, the construction of a seven storey building, the use of the land for a residential hotel (serviced apartments), food and drink premises and shop, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing the crossover to Swan Street.**

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Reference:    D20/127817

Authoriser:   Coordinator Statutory Planning

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Internal Development Approvals Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0422 for part demolition, construction of a seven-storey building, use of the land for a residential hotel (serviced apartments), food and drink premises and shops, reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 at 291-295 Swan Street, Richmond subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by David Edelman Architects dated 23 & 28 May 2020, but modified to show:
  - (a) Removal of the 'hotel' sign from the Swan Street façade from coloured perspectives;
  - (b) Non-reflective glazing in all windows within the 'heritage' hotel;
  - (c) Dimensions of the height, projection and setback from the kerb of all proposed canopies, with the minimum clearance height above the footpath to be 2.7m and the minimum setback from the face of the kerb to be 750mm.;
  - (d) An updated Material and Finishes Schedule, to include all corresponding codes and details;
  - (e) The capacity of the solar panels to be notated on the roof plan;
  - (f) Removal of the car parking space within the 'carriageway' easement;
  - (g) Deletion of the notation to remove the Duke Street crossover;
  - (h) A detailed overlooking diagram, demonstrating that no direct line of sight is available to habitable room windows or SPOS within 9m of any north-facing rooms. The dimensions, locations and transparency of any overlooking treatment measures must be clearly outlined on all relevant drawings;
  - (i) A shower/change room facility provided for employee use;
  - (j) The design of the roller door addressing Coppin Street amended to be composed of a 'mesh' or permeable material;
  - (k) A convex mirror adjacent to the Coppin Street exit to assist exiting motorists in viewing footpath conditions;
  - (l) Swept path diagrams demonstrating that a B85 design vehicle can adequately enter and exit car spaces 1 and 2;
  - (m) The addition of an advisory sign at the entrance to the loading bay, specifying the maximum height of vehicle that can access this space;
  - (n) Any changes required by the amended Sustainable Management Plan at Condition 3, including (but not limited to);
    - (i) A degree of operability to all external hotel room windows;
    - (ii) A degree of operability to the internal atrium;
    - (iii) Details confirming that the 'buffer strip' has suitable sub-surface slotted ag pipe to handle drainage from driveway, with a section diagram demonstrating this in the form of a drainage plan;
    - (iv) Electric vehicle (EV) charging infrastructure and a minimum 40A single phase electrical sub circuit in the car parking areas;

- (o) Any changes required by the amended Waste Management Plan at Condition 6;
  - (p) Any changes required by the Conservation Works Schedule at Condition 8;
  - (q) Any changes required by the amended Acoustic Report at Condition 11;
  - (r) Any changes required by the Landscape Plan at Condition 13.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### **Sustainability Management Plan**

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 14 May 2018, but modified to include:
- (a) A degree of operability to all external hotel room windows;
  - (b) A degree of operability to the internal atrium;
  - (c) Either the provision of additional thermal energy analysis to demonstrate that cooling loads to north-facing residential windows at the upper levels have lower than 30MJ/m2, or equivalent, or the provision of shading measures to these rooms to alleviate heat gain;
  - (d) Details confirming that the 'buffer strip' has suitable sub-surface slotted ag pipe to handle drainage from driveway, with a section diagram demonstrating this in the form of a drainage plan;
  - (e) An organic waste management system, such as compost;
  - (f) Electric vehicle (EV) charging infrastructure and a minimum 40A single phase electrical sub circuit in the car parking areas;
  - (g) The use of low VOC wall, floor and ceiling coverings, and zero formaldehyde engineered timber products;
  - (h) The use of FSC accredited timber for all timber within the development;
  - (i) Concrete mixes with a minimum recycled/post industrial waste content;
  - (j) Environmentally certified PVC for all pipework, flooring, blinds and cables; and
  - (k) The provision of an Environmental Management Plan, to be prepared by the builder, to manage and monitor activities undertaken during construction
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Prior to the occupation of the development approved under this planning permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must include:
- (a) The provision of a completed energy report (JV3 or equivalent) demonstrating that the energy efficiency targets have been met.

