



YARRA CITY COUNCIL PLANNING DECISIONS COMMITTEE MINUTES

**held on Wednesday 23 September 2020 at 6.30pm
in MS Teams**

I. ATTENDANCE

Councillor Stephen Jolly
Councillor Jackie Fristacky
Councillor James Searle

Danielle Connell (Senior Co-ordinator Statutory Planning)
Michelle King (Principal Planner)
Laura Condon (Senior Statutory Planner)
Lara Fiscalini (Principal 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)

Rhys Thomas declared that his wife is a Director of Urbis Pty Ltd, who are acting for the applicant for PLN19/0203: 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond and PLN19/0892 - 157-161 Burnley Street, Richmond and stated that his role in the meeting is purely administrative and that he has played no role in preparing the reports or officer advice

IV. CONFIRMATION OF MINUTES

Planning Decisions Committee Resolution:

Moved: Councillor Jolly **Seconded:** Councillor Fristacky

That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 9 September 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."

Planning Decisions Committee Submissions

“Prior to the consideration of any Committee Business Report at a meeting of the Planning Decisions 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 Jolly as Chair.

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

Councillor Jolly assumed the Chair.

1 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
1.1	PLN19/0203: 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond - Part demolition of existing buildings to construct a multi-level commercial building (maximum six storeys plus roof plant/roof garden and two level basement) for use as office (including associated event/showroom and wellness centre), medical suites and retail (no permit required for use), construction of a canopy over a Road Zone Category 1, and reduction in car parking requirements associated with office and retail uses	6	19
1.2	PLN19/0892 - 157-161 Burnley Street, Richmond - Construction of a multi-storey building for use as an office, restricted retail and food and drink premises (cafe) and a reduction in the statutory car parking requirement.	33	41
1.3	PLN20/0022 - 16 Napier Street Fitzroy - Part demolition, alterations and additions to the existing dwelling including a ground and first floor extension	50	51
1.4	PLN20/0230 - 587 - 593 Church Street, Richmond - Use and development of the land for a thirteen storey residential hotel (with an ancillary gym and function centre), a ground floor restaurant and a roof-top bar (all permit required uses) with two basement levels, a reduction in car parking and alteration of access to a road zone, category 1	52	71
1.5	PLN19/0707 - 91 Rokeby Street, Collingwood - Construction of a seven-storey building (plus roof terrace) for use as office(s) and reduction in the associated car parking requirement of the Yarra Planning Scheme.	72	79
1.6	PLN13/1039.01 - 29 Brighton Street, Richmond - Planning permit amendment application for alterations including new roof decks to the two approved double storey dwellings, additions at first floor to accommodate roof terrace stair access and deletion of conditions.	87	89
1.7	PLN19/0121 - 684 Station Street Carlton North - Part demolition and construction of a two storey extension to the rear of the existing dwelling, with associated basement car parking and roof terrace.	92	94
1.8	PLN16/0041.01 - 274 Brunswick Street, Fitzroy - Section 72 amendment for buildings and works to an existing building, change in the type of liquor licence (from a restaurant/cafe licence to a hotel general licence), an increase of 99 patrons (i.e. patron capacity increased from 46 to 145 patrons), an increase to the 'red line' area to include the first floor (including outdoor balcony), installation of internally illuminated signage and reduction in the bicycle facilities requirement of the Yarra Planning Scheme	96	100

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- 1.1 PLN19/0203: 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond - Part demolition of existing buildings to construct a multi-level commercial building (maximum six storeys plus roof plant/roof garden and two level basement) for use as office (including associated event/showroom and wellness centre), medical suites and retail (no permit required for use), construction of a canopy over a Road Zone Category 1, and reduction in car parking requirements associated with office and retail uses**
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Reference: D20/139270

Authoriser: Manager Statutory Planning

[Help](#)

RECOMMENDATION

That had Council been in a position to decide on the application, a Notice of Decision to Grant Planning Permit PLN19/0203 be issued for part demolition of existing buildings to construct a multi-level commercial building (maximum six storeys plus roof plant/roof garden and two level basement) for use as office (including associated event/showroom and wellness centre), medical suites and retail (no permit required for use), construction of a canopy over a Road Zone Category 1, and a reduction in car parking requirements associated with office and retail uses at 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond generally in accordance with 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 but modified to show:

Built form / plan detail

- (a) The A-1 Road as shown on Copy of Title Lot 1 on Registered Plan of Strata Subdivision 22858G, Vol. 9760, Folio 32, clearly delineated;
- (b) The driveway appropriately designed to ensure the retention of Tree Nos. 10, 11, 12, 13 and 14, to the satisfaction of the Responsible Authority;
- (c) Details of retention or reconstruction of the verandah element to Bridge Road in accordance with condition 4 of the permit;
- (d) The café shopfront to comprise a stallboard/plinth of a minimum 400mm height to the eastern half of the shopfront;
- (e) Provision of a uniform 20.5m setback from Bridge Road to Levels 2, 3 and 4 through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;
- (f) Provision of a 29.0m setback from Bridge Road to Level 5 through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;
- (g) The terrace at Level 5 (west side) reduced to a depth of 5.0m, to the satisfaction of the Responsible Authority;
- (h) Levels 2, 3, 4 and 5 to be set back a minimum of 3.0m from the centre of Wustemenn Place, through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;
- (i) Levels 3, 4 and 5 set back a minimum 7.5m from Allowah Terrace, through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;

- (j) Provision of a minimum 3.0m setback from the common boundaries with 193A Lennox Street to the north and west at Levels 3, 4 and 5, achieved through an overall reduction in internal floor space and without reducing other setbacks, to the satisfaction of the Responsible Authority;
- (k) All east facing windows at Levels 1 and 2 within a horizontal distance of 9m from 8A Allowah Terrace to comprise fixed obscure glass up to at least 1.7m above finished floor level, to the satisfaction of the Responsible Authority;
- (l) Deletion of the south facing windows at Levels 2 and 3 along the common boundary with 21-31 Goodwood Street;
- (m) Section A and Section D drawings to correctly label medical suites as retail;
- (n) Designated outdoor seating along Wustemenn Place clearly located and set back into the site to ensure a clear passageway for vehicles along Wustemenn Place including at times when patrons are seated, to the satisfaction of the Responsible Authority;
- (o) Provision of outdoor seating within the Lennox Street entry court area, as shown in the amended sketch plan received by Council on 4 August 2020;
- (p) The entry at the southern end of Wustemenn Place redesigned to ensure the structural column is relocated clear of the stairs and entry and the abutting planter tapers off to the south to ensure unobstructed access to the stairs;
- (q) Any level differences along Allowah Terrace and Wustemenn Place as a result of new works resolved through appropriate grading to ensure no steps are required for the residential properties along Allowah Terrace and there is no change in levels between 148 Bridge Road and Wustemenn Place;
- (r) The level and grading detail of Allowah Terrace and Wustemenn Place demonstrating relevant accessibility requirements are met, to the satisfaction of the Responsible Authority;
- (s) The entry to the Wellness centre and the two entries along Wustemenn Place designed to meet the relevant Australian Standards with regard to access and mobility;
- (t) The narrowest pinch point to the bike ramp dimensioned to demonstrate adequate clearance, to the satisfaction of the Responsible Authority;
- (u) A plan notation confirming that the existing brick fence at the Allowah Terrace termination will be retained;
- (v) Any development shown beyond title boundaries (i.e. landscaping at the southern end of Wustemenn Place) revised to be within the title boundaries.

Car parking and services

- (w) At least twelve (12) bicycle spaces at the Lennox Street entry court area reserved for visitor use, only;
- (x) The bicycle space provision correctly noted on the plan and in line with the development summary;
- (y) The typical spacing noted between each type of bike parking device within the employee bike parking facility;
- (z) A bollard inserted in the shared area of the carpark, as required by AS/NZS 2890.6:2009;
- (aa) The 1 in 8 transition grades at the bases of the 1 in 4 ramp sections lengthened to 2.5m to ensure a B99 design vehicle does not scrape or bottom out;
- (bb) Clearance of car spaces 18, 23, 27, 28, 32 and 54 from walls dimensioned as 300mm;
- (cc) The provision of six (6) EV charging spaces on Basement Level 1, TP01.02;

- (dd) A plan notation confirming that a minimum 40A single phase electrical sub-circuit will be installed for the EV charging spaces on Basement Level 1, TP01.02;
- (ee) The kerb extension on the east side of Lennox Street and the associated road hump outside the property frontage as per the Salt 3 Traffic Engineering Consultants scheme, Option 2, dated 25 February 2020;

Reports and Plans

- (ff) Any amendments as required by the Conservation Management Plan pursuant to Condition 4.
 - (gg) Any amendments as required by the Amended Landscaping Plan pursuant to Condition 11.
 - (hh) Any amendments as required by the Amended Sustainable Management Plan pursuant to Condition 13, including recommended changes to meet NCC.
 - (ii) Any amendments as required by the Amended Acoustic Report pursuant to condition 15.
 - (jj) Any amendments as required by the Wind Tunnel Study pursuant to Condition 16.
 - (kk) Any amendments as required by the Amended Green Travel Plan pursuant to Condition 18.
 - (ll) Any amendments as required by the Public Lighting Plan pursuant to condition 22.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

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 renders outlining colours, materials and finishes.

Conservation Management Plan Required

4. Before the demolition commences, a Conservation Management Plan prepared by a suitably qualified heritage practitioner/ architect must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
- (a) A schedule of conservation works, with accompanying drawings prepared by a conservation architect/consultant for works to 150 – 152 Bridge Road including:
 - (i) parapet and sign and restoration or reconstruction of the front verandah to Bridge Road;
 - (b) A schedule of conservation works, with accompanying drawings, prepared by a conservation architect/consultant for all retained heritage fabric, including No. 195 Lennox Street;

- (c) Proposed decorative scheme for the façade of Nos. 150 – 152 Bridge Road and No. 195 Lennox Street. It should be informed by microscopic paint analysis (façade) or otherwise developed in a historically accurate style;
- (d) Details of the style, colour and dimensions of the original painted signage;
- (e) Methodology for paint removal;
- (f) Location of any interpretative historical plaques and a statement that if these historical plaques are removed they will be reinstated in similar positions as existing prior to the completion of development.

Ongoing Conservation Management Plan Requirement

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

Structural Report Requirement

- 6. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.
- 7. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Archival Record

- 8. Before demolition commences, a detailed and annotated photographic record of the existing building/s in its/their context must be submitted to and approved by the Responsible Authority as a record of the building/s. The photographs must:
 - (a) include the interior and each external elevation of the building/s;
 - (b) be submitted in black and white format; and
 - (c) be taken by a suitably qualified heritage photographer.

Tree Management Plan Required

- 9. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) the protection of Trees 10, 11, 12, 13, 14, 15 and 24:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers;
 - (c) any pruning necessary;
 - (d) watering and maintenance regimes; and
 - (e) Confirmation that in the event any street trees and/or garden beds were approved to be removed by Council as a result of any public works (i.e. changes to Lennox Street kerb), the permit holder is to pay all costs associated including amenity value, tree replacement and establishment maintenance,

to the satisfaction of the Responsible Authority.

Ongoing Tree Management Plan Requirement

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

Landscaping

11. 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 GbLA Landscape Architects and dated 22.04.2020, but modified to include (or show):
 - (a) Retention of Tree Nos. 10, 11, 12, 13, and 14;
 - (b) Building floor levels clearly noted on the landscape plans;
 - (c) All landscaping details in line with the landscaping as shown on the endorsed development plans;
 - (d) The correct location of the café;
 - (e) Replace some of the vertical planting along the Allowah Terrace interface at street level with small trees to allow for improved natural surveillance, to the satisfaction of the Responsible Authority;
 - (f) Cross section detail of the seating/planter beds along Wustemenn Place, with seating finishes specified, to the satisfaction of the Responsible Authority;
 - (g) A detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants. None of the proposed plants are to be on the DELWP advisory list of environmental weeds;
 - (h) Details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer (i.e. material that won't blow away), growing media (suitable in weight and content for roof top gardens), filter media, irrigation method, drainage system, root barrier/water proofing layer);
 - (i) Details on any furniture proposed in the public realm or balcony and roof areas;
 - (j) Details of the proposed method for irrigation and drainage;
 - (k) Details of maintenance (duration, regime) and irrigation;
 - (l) The materiality of the proposed spaces;
 - (m) Specification of works to be undertaken prior to planting;
 - (n) Plant/planting maintenance schedules and requirements, all to the satisfaction of the Responsible Authority.