### **Waste Management Plan**

6. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 10 August 2018, but modified to include:
- (a) The proposed bin room increased in scale to a minimum of double the existing scale;

- (b) An organic waste management system, such as compost;
  - (c) Further details regarding the separation, storage and disposal of e-waste.
7. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority

### **Conservation Works Schedule**

8. Before the development commences, a Conservation Works Schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Works Schedule will be endorsed and will then form part of this permit. The Conservation Works Schedule must be prepared by a suitably qualified conservation consultant or architect and include;
- (a) A comprehensive schedule of conservation works, including the reconstruction of the parapet, pediment and statue of "Hospitality";
  - (b) A microscopic paint analysis, to indicate whether the hotel was originally unpainted render, had a render wash or notes any original early surface colour. This also applies to any timber and original metalwork;
  - (c) Details of all proposed finishes/colours in response to the paint analysis.
9. The provisions, recommendations and requirements of the endorsed Conservation Works Schedule must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Façade Strategy**

10. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained, including any vegetation; and
  - (d) a sample board and coloured drawings outlining colours, materials and finishes.

### **Acoustic Report**

11. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Audiometric & Acoustic Services and dated 6 September 2018, but modified to include;
- (a) The 2018 noise level data referenced in the original report;
  - (b) Compliance with the following road traffic design targets;
    - (i) 35 dBA Leq,9hr in bedrooms overlooking Swan Street, and
    - (ii) 40 dBA Leq,15hr in living rooms.
  - (c) SEPP N-1 noise limits, with confirmation that these limits are met by mechanical plant associated with the existing hotel and any plant serving the ground floor commercial tenancies, common areas and the roof top terrace;
  - (d) Advice on the setting and monitoring of music levels to ensure that SEPP N-2 noise levels are not exceeded;
  - (e) Operating hours of roof terrace and patron numbers amended to reflect the 10pm closing time and maximum of 100 patrons.

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

### **Landscape Plan**

13. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include;
  - (a) Detailed planting plans and plant schedules, with these documents to contain the following information;
    - (i) The botanical names, common names, mature height and spread, installation size and plant spacing's of all proposed plants (with plant selection to consider the amount of shade or sunlight each terrace will receive, as well as fostering biodiversity);
    - (ii) A detailed planting plan showing plant locations and quantities;
    - (iii) A legend containing key features, materials and surfaces;
    - (iv) Dimensions of any raised planter areas;
    - (v) Planter material;
  - (b) Details showing watering proofing, soil media specification, drainage and layers, mulch;
  - (c) Information on irrigation and drainage systems
  - (d) Notes on the maintenance schedule, tasks and duration, and maintenance access; and,
  - (e) Details on the load bearing weights for the building (with these to be checked and confirmed by suitably qualified structural engineers against the saturated bulk density of soil media, planter box and plant mass proposed).
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
15. Before the development commences, the permit holder must provide an Asset Protection Bond of \$8,000 (ex GST) for the two trees in Swan Street adjacent to the frontage of the development to the Responsible Authority. The security bond:
  - (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) in accordance with the requirements of this permit; or
  - (d) otherwise to the satisfaction of the Responsible Authority.

### **Uses**

16. Except with the prior written consent of the Responsible Authority, the ground floor shop uses authorised by this planning permit may only operate between the hours of 7:00am to 11:00pm, seven days a week.

17. Except with the prior written consent of the Responsible Authority, the ground floor 'hotel' use authorised by this planning permit may only operate between the hours of 7:00am to 1am (the following day), seven days a week.
18. No more than 143 patrons are permitted within the ground floor venue at any one time.
19. Except with the prior written consent of the Responsible Authority, the rooftop terrace café use authorised by this planning permit may only operate between the hours of 11:00am to 10:00pm, seven days a week.
20. No more than 100 patrons are permitted within the rooftop terrace at any one time.
21. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
  - (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) The presence of vermin.
22. The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
23. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
24. The provision of music and entertainment on the land must be at a background noise level.
25. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
26. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### **Hotel Management Plan**

27. Before the use commences, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will form part of this permit. The Hotel Management Plan must include, but not be limited to, the following:
  - (a) Reception operating hours;
  - (b) Staffing/Management arrangements;
  - (c) Provisions for 'after-hours' arrivals and departures; and,
  - (d) Security arrangements.
28. The provisions, recommendations and requirements of the endorsed Hotel Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

29. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:

- (a) Guests of the residential hotel (within those rooms which rely on 'borrowed light') to be restricted to maximum stay of 30 days; and
- (b) The residential hotel (serviced apartments) must be managed by a single operator and not disposed of as individual lots.

## **General**

- 30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensityto the satisfaction of the Responsible Authority.
- 31. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 33. 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.
- 34. 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.
- 35. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) Constructed and available for use in accordance with the endorsed plans.
  - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
  - (c) Line-marked or provided with some adequate means of showing the car parking spaces.
  - (d) to the satisfaction of the Responsible Authority.