Ongoing Landscaping Plan Requirement

12. Before the buildings are 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.

Amended Sustainable Management Plan Required

13. 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 GIW Environmental Solutions, REV C and dated 31 July 2020, but modified to include or show:
 - (a) The shading treatment to exposed windows on the east façade (Level 2-5);
 - (b) Clarify provision of outdoor air to office spaces on all levels and indicate operable windows on all elevations where present;
 - (c) Clarify the strategy around natural ventilation and shading capabilities of the eastern façade in terms of eave/window depth, external shade blinds or otherwise;
 - (d) The ventilation strategy for basement car parks;
 - (e) The area of permeable vegetation (ground floor, uncovered planter boxes) that contribute to stormwater diversion;
 - (f) Provision of a target to recycle or reuse 80% of demolition and construction waste;
 - (g) The strategy regarding Urban Heat Mitigation, including the use of vegetation, external shading and high performing material surfaces (i.e. SRI>50).

Ongoing Sustainable Management Plan Requirement

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

Amended Acoustic Report Required

15. Concurrent with the plans requested at Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Planning Stage Acoustic Report by Resonate, dated 23 April 2020, but modified to include (or show, or address):
 - (a) Assessment of the music noise of the café, without specified trading hours, and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy);
 - (b) A statement that noise from the project mechanical plant will be reviewed by a suitably qualified acoustical consultant during the Detailed Design phase to ensure that SEPP N-1 noise limits are met with all sensitive receiver locations identified in this report;
 - (c) Assessment of patron noise in relation to all roof top terraces and roof top garden and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy);
 - (d) Assessment of the wellness centre noise, including the use of this facility as a yoga centre and gym, and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy);
 - (e) All recommended noise attenuation measures designed to the satisfaction of the Responsible Authority.

Ongoing Acoustic Report Requirement

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

Amended Wind Assessment Required

- 16. Concurrent with the plans requested at Condition 1, an amended Pedestrian Wind Environment Statement to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Pedestrian Wind Environment Statement will be endorsed and will form part of this permit. The amended Pedestrian Wind Environment Statement must be generally in accordance with the Pedestrian Wind Environment Statement prepared by Windtech Consultants Pty Ltd and dated 28 April 2020, but modified to include:
 - (a) Wind tunnel model testing;
 - (b) Any strategies to mitigate wind effects along Allowah Terrace to not adversely reduce passive surveillance along the laneway, to the satisfaction of the Responsible Authority;
 - (c) Any recommendation to introduce higher impermeable screens to the north facing terraces at Level 5 and in relation to the roof garden designed and located to satisfy the required setbacks of the Design and Development Overlay – Schedule 21, to the satisfaction of the Responsible Authority;
 - (d) All other recommended strategies to mitigate wind effects designed to the satisfaction of the Responsible Authority.

Ongoing Wind Assessment Requirement

- 17. The provisions, recommendations and requirements of the endorsed Pedestrian Wind Environment Statement must be implemented and complied with to the satisfaction of the Responsible Authority.

Amended Green Travel Plan Required

- 18. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Salt 3 Traffic Engineering Consultants and dated 22 April 2020, but modified to include updates as shown on the endorsed plans and to include:
 - (a) A minimum twelve (12) visitor bicycle spaces located within the Lennox Street entry court area;
 - (b) Six (6) EV charging spaces on Basement Level 1, TP01.02;
 - (c) A minimum 40A single phase electrical sub-circuit installed for the EV charging spaces on Basement Level 1, TP01.02.

Ongoing Green Travel Plan Requirement

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

Civil Works

- 20. Within six months of the development commencing, or by such later date as approved in writing by the Responsible Authority, the owner of the site must submit detailed engineering and landscaping documentation for all public works including the creation of Shared Zones to Allowah Terrace and Wustemenn Place 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) The following details are to be provided:
 - (i) Detailed sections, plans, renders and elevations of the full reconstruction of Allowah Terrace and Wustemenn Place.
 - (ii) A complete schedule of colours and finishes (including swatch samples), and including the surface materials proposed for Allowah Terrace and Wustemenn Place, demonstrating a high quality architectural finish.
 - (iii) The provision of new road pavement for the shared zones (Allowah Terrace and Wustemenn Place);
 - (iv) Clear delineation of the site's title boundaries along Allowah Terrace and Wustemenn Place through the use of brass discs or a similar type method;
 - (v) Tree planting/traffic calming measures (including the provision of swept path diagrams for vehicles);
 - (vi) Measures to provide DDA access;
 - (vii) Details of custom benches, street furniture, bins and raised planters to be provided.
 - (viii) Materials to be of a City of Yarra Standard;
 - (ix) Provision of drainage infrastructure within Allowah Terrace and Wustemenn Place;
 - (x) Alignment for underground services to be clear of tree root zones
 - (xi) Location of all Shared Zone signage to be shown in the context of other furniture and trees
 - (b) The drainage in Allowah Terrace must be upgraded to the satisfaction of Council and at the Permit Holder's expense. These drainage works must also incorporate property drain connections from surrounding properties that currently drain into Allowah Terrace.
 - (i) The existing drain in Wustemenn Place must be extended to the satisfaction of Council and at the Permit Holder's cost.
 - (ii) A drainage design scheme for the entire development must be prepared and submitted to Council for assessment approval. All works associated with the drainage design scheme must be funded by the Permit Holder.
 - (iii) All pit grates to be replaced must be bicycle safe.
 - (iv) The east-west aligned laneway must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
 - (v) The footpaths along the property's Bridge Road and Lennox Street road frontages are to be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's cost. The cross-fall of the footpaths are to be no less than 1 in 33 (for asphalt) or unless otherwise specified by Council.
 - (vi) Detailed engineering design drawings must be prepared for all infrastructure and drainage works and are to be submitted to Council for assessment and approval.
 - (vii) The existing kerb extension on the east side of Lennox Street and the associated road hump outside the property frontage must be modified to Council's satisfaction and based on the concept design prepared by Salt 3 Traffic Engineering consultants (Option 2 dated 25 February 2020) and the at the Permit Holder's cost.
21. Before the building is occupied, all public works to the public realm as required by condition 20 must be fully constructed and completed by the owner at their full cost and to the satisfaction of the Responsible Authority.

Public Lighting Plan Required

22. Before the development commences, a Public Lighting Plan to the satisfaction of the relevant power authority and the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along Allowah Terrace and Wustemenn Place and the entrance to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) A lighting scheme designed for the public highway that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) A maintenance regime for the lighting scheme within the curtilage of the property;
 - (f) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.

Ongoing Public Lighting Plan Requirement

23. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

External lighting

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the Lennox Street entry court and walkway, the loading bay off Allowah Terrace, the two secondary public entries along Wustemenn Place and the two entries along Allowah Terrace must be provided within the property boundary. CPTED principles must inform the lighting scheme and the relevant Australian standard must be met, to the satisfaction of the Responsible Authority. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

Vehicle Crossing servicing East-West Aligned Laneway from Lennox Street

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossing servicing the east-west aligned laneway from Lennox Street must be designed and 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 Council.

Road Asset Protection

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure, including roads, footpaths and other road related infrastructure adjacent to the development site, resulting from the development, including trenching and excavation for utility service connections, must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Impact of Assets on Proposed Development

27. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the any assets 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
28. 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.

Discharge of Water from Development

29. Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
30. 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.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

31. 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.
32. Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
33. 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.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
35. 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.

Construction Management Plan

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

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

During the construction:

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

- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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.

Ongoing Construction Management Plan

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

Ongoing Waste Management Plan Requirement

- 38. The provisions, recommendations and requirements of the endorsed Waste Management Plan (report dated 12 June 2020) must be implemented and complied with to the satisfaction of the Responsible Authority.

General

- 39. 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.
- 40. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 41. 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.
- 42. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 43. 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.
- 44. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 45. 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.

Ongoing architect involvement

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

Construction hours & noise

- 47. 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.

Department of Transport (conditions 48 – 51)

- 48. The endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

49. The endorsed Green Travel Plan must not be amended without the prior written consent of the Responsible Authority and the Head, Transport for Victoria.
50. The permit holder must avoid disruption to tram operation along Bridge Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior.
51. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Time expiry

52. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

These premises will be required to comply with the Public Health and Wellbeing Act 2008. The use must not commence until registration has been granted by Council's Health Protection Unit.

Department of Transport

Separate consent may be required from the Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1. Please contact Head, Transport for Victoria prior to commencing any works.

Submissions made online during the meeting

Billy Rebakis, Urbis (for the applicant)
Stuart Marsland, Rothelowman (for the applicant)
Mike Lescai
Phillip Vassiliadis
Gina Kyriakopoulos
Jesse Rosenfeld

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Searle

That had Council been in a position to decide on the application, a Notice of Decision to Grant Planning Permit PLN19/0203 be issued for part demolition of existing buildings to construct a multi-level commercial building (maximum six storeys plus roof plant/roof garden and two level basement) for use as office (including associated event/showroom and wellness centre), medical suites and retail (no permit required for use), construction of a canopy over a Road Zone Category 1, and a reduction in car parking requirements associated with office and retail uses at 150-152 Bridge Road, 1-3 Allowah Terrace and 195 Lennox Street, Richmond generally in accordance with 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 but modified to show:

Built form / plan detail

- (a) The A-1 Road as shown on Copy of Title Lot 1 on Registered Plan of Strata Subdivision 22858G, Vol. 9760, Folio 32, clearly delineated;
- (b) The driveway appropriately designed to ensure the retention of Tree Nos. 10, 11, 12, 13 and 14, to the satisfaction of the Responsible Authority;
- (c) Details of retention or reconstruction of the verandah element to Bridge Road in accordance with condition 4 of the permit;
- (d) The café shopfront to comprise a stallboard/plinth of a minimum 400mm height to the eastern half of the shopfront;
- (e) Provision of a uniform 20.5m setback from Bridge Road to Levels 2, 3 and 4 through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;
- (f) Provision of a 29.0m setback from Bridge Road to Level 5 through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;
- (g) The terrace at Level 5 (west side) reduced to a depth of 5.0m, to the satisfaction of the Responsible Authority;
- (h) Levels 2, 3, 4 and 5 to be set back a minimum of 3.0m from the centre of Wustemenn Place, through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;
- (i) Levels 3, 4 and 5 set back a minimum 7.5m from Allowah Terrace, through an overall reduction in internal floor space and without reducing other building setbacks, to the satisfaction of the Responsible Authority;

- (j) Provision of a minimum 3.0m setback from the common boundaries with 193A Lennox Street to the north and west at Levels 3, 4 and 5, achieved through an overall reduction in internal floor space and without reducing other setbacks, to the satisfaction of the Responsible Authority;
- (k) All east facing windows at Levels 1 and 2 within a horizontal distance of 9m from 8A Allowah Terrace to comprise fixed obscure glass up to at least 1.7m above finished floor level, to the satisfaction of the Responsible Authority;
- (l) Deletion of the south facing windows at Levels 2 and 3 along the common boundary with 21-31 Goodwood Street;
- (m) Section A and Section D drawings to correctly label medical suites as retail;
- (n) Designated outdoor seating along Wustemenn Place clearly located and set back into the site to ensure a clear passageway for vehicles along Wustemenn Place including at times when patrons are seated, to the satisfaction of the Responsible Authority;
- (o) Provision of outdoor seating within the Lennox Street entry court area, as shown in the amended sketch plan received by Council on 4 August 2020;
- (p) The entry at the southern end of Wustemenn Place redesigned to ensure the structural column is relocated clear of the stairs and entry and the abutting planter tapers off to the south to ensure unobstructed access to the stairs;
- (q) Any level differences along Allowah Terrace and Wustemenn Place as a result of new works resolved through appropriate grading to ensure no steps are required for the residential properties along Allowah Terrace and there is no change in levels between 148 Bridge Road and Wustemenn Place;
- (r) The level and grading detail of Allowah Terrace and Wustemenn Place demonstrating relevant accessibility requirements are met, to the satisfaction of the Responsible Authority;
- (s) The entry to the Wellness centre, Bridge Road Café entrance and the two entries along Wustemenn Place designed to meet the relevant Australian Standards with regard to access and mobility;
- (t) The narrowest pinch point to the bike ramp dimensioned to demonstrate adequate clearance, to the satisfaction of the Responsible Authority;
- (u) A plan notation confirming that the existing brick fence at the Allowah Terrace termination will be retained;
- (v) Any development shown beyond title boundaries (i.e. landscaping at the southern end of Wustemenn Place) revised to be within the title boundaries.