## **Civil Works**

- 37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
- 38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority.
- 39. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 40. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 41. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
- 42. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken, at the permit holder's cost and to the satisfaction of the Responsible Authority:
  - (a) The footpath immediately outside the site on Swan Street must be stripped and re-sheeted.

#### **VicRoads Conditions (43 to 45)**

- 43. The canopy along the Swan Street boundary to be setback back no less than 750mm from the back of kerb.
- 44. Prior to the commencement of the development excluding site preparation works, demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, soil remediation, piling, footings, ground beams and ground slabs, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Swan Street boundary (i.e. the canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Swan Street road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
- 45. All disused or redundant vehicle crossing/s along Swan Street must be removed and the area reinstated to kerb, channel and footpath at no cost to VicRoads (the Roads Corporation) and to the satisfaction of the Responsible Authority prior to the occupation of the buildings hereby approved.

#### **Construction Management Plan**

- 46. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management Plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;



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

47. 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.

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

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

### **Construction hours & noise**

49. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time

### **Permit Expiry**

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

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

### **Notes:**

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

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

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

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

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

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

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

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

Separate consent may be required from VicRoads under the *Road Management Act 2004* for all buildings and works (including projections, canopies, fixed shading devices, balcony framing etc) undertaken outside the title boundary within a Road Zone Category.

#### Submissions made online during the meeting

Patrick Brennan, Contour (for the applicant)

Belinda Hanneberry  
Sue Henry  
Vicky Papageorgiou  
Stephen Daley

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

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

That having considered all objections and relevant planning policies, the Internal Development Approvals Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0422 for part demolition, construction of a seven-storey building, use of the land for a residential hotel (serviced apartments), food and drink premises and shops, reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 at 291-295 Swan Street, Richmond subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by David Edelman Architects dated 23 & 28 May 2020, but modified to show:
  - (a) A reduction in the overall height to a maximum of five storeys,
  - (b) Deletion of the roof top food and drinks premises,
  - (c) Double glazing provided all windows located opposite existing residential uses,
  - (d) Removal of the 'hotel' sign from the Swan Street façade from coloured perspectives;
  - (e) Non-reflective glazing in all windows within the 'heritage' hotel;
  - (f) Dimensions of the height, projection and setback from the kerb of all proposed canopies, with the minimum clearance height above the footpath to be 2.7m and the minimum setback from the face of the kerb to be 750mm.;
  - (g) An updated Material and Finishes Schedule, to include all corresponding codes and details;
  - (h) The capacity of the solar panels to be notated on the roof plan;
  - (i) Removal of the car parking space within the 'carriageway' easement;
  - (i) Deletion of the notation to remove the Duke Street crossover;
  - (k) A detailed overlooking diagram, demonstrating that no direct line of sight is available to habitable room windows or SPOS within 9m of any north-facing rooms. The dimensions, locations and transparency of any overlooking treatment measures must be clearly outlined on all relevant drawings with screening measures up to a minimum of 1.7 metres above finished floor level;
  - (l) A shower/change room facility provided for employee use;

- (m) The design of the roller door addressing Coppin Street amended to be composed of a 'mesh' or permeable material and be a tilt operation.
- (n) A convex mirror adjacent to the Coppin Street exit to assist exiting motorists in viewing footpath conditions;
- (o) Swept path diagrams demonstrating that a B85 design vehicle can adequately enter and exit car spaces 1 and 2;
- (p) The addition of an advisory sign at the entrance to the loading bay, specifying the maximum height of vehicle that can access this space;
- (q) Any changes required by the amended Sustainable Management Plan at Condition 3, including (but not limited to);
  - (i) A degree of operability to all external hotel room windows;
  - (ii) A degree of operability to the internal atrium;
  - (iii) Details confirming that the 'buffer strip' has suitable sub-surface slotted ag pipe to handle drainage from driveway, with a section diagram demonstrating this in the form of a drainage plan;
  - (iv) Electric vehicle (EV) charging infrastructure and a minimum 40A single phase electrical sub circuit in the car parking areas;
- (r) Any changes required by the amended Waste Management Plan at Condition 6;
- (s) Any changes required by the Conservation Works Schedule at Condition 8;
- (t) Any changes required by the amended Acoustic Report at Condition 11;
- (u) Any changes required by the Landscape Plan at Condition 15.