Car parking and services

- (w) At least twelve (12) bicycle spaces at the Lennox Street entry court area reserved for visitor use, only;
- (x) The bicycle space provision correctly noted on the plan and in line with the development summary;
- (y) The typical spacing noted between each type of bike parking device within the employee bike parking facility;
- (z) A bollard inserted in the shared area of the carpark, as required by AS/NZS 2890.6:2009;
- (aa) The 1 in 8 transition grades at the bases of the 1 in 4 ramp sections lengthened to 2.5m to ensure a B99 design vehicle does not scrape or bottom out;
- (bb) Clearance of car spaces 18, 23, 27, 28, 32 and 54 from walls dimensioned as 300mm;

- (cc) The provision of a minimum of 10% of all car parking spaces to be EV charging spaces on Basement Level 1, TP01.02;
- (dd) At least 50% bikes at grade;
- (ee) Space for Cargo bikes;
- (ff) A plan notation confirming that a minimum 40A single phase electrical sub-circuit will be installed for the EV charging spaces on Basement Level 1, TP01.02;
- (gg) The kerb extension on the east side of Lennox Street and the associated road hump outside the property frontage as per the Salt 3 Traffic Engineering Consultants scheme, Option 2, dated 25 February 2020;

Reports and Plans

- (hh) Any amendments as required by the Conservation Management Plan pursuant to Condition 4.
- (ii) Any amendments as required by the Amended Landscaping Plan pursuant to Condition 11.
- (ij) Any amendments as required by the Amended Sustainable Management Plan pursuant to Condition 13, including recommended changes to meet NCC.
- (kk) Any amendments as required by the Amended Acoustic Report pursuant to condition 15.
- (ll) Any amendments as required by the Wind Tunnel Study pursuant to Condition 16.
- (mm) Any amendments as required by the Amended Green Travel Plan pursuant to Condition 18.
- (nn) Any amendments as required by the Public Lighting Plan pursuant to condition 22.
- (oo) Any amendments as required by the amended Waste Management Plan pursuant to condition 38.

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

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;
 - (d) a sample board and coloured renders outlining colours, materials and finishes; and
 - (e) details of graffiti proofing to all exposed boundary walls fronting laneways.

Conservation Management Plan Required

4. Before the demolition commences, a Conservation Management Plan prepared by a suitably qualified heritage practitioner/ architect must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:

- (a) A schedule of conservation works, with accompanying drawings prepared by a conservation architect/consultant for works to 150 – 152 Bridge Road including:
 - (i) parapet and sign and restoration or reconstruction of the front verandah to Bridge Road;
- (b) A schedule of conservation works, with accompanying drawings, prepared by a conservation architect/consultant for all retained heritage fabric, including No. 195 Lennox Street;
- (c) Proposed decorative scheme for the façade of Nos. 150 – 152 Bridge Road and No. 195 Lennox Street. It should be informed by microscopic paint analysis (façade) or otherwise developed in a historically accurate style;
- (d) Details of the style, colour and dimensions of the original painted signage;
- (e) Methodology for paint removal;
- (f) Location of any interpretative historical plaques and a statement that if these historical plaques are removed they will be reinstated in similar positions as existing prior to the completion of development.

Ongoing Conservation Management Plan Requirement

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

Structural Report Requirement

- 6. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.
- 7. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

Archival Record

- 8. Before demolition commences, a detailed and annotated photographic record of the existing building/s in its/their context must be submitted to and approved by the Responsible Authority as a record of the building/s. The photographs must:
 - (a) include the interior and each external elevation of the building/s;
 - (b) be submitted in black and white format; and
 - (c) be taken by a suitably qualified heritage photographer.

Tree Management Plan Required

- 9. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) the protection of Trees 10, 11, 12, 13, 14, 15 and 24:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers;

- (c) any pruning necessary;
- (d) watering and maintenance regimes; and
- (e) Confirmation that in the event any street trees and/or garden beds were approved to be removed by Council as a result of any public works (i.e. changes to Lennox Street kerb), the permit holder is to pay all costs associated including amenity value, tree replacement and establishment maintenance,

to the satisfaction of the Responsible Authority.

Ongoing Tree Management Plan Requirement

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

Landscaping

11. 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 GbLA Landscape Architects and dated 22.04.2020, but modified to include (or show):
 - (a) Retention of Tree Nos. 10, 11, 12, 13, and 14;
 - (b) Building floor levels clearly noted on the landscape plans;
 - (c) All landscaping details in line with the landscaping as shown on the endorsed development plans;
 - (d) The correct location of the café;
 - (e) Replace some of the vertical planting along the Allowah Terrace interface at street level with small trees to allow for improved natural surveillance, to the satisfaction of the Responsible Authority;
 - (f) Cross section detail of the seating/planter beds along Wustemenn Place, with seating finishes specified, to the satisfaction of the Responsible Authority;
 - (g) A detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants. None of the proposed plants are to be on the DELWP advisory list of environmental weeds;
 - (h) Details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer (i.e. material that won't blow away), growing media (suitable in weight and content for roof top gardens), filter media, irrigation method, drainage system, root barrier/water proofing layer);
 - (i) Details on any furniture proposed in the public realm or balcony and roof areas;
 - (j) Details of the proposed method for irrigation and drainage;
 - (k) Details of maintenance (duration, regime) and irrigation;
 - (l) The materiality of the proposed spaces;
 - (m) Specification of works to be undertaken prior to planting;
 - (n) Plant/planting maintenance schedules and requirements,

all to the satisfaction of the Responsible Authority.

Ongoing Landscaping Plan Requirement

12. Before the buildings are 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.

Amended Sustainable Management Plan Required

13. 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 GIW Environmental Solutions, REV C and dated 31 July 2020, but modified to include or show:

- (a) The shading treatment to exposed windows on the east façade (Level 2-5);
- (b) Clarify provision of outdoor air to office spaces on all levels and indicate operable windows on all elevations where present;
- (c) Clarify the strategy around natural ventilation and shading capabilities of the eastern façade in terms of eave/window depth, external shade blinds or otherwise;
- (d) The ventilation strategy for basement car parks;
- (e) The area of permeable vegetation (ground floor, uncovered planter boxes) that contribute to stormwater diversion;
- (f) Provision of a target to recycle or reuse 80% of demolition and construction waste;
- (g) The strategy regarding Urban Heat Mitigation, including the use of vegetation, external shading and high performing material surfaces (i.e. SRI>50).

Ongoing Sustainable Management Plan Requirement

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

Amended Acoustic Report Required

15. Concurrent with the plans requested at Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Planning Stage Acoustic Report by Resonate, dated 23 April 2020, but modified to include (or show, or address):

- (a) Assessment of the music noise of the café, without specified trading hours, and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy);

- (b) A statement that noise from the project mechanical plant will be reviewed by a suitably qualified acoustical consultant during the Detailed Design phase to ensure that SEPP N-1 noise limits are met with all sensitive receiver locations identified in this report;
- (c) Assessment of patron noise in relation to all roof top terraces and roof top garden and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy);
- (d) Assessment of the wellness centre noise, including the use of this facility as a yoga centre and gym, and to include necessary noise mitigation or noise attenuation measures (hours of operation cannot be relied upon as noise mitigation strategy);
- (e) All recommended noise attenuation measures designed to the satisfaction of the Responsible Authority.

Ongoing Acoustic Report Requirement

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

Amended Wind Assessment Required

16. Concurrent with the plans requested at Condition 1, an amended Pedestrian Wind Environment Statement to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Pedestrian Wind Environment Statement will be endorsed and will form part of this permit. The amended Pedestrian Wind Environment Statement must be generally in accordance with the Pedestrian Wind Environment Statement prepared by Windtech Consultants Pty Ltd and dated 28 April 2020, but modified to include:
 - (a) Wind tunnel model testing;
 - (b) Any strategies to mitigate wind effects along Allowah Terrace to not adversely reduce passive surveillance along the laneway, to the satisfaction of the Responsible Authority;
 - (c) Any recommendation to introduce higher impermeable screens to the north facing terraces at Level 5 and in relation to the roof garden designed and located to satisfy the required setbacks of the Design and Development Overlay – Schedule 21, to the satisfaction of the Responsible Authority;
 - (d) All other recommended strategies to mitigate wind effects designed to the satisfaction of the Responsible Authority.

Ongoing Wind Assessment Requirement

17. The provisions, recommendations and requirements of the endorsed Pedestrian Wind Environment Statement must be implemented and complied with to the satisfaction of the Responsible Authority.

Amended Green Travel Plan Required

18. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Salt 3 Traffic Engineering Consultants and dated 22 April 2020, but modified to include updates as shown on the endorsed plans and to include:
 - (a) A minimum twelve (12) visitor bicycle spaces located within the Lennox Street entry court area;

- (b) Six (6) EV charging spaces on Basement Level 1, TP01.02;
- (c) A minimum 40A single phase electrical sub-circuit installed for the EV charging spaces on Basement Level 1, TP01.02;
- (d) At least 50% bikes at grade;
- (e) Space for Cargo bikes;
- (f) Charging points for e-bikes and signage associated with EV; charging;
- (g) Details on access to car share and/or provision of nearby car-share.

Ongoing Green Travel Plan Requirement

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

Civil Works

20. Within six months of the development commencing, or by such later date as approved in writing by the Responsible Authority, the owner of the site must submit detailed engineering and landscaping documentation for all public works including the creation of Shared Zones to Allowah Terrace and Wustemenn Place 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) The following details are to be provided:
 - (i) Detailed sections, plans, renders and elevations of the full reconstruction of Allowah Terrace and Wustemenn Place.
 - (ii) A complete schedule of colours and finishes (including swatch samples), and including the surface materials proposed for Allowah Terrace and Wustemenn Place, demonstrating a high quality architectural finish.
 - (iii) The provision of new road pavement for the shared zones (Allowah Terrace and Wustemenn Place);
 - (iv) Clear delineation of the site's title boundaries along Allowah Terrace and Wustemenn Place through the use of brass discs or a similar type method;
 - (v) Tree planting/traffic calming measures (including the provision of swept path diagrams for vehicles);
 - (vi) Measures to provide DDA access;
 - (vii) Details of custom benches, street furniture, bins and raised planters to be provided.
 - (viii) Materials to be of a City of Yarra Standard;
 - (ix) Provision of drainage infrastructure within Allowah Terrace and Wustemenn Place;
 - (x) Alignment for underground services to be clear of tree root zones
 - (xi) Location of all Shared Zone signage to be shown in the context of other furniture and trees
 - (b) The drainage in Allowah Terrace must be upgraded to the satisfaction of Council and at the Permit Holder's expense. These drainage works must also incorporate property drain connections from surrounding properties that currently drain into Allowah Terrace.
 - (i) The existing drain in Wustemenn Place must be extended to the satisfaction of Council and at the Permit Holder's cost.

- (ii) A drainage design scheme for the entire development must be prepared and submitted to Council for assessment approval. All works associated with the drainage design scheme must be funded by the Permit Holder.
- (iii) All pit grates to be replaced must be bicycle safe.
- (iv) The east-west aligned laneway must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- (v) The footpaths along the property's Bridge Road and Lennox Street road frontages are to be profiled and re-sheeted to Council's satisfaction and at the Permit Holder's cost. The cross-fall of the footpaths are to be no less than 1 in 33 (for asphalt) or unless otherwise specified by Council.
- (vi) Detailed engineering design drawings must be prepared for all infrastructure and drainage works and are to be submitted to Council for assessment and approval.
- (vii) The existing kerb extension on the east side of Lennox Street and the associated road hump outside the property frontage must be modified to Council's satisfaction and based on the concept design prepared by Salt 3 Traffic Engineering consultants (Option 2 dated 25 February 2020) and the at the Permit Holder's cost.

21. Before the building is occupied, all public works to the public realm as required by condition 20 must be fully constructed and completed by the owner at their full cost and to the satisfaction of the Responsible Authority.

Public Lighting Plan Required

22. Before the development commences, a Public Lighting Plan to the satisfaction of the relevant power authority and the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along Allowah Terrace and Wustemenn Place and the entrance to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) A lighting scheme designed for the public highway that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) A maintenance regime for the lighting scheme within the curtilage of the property;
 - (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

Ongoing Public Lighting Plan Requirement

23. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

External lighting

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the Lennox Street entry court and walkway, the loading bay off Allowah Terrace, the two secondary public entries along Wustemenn Place and the two entries along Allowah Terrace must be provided within the property boundary. CPTED principles must inform the lighting scheme and the relevant Australian standard must be met, to the satisfaction of the Responsible Authority. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

Vehicle Crossing servicing East-West Aligned Laneway from Lennox Street

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossing servicing the east-west aligned laneway from Lennox Street must be designed and 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 Council.