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

### **Sustainability Management Plan**

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 14 May 2018, but modified to include:
  - (a) A degree of operability to all external hotel room windows;
  - (b) A degree of operability to the internal atrium;
  - (c) Either the provision of additional thermal energy analysis to demonstrate that cooling loads to north-facing residential windows at the upper levels have lower than 30MJ/m2, or equivalent, or the provision of shading measures to these rooms to alleviate heat gain;
  - (d) Details confirming that the 'buffer strip' has suitable sub-surface slotted ag pipe to handle drainage from driveway, with a section diagram demonstrating this in the form of a drainage plan;
  - (e) An organic waste management system, such as compost;
  - (f) Electric vehicle (EV) charging infrastructure and a minimum 40A single phase electrical sub circuit in the car parking areas;
  - (g) The use of low VOC wall, floor and ceiling coverings, and zero formaldehyde engineered timber products;
  - (h) The use of FSC accredited timber for all timber within the development;
  - (i) Concrete mixes with a minimum recycled/post industrial waste content;
  - (j) Environmentally certified PVC for all pipework, flooring, blinds and cables; and
  - (k) The provision of an Environmental Management Plan, to be prepared by the builder, to manage and monitor activities undertaken during construction
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

5. Prior to the occupation of the development approved under this planning permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must include:
  - (a) The provision of a completed energy report (JV3 or equivalent) demonstrating that the energy efficiency targets have been met.

### **Waste Management Plan**

6. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 10 August 2018, but modified to include:
  - (a) The proposed bin room increased in scale to a minimum of double the existing scale;
  - (b) An organic waste management system, such as compost;
  - (c) A glass recycling management system;
  - (d) Further details regarding the separation, storage and disposal of e-waste.
7. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority

### **Conservation Works Schedule**

8. Before the development commences, a Conservation Works Schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Works Schedule will be endorsed and will then form part of this permit. The Conservation Works Schedule must be prepared by a suitably qualified conservation consultant or architect and include:
  - (a) A comprehensive schedule of conservation works, including the reconstruction of the parapet, pediment and statue of "Hospitality";
  - (b) A microscopic paint analysis, to indicate whether the hotel was originally unpainted render, had a render wash or notes any original early surface colour. This also applies to any timber and original metalwork;
  - (c) Details of all proposed finishes/colours in response to the paint analysis.
9. The provisions, recommendations and requirements of the endorsed Conservation Works Schedule must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Façade Strategy**

10. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
  - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained, including any vegetation; and
  - (d) a sample board and coloured drawings outlining colours, materials and finishes.

## Acoustic Report

11. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Audiometric & Acoustic Services and dated 6 September 2018, but modified to include;
  - (a) The 2018 noise level data referenced in the original report;
  - (b) Compliance with the following road traffic design targets;
    - (i) 35 dBA Leq,9hr in bedrooms overlooking Swan Street, and
    - (ii) 40 dBA Leq,15hr in living rooms.
  - (c) SEPP N-1 noise limits, with confirmation that these limits are met by mechanical plant associated with the existing hotel and any plant serving the ground floor commercial tenancies, common areas and the roof top terrace;
  - (d) Advice on the setting and monitoring of music levels to ensure that SEPP N-2 noise levels are not exceeded;
  - (e) Operating hours of roof terrace and patron numbers amended to reflect the 10pm closing time and maximum of 100 patrons.
12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

## Green Travel Plan

13. Before the use commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit.
14. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

## Landscape Plan

15. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include;
  - (a) Detailed planting plans and plant schedules, with these documents to contain the following information;
    - (i) The botanical names, common names, mature height and spread, installation size and plant spacing's of all proposed plants (with plant selection to consider the amount of shade or sunlight each terrace will receive, as well as fostering biodiversity);
    - (ii) A detailed planting plan showing plant locations and quantities;
    - (iii) A legend containing key features, materials and surfaces;
    - (iv) Dimensions of any raised planter areas;
    - (v) Planter material;
  - (b) Details showing watering proofing, soil media specification, drainage and layers, mulch;
  - (c) Information on irrigation and drainage systems
  - (d) Notes on the maintenance schedule, tasks and duration, and maintenance access; and,
  - (e) Details on the load bearing weights for the building (with these to be checked and confirmed by suitably qualified structural engineers against the saturated bulk density of soil media, planter box and plant mass proposed).

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
17. Before the development commences, the permit holder must provide an Asset Protection Bond of \$8,000 (ex GST) for the two trees in Swan Street adjacent to the frontage of the development to the Responsible Authority. The security bond:
  - (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) in accordance with the requirements of this permit; or
  - (d) otherwise to the satisfaction of the Responsible Authority.