Road Asset Protection

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure, including roads, footpaths and other road related infrastructure adjacent to the development site, resulting from the development, including trenching and excavation for utility service connections, must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Impact of Assets on Proposed Development

27. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the any assets 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
28. 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.

Discharge of Water from Development

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

30. 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.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

31. 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.
32. Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
33. 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.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
35. 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.

Construction Management Plan

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

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

During the construction:

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

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.

Ongoing Construction Management Plan

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

Ongoing Waste Management Plan Requirement

38. 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 Leigh Design dated 12 June 2020, but modified to include:

- (a) The provision of recycling, paper / cardboard, plastics, glass and organics including bin storage areas.

- 39. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 40. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

General

- 41. 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.
- 42. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 43. 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.
- 44. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 45. 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.
- 46. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 47. 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

Ongoing architect involvement

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

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.

Department of Transport (conditions 50 – 53)

- 50. The endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 51. The endorsed Green Travel Plan must not be amended without the prior written consent of the Responsible Authority and the Head, Transport for Victoria.
- 52. The permit holder must avoid disruption to tram operation along Bridge Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior.

- 53.** The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Developer Contribution

- 54.** Prior to the commencement of the development, the permit holder must pay the Responsible Authority a \$10,000 contribution for the installation of bicycle access improvements, to the subject site as agreed in writing to the satisfaction of the Responsible Authority.
- 55.** The Responsible Authority must use the funds on the agreed project within 12 months of the development completion; 12 months after the development completion, the developer may request a refund for the full amount if the agreed project has not been commenced or is not proposed to proceed.

Time expiry

- 56.** This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

These premises will be required to comply with the Public Health and Wellbeing Act 2008. The use must not commence until registration has been granted by Council's Health Protection Unit.

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

Department of Transport

Separate consent may be required from the Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1. Please contact Head, Transport for Victoria prior to commencing any works.

CARRIED UNANIMOUSLY

1.2 PLN19/0892 - 157-161 Burnley Street, Richmond - Construction of a multi-storey building for use as an office, restricted retail and food and drink premises (cafe) and a reduction in the statutory car parking requirement.

Reference: D20/138303

Authoriser: Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Development Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0892 for construction of a multi-storey building for use as office, restricted retail and food and drink premises (cafe) and a reduction in the statutory car parking requirement at 157-161 Burnley 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 Peddle Thorp Architects and dated June 2020, but modified to show:
 - (a) The removal of all references to survey dimensions, with only title dimensions to be shown on the plans. All built form must be contained within these title boundaries;
 - (b) The notation on the ground floor plan referencing 'retail/café' amended to read 'food and drink premises (café)';
 - (c) The materials and finishes schedule (TP-800) updated to include the white (or similar) finish proposed within the ground floor façade;
 - (d) Glazing materials used on all external walls/windows must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority;
 - (e) The proposed seating on the Burnley Street footpath to be designed in accordance with Council's Public Domain Manual unless otherwise agreed by the responsible authority;
 - (f) All proposed surface materials within the subject site to be constructed in a different material to that of the footpath, with the boundary lines clearly defined;
 - (g) All existing street trees, including the tree within the kerb outstand, to be clearly shown on the ground floor plan
 - (h) A notation on the ground floor plan specifying that the door to the loading bay will be closed during all waste collection and deliveries;
 - (i) Details of the vehicle crossing (i.e. ground clearance check);
 - (j) A notation confirming that all walls facing public land will be treated with a graffiti proof finish;
 - (k) Any changes required by the endorsed Sustainable Management Plan pursuant to Condition 3, including details of the proposed 'blind systems' to provide sun-shading for the north and west facades;
 - (l) Any changes required by the endorsed Waste Management Plan pursuant to Condition 5;
 - (m) Any changes required by the endorsed Landscape Plan pursuant to Condition 8;
 - (n) Any changes required by the endorsed Wind Tunnel Test pursuant to 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 Sustainable Built Environment and dated 12 June 2020, but modified to include:
 - (a) Details of the proposed 'blind systems' to provide sun-shading for the north and west facades;
 - (b) Details on how organic waste and food diversion will be managed;
 - (c) Written commitment to provide a HVAC system to have at least 20% improvement in Coefficient of Performance (COP) and Energy Efficiency Ratios (EERs) over minimum allowable;
 - (d) Details on types and quantities of recycled materials to be used throughout the development;
 - (e) Details of the ESD initiatives related to system tuning or maintenance.
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.

Waste Management Plan

5. 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 June 2020, but modified to include:
 - (a) An organic waste management system, such as compost;
 - (b) Confirmation that the loading bay door will be closed at all times waste is being collected from the site.
6. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Façade Strategy

7. 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.

Landscape Plan

8. 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 waste management plan prepared by Urbis and dated 19 November 2019, but modified to include:
 - (a) A planting plan and schedule to show the following details;

- (i) The plant code, botanical name, common name, mature height and spread, and installation size, density and quantities of all plants;
 - (ii) A plan showing plant locations and quantities, and garden bed dimensions;
 - (iii) A legend containing key features, materials and surfaces;
 - (iv) Information on maintenance requirements/ maintenance schedule, with specific reference to the 'green-wall'.
 - (b) Further details showing the planter design details and dimensions, to include;
 - (i) Planter materials;
 - (ii) Mulch type and depth;
 - (iii) Growing media and depth;
 - (iv) Filter media and depth;
 - (v) Irrigation method;
 - (vi) Drainage system;
 - (vii) Root barrier / water proofing layer;
 - (viii) Any tree anchor system being proposed.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

Tree Management Plan

10. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of the tree on Burnley Street, the tree within the kerb outstand and the two trees on Murphy Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes, to the satisfaction of the Responsible Authority.
11. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
12. Before the development commences, the permit holder must provide an Asset Protection Bond of \$8,000 (ex GST) for the trees in Burnley Street and Murphy 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 otherwise to the satisfaction of the Responsible Authority.

Green Travel Plan

13. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Sustainable Built Environments and dated October 2019, but modified to include or show:
 - (a) The amended bicycle numbers and layout, to be consistent with all architectural plans.
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.

Wind Tunnel Test

15. Before the development commences, a Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Test will be endorsed and will form part of this permit. The Wind Tunnel Report must include (or show);
 - (a) Testing of assumptions as contained within the Environmental Wind Assessment prepared by Vipac Engineers and Scientists dated 16 October 2019;
 - (b) Achieve recommended criteria at each point (i.e. not an average) without the reliance upon vegetation.
16. The provisions, recommendations and requirements of the endorsed Wind Tunnel Test must be implemented and complied with to the satisfaction of the Responsible Authority.

Uses

17. Except with the prior written consent of the Responsible Authority, the office use authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week.
18. Except with the prior written consent of the Responsible Authority, the restricted retail use authorised by this planning permit may only operate between the hours of 7:00am to 9:00pm, seven days a week.
19. Except with the prior written consent of the Responsible Authority, the café use authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week.
20. No more than 100 patrons are permitted within the café 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 collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
25. 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.
26. 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.

General

27. 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.
28. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
30. Before the building is occupied, any wall located facing public land must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
31. 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.
32. 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

33. 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; andto 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, 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.
- 35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 36. 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.
- 37. 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.
- 38. Before the building is occupied, 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 Burnley Street, Murphy Street and Blazey Street must be stripped and re-sheeted.

VicRoads Conditions

- 39. Prior to the commencement of the development, 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 Burnley Street, Blazey Street and Murphy Street boundary (i.e. the canopies, fixed shading devices, architectural features, awnings, balconies etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Burnley Street, Blazey Street and Murphy Street road reserve. A copy of the endorsed plan must be submitted and clearly detail the dimensions of all projections including the total area (sqm), length, width and height which extend beyond the title boundary. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required or if no projections are proposed into the road reserve airspace. Written certification of building projections qualifying for an exemption must be directed to DELWP's Land and Built Environment Department at property.portphillip@delwp.vic.gov.au.

Construction Management Plan

- 40. 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.

41. 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.

42. 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

43. 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

44. 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.

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

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

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

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

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

Andrea Pagliaro, Urbis (for the applicant)
Amanda Sinden
Ewen Hill

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Searle

That having considered all objections and relevant planning policies, the Planning Development Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0892 for construction of a multi-storey building for use as office, restricted retail and food and drink premises (cafe) and a reduction in the statutory car parking requirement at 157-161 Burnley 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 Peddle Thorp Architects and dated June 2020, but modified to show:
 - (a) The deletion of 1 level.
 - (b) The removal of all references to survey dimensions, with only title dimensions to be shown on the plans. All built form must be contained within these title boundaries;
 - (c) The notation on the ground floor plan referencing 'retail/café' amended to read 'food and drink premises (café)';
 - (d) The materials and finishes schedule (TP-800) updated to include the white (or similar) finish proposed within the ground floor façade;
 - (e) The south-facing glazing at all levels to be finished in a light-coloured tint;
 - (f) Glazing materials used on all external walls/windows must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority;
 - (g) The proposed seating on the Burnley Street footpath to be designed in accordance with Council's Public Domain Manual unless otherwise agreed by the responsible authority;
 - (h) All proposed surface materials within the subject site to be constructed in a different material to that of the footpath, with the boundary lines clearly defined;
 - (i) All existing street trees, including the tree within the kerb outstand, to be clearly shown on the ground floor plan
 - (j) A notation on the ground floor plan specifying that the door to the loading bay will be closed during all waste collection and deliveries;
 - (k) The garage door must be of a tilt-door design;
 - (l) EV charging for a minimum of 10% of car parking spaces;
 - (m) A minimum of 50% bicycle spaces provided at grade,
 - (n) space for cargo bikes;
 - (o) Details of the vehicle crossing (i.e. ground clearance check);
 - (p) A notation confirming that all walls facing public land will be treated with a graffiti proof finish;
 - (q) Any changes required by the endorsed Sustainable Management Plan pursuant to Condition 3, including details of the proposed 'blind systems' to provide sun-shading for the north and west facades;
 - (r) Any changes required by the endorsed Waste Management Plan pursuant to Condition 5;
 - (s) Any changes required by the endorsed Landscape Plan pursuant to Condition 8;

- (t) Any changes required by the endorsed Green Travel Plan pursuant to Condition 13.
- (u) Any changes required by the endorsed Wind Tunnel Test pursuant to 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 Sustainable Built Environment and dated 12 June 2020, but modified to include:
 - (a) Details of the proposed 'blind systems' to provide sun-shading for the north and west facades;
 - (b) Details on how organic waste and food diversion will be managed;
 - (c) Written commitment to provide a HVAC system to have at least 20% improvement in Coefficient of Performance (COP) and Energy Efficiency Ratios (EERs) over minimum allowable;
 - (d) Details on types and quantities of recycled materials to be used throughout the development;
 - (e) Details of the ESD initiatives related to system tuning or maintenance.
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.

Waste Management Plan

5. 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 June 2020, but modified to include:
 - (a) Provision for recycling of paper/cardboard, plastics and glass;
 - (b) An organic waste management system, such as compost;
 - (c) Confirmation that the loading bay door will be closed at all times waste is being collected from the site.
6. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Façade Strategy

7. 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.

Landscape Plan

8. 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 Urbis and dated 19 November 2019, but modified to include
 - (a) A planting plan and schedule to show the following details;
 - (i) The plant code, botanical name, common name, mature height and spread, and installation size, density and quantities of all plants;
 - (ii) A plan showing plant locations and quantities, and garden bed dimensions;
 - (iii) A legend containing key features, materials and surfaces;
 - (iv) Information on maintenance requirements/ maintenance schedule, with specific reference to the 'green-wall'.
 - (b) Further details showing the planter design details and dimensions, to include;
 - (i) Planter materials;
 - (ii) Mulch type and depth;
 - (iii) Growing media and depth;
 - (iv) Filter media and depth;
 - (v) Irrigation method;
 - (vi) Drainage system;
 - (vii) Root barrier / water proofing layer;
 - (viii) Any tree anchor system being proposed.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

Tree Management Plan

10. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) the protection of the tree on Burnley Street, the tree within the kerb outstand and the two trees on Murphy Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
 to the satisfaction of the Responsible Authority.

11. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
12. Before the development commences, the permit holder must provide an Asset Protection Bond of \$8,000 (ex GST) for the trees in Burnley Street and Murphy 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 otherwise to the satisfaction of the Responsible Authority.

Green Travel Plan

13. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Sustainable Built Environments and dated October 2019, but modified to include or show:
 - (a) The amended bicycle numbers and layout, to be consistent with all architectural plans;
 - (b) A minimum of 50% bicycle spaces provided at grade, along with space for cargo bikes;
 - (c) The provision of charging points for e bikes and signage re EV charging;
 - (d) Include details of nearby car-share provision.
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.

Wind Tunnel Test

15. Before the development commences, a Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Test will be endorsed and will form part of this permit. The Wind Tunnel Report must include (or show);
 - (a) Testing of assumptions as contained within the Environmental Wind Assessment prepared by Vipac Engineers and Scientists dated 16 October 2019;
 - (b) Achieve recommended criteria at each point (i.e. not an average) without the reliance upon vegetation.
16. The provisions, recommendations and requirements of the endorsed Wind Tunnel Test must be implemented and complied with to the satisfaction of the Responsible Authority.

Uses

17. Except with the prior written consent of the Responsible Authority, the office use authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week.
18. Except with the prior written consent of the Responsible Authority, the restricted retail use authorised by this planning permit may only operate between the hours of 7:00am to 9:00pm, seven days a week.

19. Except with the prior written consent of the Responsible Authority, the café use authorised by this planning permit may only operate between the hours of 7:00am to 10:00pm, seven days a week.
20. No more than 100 patrons are permitted within the café 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 collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
25. 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.
26. 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.

General

27. 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.
28. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
30. Before the building is occupied, any wall located facing public land must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
31. 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.

32. 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

33. 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; andto 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, 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.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
36. 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.
37. 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.
38. Before the building is occupied, 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 Burnley Street, Murphy Street and Blazey Street must be stripped and re-sheeted.

Developer Contribution

39. Prior to the commencement of the development, the permit holder must pay the Responsible Authority a \$10,000 contribution for the installation of bicycle access improvements, to the subject site as agreed in writing to the satisfaction of the Responsible Authority.
40. The Responsible Authority must use the funds on the agreed project within 12 months of the development completion; 12 months after the development completion, the developer may request a refund for the full amount if the agreed project has not been commenced or is not proposed to proceed.

VicRoads Conditions

- 41.** Prior to the commencement of the development, 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 Burnley Street, Blazey Street and Murphy Street boundary (i.e. the canopies, fixed shading devices, architectural features, awnings, balconies etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the Burnley Street, Blazey Street and Murphy Street road reserve. A copy of the endorsed plan must be submitted and clearly detail the dimensions of all projections including the total area (sqm), length, width and height which extend beyond the title boundary. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required or if no projections are proposed into the road reserve airspace. Written certification of building projections qualifying for an exemption must be directed to DELWP's Land and Built Environment Department at property.portphillip@delwp.vic.gov.au.

Construction Management Plan

- 42.** 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.

43. 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.

- 44.** 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

- 45.** 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

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

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

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

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

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

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 businesses (whether as owners, lessees/tenants, occupiers) within the development approved under this permit will not be permitted to obtain business 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 PLN20/0022 - 16 Napier Street Fitzroy - Part demolition, alterations and additions to the existing dwelling including a ground and first floor extension

Reference: D20/140470

Authoriser:

[Help](#)

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN20/0022 for part demolition, alterations and additions to the existing dwelling, including a ground and first floor extension at 16 Napier Street Fitzroy VIC 3065, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Foursight Architects, dated Aug 2020 (Rev 2: TP003, Rev 1: TP004, Rev 2: TP005, TP006, Rev 2: TP008, TP007, TP009, TP010, TP100, TP101, Rev 1: TP102, TP104, TP103, Rev: TP201, TP200, TP202 and TP501), but modified to show the following:
 - (a) Detailed elevations at 1:20 scale, showing the proposed reconstruction and restoration works associated with the existing front fence and returns;
 - (b) The operability of windows and doors shown on the proposed elevations, with each habitable room to have access to an operable window;
 - (c) First floor balcony screened to comply with the objective of Standard A15 (Overlooking objective) at Clause 54 of the Yarra Planning Scheme.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Before the 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.
5. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
6. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
7. Before the 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.

8. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
9. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
10. 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.

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

Notes:

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

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

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

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.

Submission made online during the meeting

Marianela Tolettini, Foursight Architects (for the applicant).

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Fristacky

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

-
- 1.4 PLN20/0230 - 587 - 593 Church Street, Richmond - Use and development of the land for a thirteen storey residential hotel (with an ancillary gym and function centre), a ground floor restaurant and a roof-top bar (all permit required uses) with two basement levels, a reduction in car parking and alteration of access to a road zone, category 1**
-

Reference: D20/139348

Authoriser: Manager Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all submissions and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN20/0230 for the use and development of the land for a multi-storey residential hotel (with an ancillary gym and function centre); two food and drinks premises (a ground floor restaurant and a roof-top bar), a reduction in car parking and alteration of access to a road zone, category 1, subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by COX Architecture, TP-11-01 (Rev 10), TP-11-02 (Rev 7), TP-21-01, TP-21-02, TP-21-03, TP-21-04 (Rev 15), TP-21-05 (Rev 14), TP-21-06 (Rev 6), TP-21-07 (Rev 13), TP-21-08 (Rev 6), TP-21-09 (Rev 10), TP-21-10, TP-21-11 (Rev 13), TP-21-13 (Rev 10), TP-30-01 (Rev 7), TP-30-02, TP-30-03 (Rev 6), TP-40-01 (Rev 11), TP-40-02 (Rev 10), TP-51-01 (Rev 1), TP-90-01, TP-90-02, TP-90-03 (Rev 1) and perspective 1-8 dated 1 June 2020 but modified to show:

Layout

- (a) The layout of the BOH kitchen areas on Level 1 shown, with a notation indicating that the kitchen will service the ground floor restaurant.
- (b) Any kitchen areas servicing the rooftop bar to be shown on the floor plan.
- (c) Connectivity provided between the lift lobby and gym on Level 1 to ensure patrons of the gym are not required to traverse through the pre-function area.
- (d) A notation indicating that all power will be relocated underground along the Church Street frontage and street poles are to be removed.
- (e) A notation confirming the goods lift is accessible to staff between the bike store and end-of-trip facilities.
- (f) Safe pedestrian egress from the basement to Willow Street.
- (g) Correct labelling of size of rain water tank to be a minimum 40,000 litres.

Built Form

- (h) Deletion of Levels 4 and 5 and a reduction in height to the roof-top level (through modifications to Levels 11 and 12) to reduce the overall height to RL 47.45.
- (i) An increased setback of 3 metres (total 13 metres) for the roof-top level from the eastern boundary, with any further modifications (including increased setback of the upper levels or a reduction in height) incorporated to eliminate overshadowing to dwellings within the residential zone between 9am and 3pm at the September 22nd equinox.
- (j) The materiality of the pergola and soffits identified and integrated with the overall building.
- (k) The design and extent of operable windows on ground floor and levels above clarified and shown.
- (l) The height of the ground floor planters located within the scalloped inserts of the ground floor to be between 450mm to 500mm in height.

- (m) A minimum 3 metre setback provided from the eastern boundary to the edge of the Level 2 eastern balconies, with landscaping provided within the additional setback area.
- (n) The annotations referencing “roof at Level 2” and “roof at Level 6” on the floor plans deleted.
- (o) The notation on the ground floor referencing a 3.49 metre wide existing footpath corrected.
- (p) The southern elevation updated to correctly show the existing buildings to the east.

Car Parking and Services

- (q) The location of bollards along the northern boundary with Willow Lane to adequately protect the building from vehicle movements.
- (r) The headroom clearances at the development entrance and along critical points along the curved ramps be dimensioned/depicted on the drawings.
- (s) The loading bay to be dimensioned on the drawings.
- (t) The outwardly opening doors at the ground floor along Yorkshire Street modified to glazed sliding doors (or similar treatments to remove conflict).
- (u) Installation of a convex mirror to provide sight lines for vehicles exiting the basement car park, if a loading vehicle were propped in the loading bay.
- (v) Deletion of 17 car spaces from the basement levels.
- (w) Electric vehicle charging infrastructure for at least 5 vehicle spaces clearly shown, with the car spaces marked.
- (x) A notation indicating that the car parking area will be electrically wired to be ‘EV ready.’
- (y) A minimum of 24 employee bicycle spaces and 19 visitor bicycle spaces located within a secure compound in the basement level, provided in accordance with the requirements of AS23890.3 (including a minimum 20% of employee racks horizontal at grade) and conveniently located close to the goods lift.
- (z) One additional visitor bicycle hoop provided on the Church Street frontage in accordance with Yarra’s standard bike hoop detail.
- (aa) The six visitor bicycle hoops provided on Yorkshire Street reduced to four, located horizontal at-grade on the footpath in between the proposed street trees in accordance with Yarra’s standard bike hoop detail.

Reports and Plans

- (bb) Any requirement of the Road Safety Audit (condition 11) (where relevant to show on plans).
- (cc) Any requirement of the endorsed Landscape Plan (condition 16) (where relevant to show on plans).
- (dd) Any requirement of the endorsed Sustainable Management Plan (condition 23) (where relevant to show on plans).
- (ee) Any requirement of the endorsed Waste Management Plan (condition 26) (where relevant to show on plans).
- (ff) Any requirement of the endorsed Green Travel Plan (condition 29) (where relevant to show on plans).
- (gg) Any requirement of the endorsed Acoustic Report (condition 31) (where relevant to show on plans).
- (hh) Any requirement of the endorsed Wind Tunnel Study (condition 37) (where relevant to show on plans).
- (ii) Any requirement of the Streetscape Improvement Plan (Conditions 42) (where relevant to show on plans).

Façade Strategy

2. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority.
When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:

- (a) elevations at a scale of 1:20 illustrating typical podium details for all podium types, entries and doors, utilities and tower facade details (in particular the detailing of 'GL03' and 'MET02' and other glazing types and finishes used within the development);
 - (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;
 - (d) a sample board and coloured renders outlining colours, materials and finishes including the following:
 - (i) details of the proposed permeability of 'BRK02' allowing adequate transparency and depth;
 - (ii) High level details of the plant level and any screening, ensuring it is integrated with the design of the building.
 - (iii) Resolution of the interface with the adjoining BP service centre including glare reduction.
 - (iv) Details of how the proposed extensive north and west facing glazing will be managed whilst maintaining engagement with the street as sought by policy.
 - (v) Details of the ground floor operable windows fronting Church Street and of the upper level window operability.
 - (vi) Detailed diagrams of the architectural framing within the brick base maintain the depth and layering provided.
 - (vii) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface
 - (viii) Material proposed for the soffits and roof top pergola
 - (e) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or built model.
3. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
4. As part of the ongoing progress and development of the site, Cox Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Use

5. Except with the prior written consent of the Responsible Authority, the food and drinks premises (ground floor restaurant) use authorised by this permit may only operate between the following hours:
- (a) Monday to Saturday 7:00am – 11:00pm.
 - (b) Sunday 10:00am – 11:00pm.
6. Except with the prior written consent of the Responsible Authority, the food and drinks premises (roof-top bar) use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 12 midday – 11:00pm.

7. Except with the prior written consent of the Responsible Authority, the use of the pool in association with the food and drinks premises (roof-top bar) authorised by this permit may only operate between 12 midday and 10:00pm on any day.
8. Except with the prior written consent of the Responsible Authority, no more than the following maximum number patrons are permitted on the land at any one time:
 - (a) Ground Floor Restaurant – 120
 - (b) Rooftop Bar – 216 (maximum 179 patrons in bar area at any time and 37 in pool area until 10pm on each day).
9. The provision of music and entertainment on the land must be at a background noise level.
10. 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.

Road Safety Audit

11. Prior to the submission of plans required pursuant to Condition 1, the permit holder must submit a formal road safety audit prepared by a suitably qualified consultant, to the satisfaction of the Responsible Authority. The audit must include, but not limited to:
 - (a) Investigation and recommendations to sign post the two existing on-street car spaces on the Church Street frontage to "Taxi Zone" (or similar to cater for car share services) to cater for pick up and drop off traffic or a detailed analysis of how the pick up and drop off of traffic expected to utilise the Church Street frontage is redirected to the porte cochère.
 - (b) Details of the porte cochère including:
 - (i) turnover of porte cochère parking;
 - (ii) duration of stay of vehicles accessing the porte cochère;
 - (iii) estimated time for a valet to pick up and drop off a vehicle to the basement car park; and
 - (iv) anticipated wait times for taxi / ride share within the porte cochère.
 - (c) A queuing analysis taking into consideration the existing traffic volumes on Yorkshire Street and the expected traffic generated by the development. The analysis must also take into consideration existing on-street parking restrictions on the southern side of Yorkshire Street as these spaces limit passing opportunities within Yorkshire Street for eastbound and westbound vehicles.
 - (d) Additional information in regards to the proposed stop / go system used at the basement car park entrance with an assessment of the entry light proposed, including an assessment of whether the entry light should be default green to give priority for vehicles entering the basement.
 - (e) Provision of a Sidra analysis utilising existing traffic volumes, demonstrating that the proposed access arrangements for the development would not unduly impact the surrounding road network.