### Uses

18. Except with the prior written consent of the Responsible Authority, the ground floor shop uses authorised by this planning permit may only operate between the hours of 7:00am to 11:00pm, seven days a week.
19. Except with the prior written consent of the Responsible Authority, the ground floor 'hotel' use authorised by this planning permit may only operate between the hours of 7:00am to 1am (the following day), seven days a week.
20. No more than 143 patrons are permitted within the ground floor venue at any one time.
21. Except with the prior written consent of the Responsible Authority, the rooftop terrace café use authorised by this planning permit may only operate between the hours of 11:00am to 10:00pm, seven days a week.
22. No more than 100 patrons are permitted within the rooftop terrace at any one time.
23. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
  - (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) The presence of vermin.
24. The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
25. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
26. The provision of music and entertainment on the land must be at a background noise level.
27. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

28. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### **Hotel Management Plan**

29. Before the use commences, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will form part of this permit. The Hotel Management Plan must include, but not be limited to, the following:
- (a) Reception operating hours;
  - (b) Staffing/Management arrangements;
  - (c) Provisions for 'after-hours' arrivals and departures;
  - (d) Management strategies to ensure patrons exit the site and its immediate environs in an orderly manner; and
  - (e) Security arrangements.
30. The provisions, recommendations and requirements of the endorsed Hotel Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

31. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Guests of the residential hotel (within those rooms which rely on 'borrowed light') to be restricted to maximum stay of 30 days; and
  - (b) The residential hotel (serviced apartments) must be managed by a single operator and not disposed of as individual lots.

### **General**

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity to the satisfaction of the Responsible Authority.
33. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
34. 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.
35. 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.



- 36. Before the building is occupied, any wall located on a boundary facing public property or any blank wall, must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
- 37. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) Constructed and available for use in accordance with the endorsed plans.
  - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
  - (c) Line-marked or provided with some adequate means of showing the car parking spaces.
  - (d) to the satisfaction of the Responsible Authority.

### **Civil Works**

- 39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
- 40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 41. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 42. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 43. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
- 44. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken, at the permit holder's cost and to the satisfaction of the Responsible Authority:
  - (a) The footpath immediately outside the site on Swan Street must be stripped and re-sheeted.

### **VicRoads Conditions (45 to 47)**

- 45. The canopy along the Swan Street boundary to be setback back no less than 750mm from the back of kerb.

46. Prior to the commencement of the development excluding site preparation works, demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, soil remediation, piling, footings, ground beams and ground slabs, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Swan Street boundary (i.e. the canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Swan Street road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
47. All disused or redundant vehicle crossing/s along Swan Street must be removed and the area reinstated to kerb, channel and footpath at no cost to VicRoads (the Roads Corporation) and to the satisfaction of the Responsible Authority prior to the occupation of the buildings hereby approved.

### **Construction Management Plan**

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

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

**49. 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.

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

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

**Construction hours & noise**

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

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

**Permit Expiry**

**52. This permit will expire if:**

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

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

**Notes:**

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

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

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

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

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

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

**All future business owners, occupiers, lessees and employees working within the development approved under this permit will not be permitted to obtain business, residential or visitor car parking permits.**

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

Separate consent may be required from VicRoads under the *Road Management Act 2004* for all buildings and works (including projections, canopies, fixed shading devices, balcony framing etc) undertaken outside the title boundary within a Road Zone Category

**CARRIED UNANIMOUSLY**

- 
- 1.3 PLN13/0152.03 - 200 Gipps Street and 1 Harper Street, Abbotsford - Section 72 amendment to include the use of the land as a restricted retail premises and indoor recreational facility, modify the warehouse to allow the storage of sporting goods associated with the restricted retail premises instead of furniture, display of internally illuminated business identification signage, external alterations to the existing building and a further reduction in the car parking requirements of the Yarra Planning Scheme**
- 

Reference: D20/126961

Authoriser: Coordinator Statutory Planning

## RECOMMENDATION

That the Committee resolves to issue a Notice of Decision to Grant an amended planning permit PLN13/0152.03 for the use of the land as a warehouse (sporting goods), office, restricted retail premises, indoor recreational facility, food and drink premises (cafe) and the sale and consumption of liquor (cafe/restaurant licence), a reduction in the car parking, display of business identification signage including internally illuminated signage and construction of buildings and works to the existing building at 200 Gipps Street and 1 Harper Street, Abbotsford VIC 3067, generally in accordance with the plans and reports noted previously as the “decision plans” subject to the following changes to the permit preamble/conditions (**in bold**):

1. Before the **use or** development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans **prepared by ACRD and dated 10 March 2010** but modified to show:
  - (a) **The the installation of convex mirrors to the vehicle entry along Harper Street;**
  - (b) **All bicycle space dimensions to comply with Australian Standard AS2890.3;**
  - (c) **The provision of four staff bicycle spaces within a secure (i.e. lockable) facility internal to the building;**
  - (d) **Details (dimensions and images) of the proposed signage associated with the flags and banners along the Gipps Street façade; and**
  - (e) **Any changes as required by the amended Waste Management Plan pursuant to Condition 14.**
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