The findings of the audit must be incorporated into the development and at the developer's expense.

Hotel Management Plan

12. Before the uses commence, 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 or show, but is not limited to, the following:
 - (a) The gym, function centre and roof top pool facilities to be open only during the hours of 7am to 10pm each day;
 - (b) Sign in and management procedures for the use of the function centre facilities and pool facilities by the public, including:
 - (i) Management procedures for the use of the pool by hotel guests and patrons of the bar during permitted operating hours including safety and security arrangements;
 - (c) The gym is restricted to hotel guests only;
 - (d) Hours of operation for the restaurant and roof-top bar.
 - (e) The management of large group bookings for the conference facilities and pool area including the management and dispersal of users to Church Street for both areas, and strategies to manage users loitering around the venue after the event/venues have closed;
 - (f) Reception operating hours;
 - (g) Staffing/Management arrangements;
 - (h) Provisions for 'after-hours' arrivals and departures;
 - (i) Security arrangements;
 - (j) Procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood;
 - (k) Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
 - (l) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
 - (m) An outline of all house rules intended to be used to manage residents and guests including:
 - (i) guest behaviour;
 - (ii) noise;
 - (iii) use of private terraces; and
 - (iv) methods of eviction if house rules are broken;
 - (n) Details of eviction process in the event house rules are broken;
 - (o) Standards for property maintenance, health and cleanliness;
 - (p) Security against thefts and break-ins, including security of guests' belongings; and
 - (q) Initiatives provided to direct hotel guests to the wider area from Church Street and not the residential areas to the east, with a strategy provided outlining how this will be communicated to guests.
13. The provisions, recommendations and requirements of the endorsed Hotel Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Operational Management Plan (Food and Drink Premises)

14. Before the uses commence, an Operational Management Plan for the two food and drinks premises (restaurant and bar) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operational Management Plan will be endorsed and will form part of this permit. The Operational Management Plan must include or show but is not limited to, the following:
 - (a) Provision of a Commercial Kitchen layout and operational design demonstrating the operational fitness for purpose of current ground, first and rooftop layouts.
 - (b) Detailed analysis on the kitchen facilities provided at Level 1 and how they will be managed to service the restaurant.
 - (c) Details provided on any kitchen facilities for the rooftop bar area and how they will be managed.

- (d) The management and dispersal of patrons to Church Street for both venues, including patrons loitering around the venue after the venue has closed.
 - (e) How the movement and exit of patrons is to be managed for both venues.
 - (f) The management of the bar and pool area, including conflict between hotel guests and patrons.
 - (g) The management of large group bookings within both venues.
 - (h) The management of external queues for both venues.
 - (i) Any other measures to be undertaken to ensure no unreasonable amenity impacts from the ground floor restaurant and roof-top bar.
15. The provisions, recommendations and requirements of the endorsed Operational Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

16. Before the use and development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Jack Merlo dated 01.06.20, but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Condition 1, including the revised location of bicycle hoops. All bicycle hoops are to be shown in accordance with Yarra's standard bike hoop detail.
 - (b) Landscaping provided within the setback area to the east of the Level 2 eastern balconies.
 - (c) The height of the ground floor planters located within the scalloped inserts of the ground floor to be between 450mm to 500mm in height.
 - (d) The proposed street trees along Yorkshire Street reduced to five street trees and:
 - (i) modified to be '*Magnolia grandiflora* 'Greenback' or *Tristanopsis laurina* 'Luscious;'
 - (ii) Placed within standard 1m x 1m cut-outs.
 - (iii) Setback 10 metres from the Church Street curb and spaces 7 metres centre to centre.
 - (iv) Four trees are to be provided west of the porte cochère and one tree to the east of the porte cochère.
 - (e) The proposed street tree on Church Street modified to be Acer Autumn Blaze.
 - (f) The pedestrian kerb crossing at the intersection of Church Street and Yorkshire Street to align with the direction of travel required to cross to the south with tactiles removed.
17. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

Street Trees

18. Before the use and development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection of the northernmost street tree located on the Church Street frontage, including:
 - (a) pre-construction;
 - (b) during construction; and
 - (c) post construction
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
19. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority
20. Before the use and development commences, the permit holder must provide a security bond of \$1000 for the retained street tree 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.
21. Before the use and development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one off contribution of \$2,074 to the Responsible Authority for the amenity value and removal cost of the southernmost street tree located on the Church Street frontage of the site.
22. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one off a contribution of \$3,390 to the Responsible Authority for the sourcing, installation and 2 year maintenance of five street trees within Yorkshire Street and one tree on Church Street.

Sustainable Management Plan

23. Before the use and 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 ADP Consulting dated 14 March 2020, but modified to include or show:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Clarification provided on the design and extent of operable windows on ground floor and level 1 and levels 7-11 (TP-21-10).
 - (c) Clarification on the provision of natural ventilation to all hotel suites.
 - (d) Inclusion of JV3 modelling.
 - (e) Include within JV3 modelling to articulate thermal performance associated with building fabric.

- (f) Confirm that the 2016 NCC is the appropriate reference point.
 - (g) Include reference to peak demand within JV3 modelling.
 - (h) Clarify shading strategy for levels 7-11 in terms of performance outcomes of Fritted Glazing.
 - (i) Clarify HVAC approach and consider 3 pipe VRF.
 - (j) Clarify carpark ventilation strategy.
 - (k) Clarify size of rooftop solar PV system (inconsistency between 10kWp and 20kWp)
 - (l) Amend water tank size to 40,000L.
 - (m) Clarification of rainwater storage size.
 - (n) Confirm employee access to goods lift to reduce inconvenience of having to park in B2 and shower on Lv1.
 - (o) Commitment to provide details in Green Travel Plan & Building User Guide to ensure occupants have access to surrounding car share options.
 - (p) Confirm Green Travel Plan with performance targets and monitoring and reporting components included.
 - (q) Provide details of roof material/colour in terms of SRI and urban heat mitigation properties to meet 75% target.
 - (r) Clarify 'relevant stakeholders' for BUG and ensure occupants are equipped with knowledge regarding organic waste and other sustainable initiatives.
24. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Waste Management Plan

26. Before the use and 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 LeighDesign and dated 25 March 2020, but modified to include:
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) The total floor areas associated with each use.
 - (c) Reduced rates of collection.
 - (d) A separate waste stream and bin/s for glass.
 - (e) Increased bin storage area to provide an effective waste system.
 - (f) A notation indicating all bin washing and cleaning is to occur on-site.
 - (g) The swept path diagram relating the waste service.
27. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
28. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Green Travel Plan

29. Before the use and development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Description of the location in the context of alternative modes of transport, including access to surrounding car share options;
 - (c) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (f) Details of bicycle parking and bicycle routes;
 - (g) Details of Green Travel funding and management responsibilities;
 - (h) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (i) Security arrangements to access the employee bicycle storage spaces;
 - (j) Employee access to the goods lift to provide connection between the basement levels and the end-of-trip facilities on level 1.
 - (k) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (l) Provisions for the GTP to be updated not less than every five years.
30. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

31. 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 ADP Consulting and dated 1 June 2020, but modified to include:
- (a) The report updated to include the hours of operation as allowed by this permit and the proposal as amended pursuant to Condition 1.
 - (b) Deletion of references to addresses not within proximity and a detailed analysis of the sensitive residential receivers within proximity (both in residential and commercial zoning) with the report updated to reflect the resultant minimum distances.
 - (c) Photos of the measurement equipment installed on site included in the report and a more detailed description included.
 - (d) Zoning Levels be used as the SEPP N-1 noise limits.
 - (e) A formal patron noise assessment be conducted and the report provide predicted patron noise levels at existing residences. The noise levels can be assessed to SEPP N-1 or 'background + 5 dB' targets. This assessment include reference to the ground floor restaurant as well as the roof-top bar.
 - (f) Provision for background music only for the restaurant and roof top bar, with the deletion of the proposed DJ music.
 - (g) Additional attended noise measurements to determine the appropriate SEPP N-2 music noise limits.
 - (h) A formal music noise assessment including the source spectra for the music and the predicted music noise levels at existing residences, assessed to the night period octave band noise limits.
 - (i) The applicable criteria for music noise to existing dwellings are to assess SEPP N-2 outdoor noise limits.

- (j) The loading dock and car park entrance roller door acoustic requirements be specified, providing an acoustic specification for achieving the targets such that sleep disturbance levels will be met at the closest dwelling.
 - (k) The indoor SEPP N-1 noise limits (used for the assessment of existing commercial plant) be added to Section 3.1.1 of the report.
32. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
33. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant, substation, loading dock and car park roller doors with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings. When approved, the Acoustic Report will be endorsed and will then form part of this permit.
34. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
35. Within 3 months of the commencement of the food and drinks premises uses (restaurant and bar), an 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 assess the following:
- (a) Confirm that the recommendations of the endorsed Acoustic Report required by Condition 31 have been implemented;
 - (b) Assess their effectiveness in meeting the predicted patron noise level and SEPP N-1 and SEPP N-2 requirements as outlined within the endorsed Acoustic Report required by Condition 31;
 - (c) Include measurements taken on nights where events with amplified background music and maximum patron occupancy (indoors and outdoors) occurs;
 - (d) If non-compliance is measured, the venue must implement additional acoustic measures as recommended by the endorsed Acoustic Report or the post-commencement Acoustic Report within one month of the date of the amended acoustic report, or as otherwise extended by the Responsible Authority. During the time the additional acoustic measures are being implemented no operation which would cause the non-compliance are to take place.

The acoustic report must assess the compliance of the uses and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

36. The provisions, recommendations and requirements of the endorsed post commencement Acoustic Report be implemented within one month of the endorsement, or as otherwise agreed in writing by the Responsible Authority and complied with to the satisfaction of the Responsible Authority.

Wind Tunnel Report

37. Before the use and development commences, an amended Wind Tunnel Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Report will be endorsed and will form part of this permit. The amended Wind Tunnel Report must be generally in accordance with the Wind Tunnel Report prepared by MEL Consultants, dated March 2020, but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) The north-east corner of the development, along Willow Lane and Church Street achieving pedestrian comfort for walking activities.
 - (c) The Church Street entrance to the development achieving pedestrian comfort for stationary, short exposure activities.
 - (d) The external private and communal terraces achieving pedestrian comfort for stationary, short exposure activities.
 - (e) The roof-terrace achieving pedestrian comfort for stationary, long exposure activities.

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

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

Environmental Audit

39. Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
40. If the assessment required by condition 39 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
41. If the assessment required by condition 39 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the *Environment Protection Act* 1970 (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or

- (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

If, pursuant to condition 41, a Statement is issued:

- (c) the:

- use; and
- development,

authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;

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

Streetscape Improvement Plan (widened footpaths and Porte Cochère)

42. Before the use and development commences, the owner of the site must submit a detailed Streetscape Improvement Plan for the developments Willow Lane, Church Street and Yorkshire Street frontages including the widened footpaths (including the porte cochère) to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner.

The detailed design plan must include details of the proposed materials, landscaping, lighting and safety measures to provide unfettered 24 hour public access for the widened footpaths and porte cochère. Furthermore, the detailed design plan must include the areas within the title boundaries to be utilised as footpath, including the following:

- (a) Provision of widened footpaths along Willow Lane, Church Street and Yorkshire Street frontages including the widened footpaths and the porte cochère, including land located on the subject site as identified within the Ground Floor plan prepared by Cox Architecture, Drawing No. TP-21-03, Revision 15, showing:
 - (i) The proposal as amended pursuant to Condition 1, including the revised location of bicycle hoops. All bicycle hoops are to be shown in accordance with Yarra's standard bike hoop detail.
 - (ii) All pavements along Church Street within Council land are to be reinstated as asphalt footpaths with concrete kerb and channel for the full length of the site plus the pedestrian kerb crossing area (as shown in Image A of the permit notes) as per *City of Yarra's Infrastructure – Road Materials Policy*.
 - (iii) A seamless transition between the footpath and private property is to be demonstrated.
 - (iv) All proposed paving in the pedestrian walkways to be compliance with Australian Standards for slip resistance and DDA.
 - (v) Bluestone banding (parallel to curb) included along the Yorkshire Street frontage to clearly identify the extent of private property.
 - (vi) Inside the curtilage of the property, the infill material of the indented area of the porte cochère is to be different to that of materials used for Council's road infrastructure. The property boundary is clearly identifiable/demarcated.
 - (vii) The design of the porte cochère is to have the input from an access consultant with any recommendations to enable disability access incorporated.
 - (viii) The pedestrian kerb crossing at the intersection of Church Street and Yorkshire Street to align with the direction of travel required to cross to the south with tactiles removed. The crossing is to be as per *Yarra Standard Drawings (YSD404 – Kerb layback pram crossing)*.
- (b) All proposed streetscape materials as per Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings.
- (c) Proposed vehicle crossovers to be shown on drawings as per Yarra Standard Drawings.
- (d) Show location of all existing infrastructure on footpath/lane, such as drainage pits, electricity poles and street signs. If any of this infrastructure is proposed to be relocated the proposed location is to be shown.
- (e) Show existing on-street parking on Church Street.
- (f) Correct the street tree labelling along Church Street
- (g) All redundant vehicle crossovers are to be demolished and note added on drawings.
- (h) Show general Grading and Drainage information (including within the walkway) to ensure the site layout is universally accessible, appropriate and well-designed, including:
 - (i) RLs at all building entries and street interfaces.
 - (ii) Falls of pavements, including extents of significant falls (i.e. steeper than 1:33 and 1:20).
 - (iii) Drainage pits (and associated RLs).
 - (iv) Show drainage infrastructure, such as trench grates on plans.
- (i) Provision of a ground floor landscape plan which includes the landscaping proposed in the public realm areas, as modified by Condition 16.
- (j) Relocation of the electricity and overhead power connection along Church Street underground.
- (k) Safety by design lighting solutions incorporated for Yorkshire Street and Willow Lane.

Widened section of Willow Street, Church Street and Yorkshire Street, including the Porte Cochère

43. Within six months of the development, the design of the widened sections of Willow Lane, Church Street and Yorkshire Street footpaths including the porte cochère must be prepared by an independent and suitably qualified engineering professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must provide details including pavement widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage including the installation of any additional drainage pits and associated connecting drainage to the satisfaction of the Responsible Authority.
44. Within six months of the development, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access (inclusive of the provision of light) over that part of the land to be used for the widening of the Willow Lane, Church Street and Yorkshire Street footpaths including the porte cochère;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 44(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 44(a).
45. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Timing of works

46. Before the building is occupied, all works to the public realm as required by conditions 42 and 43 must be fully constructed and completed by the owner at their full cost and to the satisfaction of the Responsible Authority.

Car parking

47. 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.
48. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Road Infrastructure

49. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the electricity connection along Church Street underground 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.
50. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, new tram crossings are to be constructed at the south-west Church Street and Yorkshire Street intersection;
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
51. Upon the completion of all building works and connections for underground utility services and before the building is occupied or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Church Street and Yorkshire Street frontages must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
52. Upon the completion of all building works and connections for underground utility services and before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Church Street and Yorkshire Street frontages must be reconstructed:
- (a) With a cross-fall of 1 in 40 unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
53. Upon the completion of all building works and connections for underground utility services and before the building is occupied or by such later date as approved in writing by the Responsible Authority, the asphalt flanks (road pavement) of Willow Lane, immediately abutting the site's northern boundary must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
54. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections must be reconstructed:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of any other relevant authority; and
 - (c) to the satisfaction of the Responsible Authority.
55. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
56. 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.

57. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
58. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one bicycle rack must be installed on Church Street and four bicycle racks must be installed on Yorkshire Street:
- (a) at the permit holder's cost; and
 - (b) in a location and manner,

to the satisfaction of the Responsible Authority.

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

Head, Transport for Victoria Condition (Condition 60)

60. The permit holder must avoid disruption to tram operation along Church Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Lighting

61. 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.

General

62. 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.
63. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
64. 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.
65. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

66. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
67. 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.
68. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
69. 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.

Construction Management Plan

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

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

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

During the construction:

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

71. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

72. 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.

Time expiry

73. This permit will expire if:

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

No liquor associated with any of the approved uses is to be sold or consumed on the site. A planning permit pursuant to the requirements of clause 52.27 (Licenced Premises) is required to facilitate the sale and consumption of liquor.

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

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

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

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

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

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

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

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.

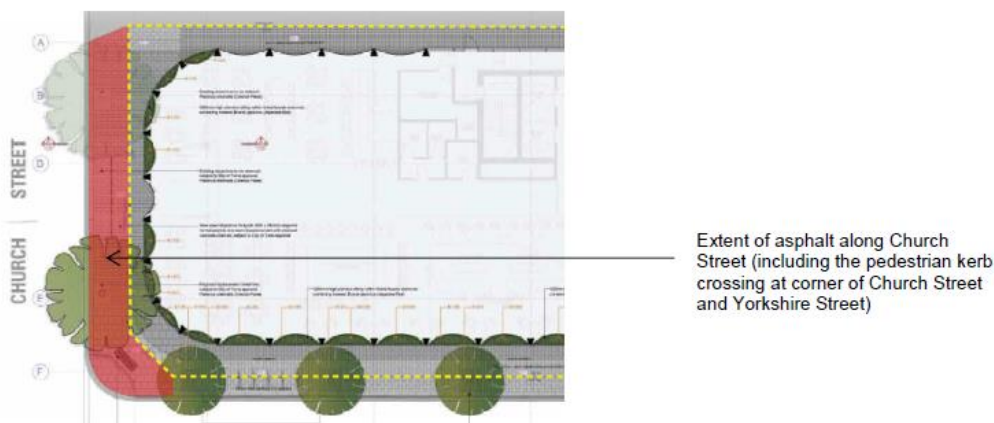
No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

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

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>

IMAGE A:



Submissions made online during the meeting

Dianne King
Lal Goonewardene
Belinda Donaldson
Fred Accary
Michael Campbell
John Mihelakis
Megan Harrison
Chris Idle
Ross Martiensen
Jeremy Maslin

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Jolly

That having considered all submissions and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Refusal to Grant Planning Permit PLN20/0230 for the use and development of the land for a multi-storey residential hotel (with an ancillary gym and function centre); two food and drinks premises (a ground floor restaurant and a roof-top bar), a reduction in car parking and alteration of access to a road zone, category 1, at 587 – 593 Church Street, Richmond, generally in accordance with the plans noted previously as the “decision plans”, subject to the following grounds:

1. The proposed height, setbacks and massing of the building will dominate the surrounding streetscapes and will not positively respond to the surrounding context and existing neighbourhood character.
2. The proposal fails to respond to the off-site amenity of the surrounding properties.

CARRIED UNANIMOUSLY

The Meeting adjourned at 8.49pm.

The Meeting resumed at 8.55pm.

1.5 PLN19/0707 - 91 Rokeby Street, Collingwood - Construction of a seven-storey building (plus roof terrace) for use as office(s) and reduction in the associated car parking requirement of the Yarra Planning Scheme.

Reference: D20/142365

Authoriser: Senior Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the development of the land to construct a multi-level building for use as office(s) (no permit required use) and a reduction in the car parking requirement at 91 Rokeby Street, Collingwood generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans prepared by Matt Goodman Architecture Office and dated 14 November 2019 but modified to adopt:
 - (a) The following changes in accordance with the “Sketch Plans” prepared by Matt Goodman Architecture Office dated 10 June 2020:
 - (i) The deletion of level 6, and a reduction in the overall building height to 21.9m above the NGL as measured to the highest point of the lift overrun and 19.6m as measured to the edge of the roof terrace floor above the natural ground level (NGL); and
 - (ii) The deletion of the external exoskeleton framing element to the building;
 - (b) The adoption of evenly or more comparable distributed floor-to-ceiling heights and hence, openings / fenestration between the ground and upper floors.
 - (c) The provision of convex mirror(s) to provide additional visibility between drivers and pedestrians at the vehicle entrance.
 - (d) The clearance height of the roller door dimensioned.
 - (e) The relocation of the front pedestrian entrance to Rokeby Street and the current Robert Street entrance replaced with fenestration.
 - (f) The front entrance to Rokeby Street designed to be more prominent with varied materials and lighting.
 - (g) Provision of electric vehicle charging infrastructure to car parking spaces.
 - (h) The deletion of the “BOH” notation and this labelled as the reception area on the ground floor plan.
 - (i) Any requirement of the endorsed Landscape Plan (condition 8) (where relevant to show on plans).
 - (j) Any requirement of the endorsed Sustainable Management Plan (condition 10) (where relevant to show on plans).
 - (k) Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to show on plans).
 - (l) Any requirement of the endorsed Waste Management Plan (condition 15) (where relevant to show on plans).

3. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
4. As part of the ongoing progress and development of the site, Matt Goodman 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.

Amenity

5. No speakers external to the building within the balcony or roof terrace are to be erected or used.
6. 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.
7. 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.

Landscape Plan

8. Concurrent with the plans requested at Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must show:
 - (a) The landscaping on any of the upper levels and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch. Details of how any mulch specified on the higher levels will not be at risk of blowing away during high wind events must be provided.
 - (b) Indicate depths of the masonry planters where they have not been specified on the current plans.
 - (c) Details of custom furniture proposed, ensuring safety and compliance standards are met.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Sustainable Management Plan

10. Concurrent with the plans requested at Condition 1, an amended Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will form part of this permit. The amended SDA must be generally in accordance with the SDA prepared Frater Consulting Services dated 10 September 2019 but modified to make reference to design changes as required by Condition 1 and include the following details
 - (a) Shading treatment to the north and east façade windows of the building, that is durable (i.e. not fabric).
 - (b) The service amenities on the ground floor identified as end of trip facilities for cyclists.
 - (c) Provision of solar PV panels on the lift overrun / services roof.
 - (d) Provision of electric vehicle charging infrastructure to car parking spaces.
 - (e) A commitment to offsite renewable energy purchasing for all electricity consumption for the life of the building.
 - (f) Further consideration to a heat pump or instantaneous electric hot water and with potential to remove natural gas connection to the building.
 - (g) Provision of a larger rainwater tank to ensure a minimum 80% reliability for toilet flushing to all toilets.
11. The provisions, recommendations and requirements of the endorsed SDA must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Before the development is occupied, a report from the author of the SDA, approved under this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Green Travel Plan

13. Concurrent with the plans requested at Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include:
 - (a) Description of the location in the context of alternative modes of transport;
 - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) Details of bicycle parking and bicycle routes;
 - (f) Details of GTP funding and management responsibilities;
 - (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (h) Security arrangements to access the employee bicycle storage spaces;
 - (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (j) Provisions for the GTP to be updated not less than every five years.
14. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

15. Concurrent with the plans requested at Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The Waste Management Plan must be amended to include any changes to the building as required at Condition 1 of this permit with further details relating to:
 - (a) A hard waste storage area within the bin storage area.
 - (b) E waste storage area within the bin storage area.
 - (c) The total space of the waste storage area specified.
 - (d) An incorporated clause for potential review into the service area if operational requirements change.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Road Infrastructure

18. 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.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including re-sheeting of the footpaths for the entire width of the property (i.e. to Rokeby and Robert Streets):
 - (a) in accordance with Council's Road Materials Policy - Heritage Overlay Areas
 - (b) at the permit holder's cost;
 - (c) ensuring that the bollard to the north of Robert Street remains intact; and
 - (d) to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority.

Car parking

22. 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.

Lighting

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

to the satisfaction of the Responsible Authority.

General

24. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
25. Before the building is occupied, any wall located on a boundary facing public property (inclusive of the exposed portion of wall at the ground floor facing west) must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
26. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
27. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
28. 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.
29. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
30. 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.
31. 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

32. 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.
- (q) 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.
- (r) During the construction:
- (i) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (ii) 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;
 - (iii) vehicle borne material must not accumulate on the roads abutting the land;
 - (iv) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

33. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

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

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

Submissions made online during the meeting

Hilary Heslop
Jeni Lockhart
Angie Jaman

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Fristacky

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the development of the land to construct a multi-level building for use as office(s) (no permit required use) and a reduction in the car parking requirement at 91 Rokeby Street, Collingwood generally in accordance with the plans noted previously as the "decision plans" and subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans prepared by Matt Goodman Architecture Office and dated 14 November 2019 but modified to adopt:
 - (a) The following changes in accordance with the "Sketch Plans" prepared by Matt Goodman Architecture Office dated 10 June 2020:
 - (i) The deletion of level 6, and a reduction in the overall building height to 21.9m above the NGL as measured to the highest point of the lift overrun and 19.6m as measured to the edge of the roof terrace floor above the natural ground level (NGL); and
 - (ii) The deletion of the external exoskeleton framing element to the building;
 - (b) The adoption of evenly or more comparable distributed floor-to-ceiling heights and hence, openings / fenestration between the ground and upper floors.
 - (c) The provision of convex mirror(s) to provide additional visibility between drivers and pedestrians at the vehicle entrance and to the corner of Robert and Rokeby Streets.
 - (d) The clearance height of the roller door dimensioned.
 - (e) The relocation of the front pedestrian entrance from the Robert Street side to an angled entrance across the Robert Street and Rokeby Street frontages.