### Hours

3. Without the prior written consent of the Responsible Authority, the warehouse use may only operate between the hours of:
  - (a) Monday to Friday: 9.00 am – 5.30 pm
  - (b) Saturday: 10.00 am – 5.00 pm
  - (c) Sunday: 10.00 am – 4.00 pm
4. Without the prior written consent of the Responsible Authority, the food and drinks premises (café) may only operate between the hours of:
  - (a) Monday to Friday: 7.30 am - 5.30 pm
  - (b) Saturday: 7.30 am – 5.00 pm
  - (c) Sunday: 7.30 am – 4.00 pm

5. Without the prior written consent of the Responsible Authority, the use of the land for the sale and consumption of liquor may only operate between the hours of:
  - (a) Monday to Friday: 9.00 am – 5.30 pm
  - (b) Saturday: 10.00 am – 5.00 pm
  - (c) Sunday: 10.00 am – 4.00 pm
6. Except with the prior written consent of the Responsible Authority, the office authorised by this permit may only operate between the following hours:
  - (a) Monday to Friday: 9.00 am – 5.30 pm
  - (b) Saturday: 10.00 am – 5.00 pm
  - (c) Sunday: 10.00 am – 4.00 pm
7. **Except with the prior written consent of the Responsible Authority, the restricted retail premises use may only operate between the hours of:**
  - (a) **Monday to Sunday: 10.00am to 5.30pm**
8. **Except with the prior written consent of the Responsible Authority, the indoor recreational facility use may only operate between the hours of:**
  - (b) **Monday to Sunday: 10.00am to 5.30pm**

#### Staff

9. Not more than **6** staff may be present on the premises at any one time in association with the food and drinks premises (café) without the prior written consent of the Responsible Authority.
10. Not more than **6** staff may be present on the premises at any one time in association with the warehouse without the prior written consent of the Responsible Authority.
11. No more than **8** staff associated with the office use are permitted on the land at any one time.
12. **No more than 8 staff associated with the restricted retail premises use are permitted on the land at any one time.**

#### Patron Numbers

13. No more than 50 patrons are to be permitted within the food and drinks premises and area designated for the sale and consumption of liquor at any one time without the further written consent of the Responsible Authority.
14. **No more than 20 persons are permitted within the restricted retail tenancy when the indoor recreational facility is in use.**

#### Music

15. No live or DJ playing amplified music may be provided on the premises. Any amplified recorded music must be restricted to background levels only.
16. No speakers may be located outside the building, including the raised deck facing Gipps Street.

#### Noise and Amenity Action Plan

17. Before the sale and consumption and liquor begins, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. The Noise and Amenity Action Plan should include, but not be restricted to those matters outlined at Clause 22.09-4.3 of the Yarra Planning Scheme. When approved, the Noise and Amenity Action Plan will be endorsed and will then form part of the permit. The use must operate in accordance with the endorsed Noise and Amenity Action Plan to the satisfaction of the Responsible Authority.

#### Waste

18. Before the plans are endorsed in accordance with condition 1, an **amended** waste management plan must be submitted to and approved by the Responsible Authority. Once approved, the waste management plan will be endorsed and will then form part of the permit. The Waste Management Plan must detail who will undertake waste collection, the location and size of the storage area, hours when collection will occur (must be in accordance with Council's Local Law No. 3), and the method of presentation of bins for collection. Waste collection from the development must be in accordance with the endorsed Waste Management Plan, to the satisfaction of the Responsible Authority.

#### Loading and unloading/deliveries

19. No deliveries or loading or unloading of any goods may occur via the laneway on the western side of the site.
20. All delivery and collection of goods associated with the all land uses must be conducted between 9.00 am and 5.30 pm Monday to Friday to the satisfaction of the Responsible Authority.

#### General amenity

21. **Demonstration matches, parties or private hire of the pitch associated with the indoor recreational facility must:**
  - (a) **Involve no more than three games per week.**
  - (b) **Involve no more than one game per day.**
  - (c) **Exceed a maximum duration of 40 minutes.**
  - (d) **Be occupied by a maximum of 16 persons.**
  - (e) **Not involve amplified speech or whistle use.**
22. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
23. The uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1) or State Environment Protection Policy (Control of Music Noise from Public Premises) No. N 2, as relevant, to the satisfaction of the Responsible Authority.
24. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
25. The car parking area must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
26. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) The transport of materials, goods or commodities to or from land;
  - (b) The appearance of any buildings, works or materials;

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

Roads and infrastructure

- 27. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.
- 28. The redundant vehicle crossing on the north side of Gipps Street immediately west of the property's eastern boundary must be demolished and reinstated with paving, kerb and channel of the surrounding area to Council's satisfaction and at the developer's expense.
- 29. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am - 6 pm, Monday-Friday (including public holidays) and 7 am - 1 pm, Saturday. No work is to be carried out on Sundays. All site operations must comply with the relevant Environment Protection Authority Guidelines on Construction and Demolition Noise.
- 30. **All windows and doors are to be closed during use of the indoor recreational facility.**

Signage

- 31. **The location and details of the signs, including the supporting structure, 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.**
- 32. **The signs must not include any flashing or intermittent light.**
- 33. **The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.**
- 34. **Before the works are completed, 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.**

Expiry

- 35. **The signage component of this permit expires 15 years from the date of the amended permit.**
- 36. **Upon expiry of the signage component of this permit, the approved signs and structures built specially to support or illuminate signage must be removed.**
- 37. This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within two years of the date of this **amended** permit.
  - (b) The development is not completed within four years of the date of this **amended** permit.
  - (c) **The restricted retail premises or indoor recreational facility uses are not started within two years of the date of this amended permit.**
  - (d) **The signs are not erected within four years of the date of this amended permit.**



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

NOTE: The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

NOTE: 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.

#### Submissions made online during the meeting

James Connolly, Platinum Planning Solutions (for the applicant)

Anthony Hoffman, Ultra Football (applicant)

### INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Bosler

That the Committee resolves to issue a Notice of Decision to Grant an amended planning permit PLN13/0152.03 for the use of the land as a warehouse (sporting goods), office, restricted retail premises, indoor recreational facility, food and drink premises (cafe) and the sale and consumption of liquor (cafe/restaurant licence), a reduction in the car parking, display of business identification signage including internally illuminated signage and construction of buildings and works to the existing building at 200 Gipps Street and 1 Harper Street, Abbotsford VIC 3067, generally in accordance with the plans and reports noted previously as the "decision plans" subject to the following changes to the permit preamble/conditions (**in bold**):

1. Before the **use or** development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans **prepared by ACRD and dated 10 March 2010** but modified to show:
  - (a) **The the installation of convex mirrors to the vehicle entry along Harper Street;**
  - (b) **All bicycle space dimensions to comply with Australian Standard AS2890.3;**
  - (c) **The provision of four staff bicycle spaces within a secure (i.e. lockable) facility internal to the building;**
  - (d) **Details (dimensions and images) of the proposed signage associated with the flags and banners along the Gipps Street façade; and**
  - (e) **Any changes as required by the amended Waste Management Plan pursuant to Condition 14.**
  - (f) At least 50% of all bicycle spaces to be horizontal floor mounted spaces.
  - (g) The bike spaces to include E-bike charging facilities.
  - (h) Treatment of all lower level walls, where works are proposed, with a graffiti-proof finish.

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

Hours

3. Without the prior written consent of the Responsible Authority, the warehouse use may only operate between the hours of:
  - (a) Monday to Friday: 9.00 am – 5.30 pm
  - (b) Saturday: 10.00 am – 5.00 pm
  - (c) Sunday: 10.00 am – 4.00 pm
4. Without the prior written consent of the Responsible Authority, the food and drinks premises (café) may only operate between the hours of:
  - (a) Monday to Friday: 7.30 am - 5.30 pm
  - (b) Saturday: 7.30 am – 5.00 pm
  - (c) Sunday: 7.30 am – 4.00 pm
5. Without the prior written consent of the Responsible Authority, the use of the land for the sale and consumption of liquor may only operate between the hours of:
  - (a) Monday to Friday: 9.00 am – 5.30 pm
  - (b) Saturday: 10.00 am – 5.00 pm
  - (c) Sunday: 10.00 am – 4.00 pm
6. Except with the prior written consent of the Responsible Authority, the office authorised by this permit may only operate between the following hours:
  - (a) Monday to Friday: 9.00 am – 5.30 pm
  - (b) Saturday: 10.00 am – 5.00 pm
  - (c) Sunday: 10.00 am – 4.00 pm
7. **Except with the prior written consent of the Responsible Authority, the restricted retail premises use may only operate between the hours of:**
  - (a) **Monday to Sunday: 10.00am to 5.30pm**
8. **Except with the prior written consent of the Responsible Authority, the indoor recreational facility use may only operate between the hours of:**
  - (b) **Monday to Sunday: 10.00am to 5.30pm**

Staff

9. Not more than **6** staff may be present on the premises at any one time in association with the food and drinks premises (café) without the prior written consent of the Responsible Authority.
10. Not more than **6** staff may be present on the premises at any one time in association with the warehouse without the prior written consent of the Responsible Authority.
11. No more than **8** staff associated with the office use are permitted on the land at any one time.
12. **No more than 8 staff associated with the restricted retail premises use are permitted on the land at any one time.**

#### Patron Numbers

13. No more than 50 patrons are to be permitted within the food and drinks premises and area designated for the sale and consumption of liquor at any one time without the further written consent of the Responsible Authority.
14. **No more than 20 persons are permitted within the restricted retail tenancy when the indoor recreational facility is in use.**

#### Music & Speeches

15. No live or DJ playing amplified music or speakers for speeches may be provided on the premises. Any amplified recorded music must be restricted to background levels only.
16. No speakers may be located outside the building, including the raised deck facing Gipps Street.

#### Noise and Amenity Action Plan

17. Before the sale and consumption and liquor begins, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. The Noise and Amenity Action Plan should include, but not be restricted to those matters outlined at Clause 22.09-4.3 of the Yarra Planning Scheme. When approved, the Noise and Amenity Action Plan will be endorsed and will then form part of the permit. The use must operate in accordance with the endorsed Noise and Amenity Action Plan to the satisfaction of the Responsible Authority.

#### Waste

18. Before the plans are endorsed in accordance with condition 1, an **amended** waste management plan must be submitted to and approved by the Responsible Authority. Once approved, the waste management plan will be endorsed and will then form part of the permit. The Waste Management Plan must detail who will undertake waste collection, the location and size of the storage area, hours when collection will occur (must be in accordance with Council's Local Law No. 3), and the method of presentation of bins for collection and provision for glass and organic waste recycling. Waste collection from the development must be in accordance with the endorsed Waste Management Plan, to the satisfaction of the Responsible Authority.

#### Loading and unloading/deliveries

19. No deliveries or loading or unloading of any goods may occur via the laneway on the eastern or western side of the site.
20. All delivery and collection of goods associated with the all land uses must be conducted between 9.00 am and 5.30 pm Monday to Friday to the satisfaction of the Responsible Authority.

#### General amenity

21. **Demonstration matches, parties or private hire of the pitch associated with the indoor recreational facility must:**
  - (a) **Involve no more than three games per week.**
  - (b) **Involve no more than one game per day.**
  - (c) **Exceed a maximum duration of 40 minutes.**
  - (d) **Be occupied by a maximum of 16 persons.**

**(e) Not involve amplified speech or whistle use.**

22. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
23. The uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1) or State Environment Protection Policy (Control of Music Noise from Public Premises) No. N 2, as relevant, to the satisfaction of the Responsible Authority.
24. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
25. The car parking area must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
26. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) The transport of materials, goods or commodities to or from land;
  - (b) The appearance of any buildings, works or materials;
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or;
  - (d) The presence of vermin.

Roads and infrastructure

27. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.
28. The redundant vehicle crossing on the north side of Gipps Street immediately west of the property's eastern boundary must be demolished and reinstated with paving, kerb and channel of the surrounding area to Council's satisfaction and at the developer's expense.
29. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am - 6 pm, Monday-Friday (including public holidays) and 7 am - 1 pm, Saturday. No work is to be carried out on Sundays. All site operations must comply with the relevant Environment Protection Authority Guidelines on Construction and Demolition Noise.
30. **All windows and doors are to be closed during use of the indoor recreational facility.**

Signage

31. **The location and details of the signs, including the supporting structure, 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.**
32. **The signs must not include any flashing or intermittent light.**
33. **The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.**
34. **Before the works are completed, 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.**

Expiry

- 35. **The signage component of this permit expires 15 years from the date of the amended permit.**
- 36. **Upon expiry of the signage component of this permit, the approved signs and structures built specially to support or illuminate signage must be removed.**
- 37. This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within two years of the date of this **amended** permit.
  - (b) The development is not completed within four years of the date of this **amended** permit.
  - (c) **The restricted retail premises or indoor recreational facility uses are not started** within two years of the date of this amended permit.
  - (d) **The signs are not erected within four years of the date of this amended permit.**

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

NOTE: The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

NOTE: 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.

**NOTE: All future business owners, occupiers and lessees within the development approved under this permit will not be permitted to obtain business or visitor parking permits.**

**CARRIED UNANIMOUSLY**

The meeting closed at 9.08pm.

**Confirmed at the meeting held on Wednesday 9 September 2020**

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**Chair**