- (f) The front entrance to Rokeby Street designed to be more prominent with varied materials and lighting.
 - (g) Provision of electric vehicle charging infrastructure to car parking spaces.
 - (h) The deletion of the “BOH” notation and this labelled as the reception area on the ground floor plan.
 - (i) Any requirement of the endorsed Landscape Plan (condition 8) (where relevant to show on plans).
 - (j) Any requirement of the endorsed Sustainable Management Plan (condition 10) (where relevant to show on plans).
 - (k) Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to show on plans).
 - (l) Any requirement of the endorsed Waste Management Plan (condition 15) (where relevant to show on plans).
3. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
4. As part of the ongoing progress and development of the site, Matt Goodman 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.

Amenity

5. No speakers external to the building within the balcony or roof terrace are to be erected or used.
6. 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.
7. 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.

Landscape Plan

8. Concurrent with the plans requested at Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must show:
- (a) The landscaping on any of the upper levels and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch. Details of how any mulch specified on the higher levels will not be at risk of blowing away during high wind events must be provided.
 - (b) Indicate depths of the masonry planters where they have not been specified on the current plans.

- (c) Details of custom furniture proposed, ensuring safety and compliance standards are met.

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

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

to the satisfaction of the Responsible Authority.

Sustainable Management Plan

10. Concurrent with the plans requested at Condition 1, an amended Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will form part of this permit. The amended SDA must be generally in accordance with the SDA prepared Frater Consulting Services dated 10 September 2019 but modified to make reference to design changes as required by Condition 1 and include the following details

- (a) Shading treatment to the north and east façade windows of the building, that is durable (i.e. not fabric).
- (b) The service amenities on the ground floor identified as end of trip facilities for cyclists.
- (c) Provision of solar PV panels on the lift overrun / services roof.
- (d) Provision of electric vehicle charging infrastructure to car parking spaces.
- (e) A commitment to offsite renewable energy purchasing for all electricity consumption for the life of the building.
- (f) Further consideration to a heat pump or instantaneous electric hot water and with potential to remove natural gas connection to the building.
- (g) Provision of a larger rainwater tank to ensure a minimum 80% reliability for toilet flushing to all toilets.

11. The provisions, recommendations and requirements of the endorsed SDA must be implemented and complied with to the satisfaction of the Responsible Authority.

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

Green Travel Plan

13. Concurrent with the plans requested at Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include:

- (a) Description of the location in the context of alternative modes of transport;
- (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);

- (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) Details of bicycle parking and bicycle routes;
 - (f) Details of GTP funding and management responsibilities;
 - (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces) with at least 50% of those at grade with further space for cargo bike(s);
 - (h) Provision of charging point(s) for E-bikes;
 - (i) Security arrangements to access the employee bicycle storage spaces;
 - (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (k) Provisions for the GTP to be updated not less than every five years.
14. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

15. Concurrent with the plans requested at Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The Waste Management Plan must be amended to include any changes to the building as required at Condition 1 of this permit with further details relating to:
- (a) A hard waste storage area within the bin storage area.
 - (b) E waste storage area and provision for recycling of paper/cardboard, plastics, glass and organics within the bin storage area.
 - (c) The total space of the waste storage area specified.
 - (d) An incorporated clause for potential review into the service area if operational requirements change.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Road Infrastructure

18. 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.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:

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

20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including re-sheeting of the footpaths for the entire width of the property (i.e. to Rokeby and Robert Streets):

- (a) in accordance with Council's Road Materials Policy - Heritage Overlay Areas
- (b) at the permit holder's cost;
- (c) ensuring that the bollard to the north of Robert Street remains intact;
- (d) reinstatement of the bollard and the pedestrian kerbs around the southern corner of the Robert and Rokeby Street junction to ensure pedestrian safety and adequate sightlines for non-vehicular users to the satisfaction of the Responsible Authority;
- (e) to the satisfaction of the Responsible Authority.

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

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

Developer contribution

22. Prior to the commencement of the development, the permit holder must pay the Responsible Authority a \$5,000 contribution for bicycle improvements along Rokeby Street, this may include installation of signage or sharrows or the like as agreed in writing to the satisfaction of the Responsible Authority.

23. The Responsible Authority must use the funds on the agreed project within 12 months of the practical completion of the development. After 12 months if the monies have not been utilised, the permit holder may request a refund for the full amount if the agreed project has not been commenced or is not proposed to proceed.

Car parking

24. 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.

Lighting

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:

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

to the satisfaction of the Responsible Authority.

General

- 26. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 27. Before the building is occupied, any wall located on a boundary facing public property (inclusive of the exposed portion of wall at the ground floor facing west) must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
- 28. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 29. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 30. 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.
- 31. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 32. 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.
- 33. 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

- 34. 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.
- (q) 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.
- (r) During the construction:
 - (i) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (ii) 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;
 - (iii) vehicle borne material must not accumulate on the roads abutting the land;
 - (iv) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

35. This permit will expire if:

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

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

Notes:

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

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

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

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

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

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

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

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

CARRIED UNANIMOUSLY

-
- 1.6 PLN13/1039.01 - 29 Brighton Street, Richmond - Planning permit amendment application for alterations including new roof decks to the two approved double storey dwellings, additions at first floor to accommodate roof terrace stair access and deletion of conditions.**
-

Reference: D20/140021

Authoriser: Senior Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an amended Planning Permit PLN13/1039 for full demolition of the existing dwelling, construction of two double-storey dwellings, plus basements and roof terraces and a reduction in the car parking requirement at 29 Brighton Street, Richmond, subject to the following conditions (with new conditions shown bold):

1. Before the development approved under PLN13/1039.01 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 by **Christina Architects, Project No.1727, Plan No.2 and 3 of 4 and dated 07/04/2020** but modified to show:
 - (a) The design of the east boundary pedestrian gate amended to provide a minimum degree of permeability of 25%, to the satisfaction of the Responsible Authority.
 - (b) A notation to confirm that a minimum of 6 cubic metres of storage is provided for each dwelling.
 - (c) The fence separating the proposed ground floor open spaces areas in the subject site to be with a minimum height of 1.7m.
 - (d) **The western balustrade to the roof terrace of unit 1 to be setback a minimum of 5.3m from the front boundary.**
 - (e) **The material of the southern and western balustrades to both terraces to match the metal cladding material proposed to the remainder of the roof terrace balustrades.**
 - (f) **The following to demonstrate compliance with standard B22 (Overlooking) and B23 (Internal Views) of clause 55 of the Yarra Planning Scheme:**
 - (i) **The western roof terrace balustrade to unit 2,**
 - (ii) **The first floor east-facing window to unit 1, and**
 - (iii) **The first floor west-facing window to unit 2.**
 - (g) **The following to demonstrate compliance with standard B22 (Overlooking) of clause 55 of the Yarra Planning Scheme:**
 - (i) **The northern roof terrace balustrade to unit 2, and**
 - (ii) **The first floor east-facing window to unit 2.**
 - (h) **Detail the capping material to the western basement light well.**
 - (i) **Detail the level of transparency to the ground and first floor timber screens to unit 1 with a minimum of 70% transparency to be achieved for the ground floor window.**
 - (j) **The water heaters to the southern walls to be appropriately screened or relocated to a more discrete location.**
 - (k) **Detail the positions of the surfmist and monument metal cladding.**
 - (l) **The material schedule to confirm/provide the following:**
 - (i) **An image of the fluted glazing and a notation showing a maximum transparency of 25%,**
 - (ii) **OG windows notations to confirm obscure glazing,**
 - (iii) **Metal cladding to be surfmist and monument in colour, and**

(iv) Face brick to be red brick colour.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
6. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
9. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7.00 am or after 6 .00 pm, Monday-Friday (excluding public holidays);
 - (b) before 9.00 am or after 3.00 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
10. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

Submissions made online during the meeting

Siddharth Prakash (applicant)
Alan Stewart
Judith Smart

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an amended Planning Permit PLN13/1039 for full demolition of the existing dwelling, construction of two double-storey dwellings, plus basements and a reduction in the car parking requirement at 29 Brighton Street, Richmond, subject to the following conditions (with new conditions shown bold):

1. Before the development approved under PLN13/1039.01 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 by **Christina Architects, Project No.1727, Plan No.2 and 3 of 4 and dated 07/04/2020** but modified to show:
 - (a) The design of the east boundary pedestrian gate amended to provide a minimum degree of permeability of 25%, to the satisfaction of the Responsible Authority.
 - (b) A notation to confirm that a minimum of 6 cubic metres of storage is provided for each dwelling.
 - (c) The fence separating the proposed ground floor open spaces areas in the subject site to be with a minimum height of 1.7m.
 - (d) The following to demonstrate compliance with standard B22 (Overlooking) and B23 (Internal Views) of clause 55 of the Yarra Planning Scheme:**
 - (i) The first floor east-facing window to unit 1, and**
 - (ii) The first floor west-facing window to unit 2.**
 - (e) The following to demonstrate compliance with standard B22 (Overlooking) of clause 55 of the Yarra Planning Scheme:**
 - (i) The first floor east-facing window to unit 2.**
 - (f) Detail the capping material to the western basement light well.**
 - (g) Detail the level of transparency to the ground and first floor timber screens to unit 1 with a minimum of 70% transparency to be achieved for the ground floor window.**
 - (h) The water heaters to the southern walls to be appropriately screened or relocated to a more discrete location.**

- (i) Detail the positions of the surfmist and monument metal cladding.**
- (j) The material schedule to confirm/provide the following:**
 - (i) An image of the fluted glazing and a notation showing a maximum transparency of 25%,**
 - (ii) OG windows notations to confirm obscure glazing,**
 - (iii) Metal cladding to be surfmist and monument in colour, and**
 - (iv) Face brick to be red brick colour.**
- (k) Delete the roof terraces from both units 1 and 2.**
- (l) The first-floor façade (east wall) of dwelling 2 to be setback 4.0 metres from the eastern boundary to project no further forward than the property at 31 Brighton Street.**
- (m) Each dwelling to be provided with solar panels and to be appropriately positioned to minimise views of them from the public domain or adversely impact neighbours.**

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
 to the satisfaction of the Responsible Authority.
6. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
9. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7.00 am or after 6.00 pm, Monday-Friday (excluding public holidays);
 - (b) before 9.00 am or after 3.00 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

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

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

Notes:

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

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

CARRIED UNANIMOUSLY

1.7 PLN19/0121 - 684 Station Street Carlton North - Part demolition and construction of a two storey extension to the rear of the existing dwelling, with associated basement car parking and roof terrace.

Reference: D20/138911

Authoriser: Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0121 for part demolition and construction of a two storey extension with associated basement car parking and roof terrace, at No. 684 Station Street, Carlton North, 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 as lodged pursuant to Section 57a of the *Planning and Environment Act* (1987) on 16 June 2020 and prepared by Superdraft, Drawings A1.01-A1.03, A2.01-A2.08 and date 2 June 2020 but modified to show:
 - (a) The southern boundary wall, where it is adjacent to the SPOS of No. 682 Station Street, no higher than the existing boundary wall which is approximately 4.68 metres in height.
 - (b) The one metre high balustrade associated with the rooftop garden, located within the southern setback of the first floor balcony, setback from the southern title boundary in accordance with Standard A10 (Side and rear setbacks) of the Yarra Planning Scheme.
 - (c) No additional overshadowing to any area of neighbouring SPOS between the hours of 9am and 2pm at the Equinox, in accordance with Clause 54.04-5 (Overshadowing Standard) of the Yarra Planning Scheme, which should be achieved through increased setbacks of the first floor balcony, bathroom and roof terrace from the south and east title boundaries or a reduction in the associated wall heights.
 - (d) An Overlooking Diagram demonstrating that views to the SPOS of No. 682 Station Street's SPOS from the first floor east-facing balcony are in accordance with the provisions of Clause 54.04-6 (Overlooking Standard) of the Yarra Planning Scheme, including the materiality and measurements of all screens and, if applicable, any additional screening measures required to demonstrate compliance shown in plans.
 - (e) An Overlooking Diagram demonstrating that views to the SPOS of No. 682 Station Street's SPOS from the roof terrace are in accordance with the provisions of Clause 54.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance shown in plans.
 - (f) A notation confirming that the rooftop garden, located within the southern setback of the first floor balcony, is not trafficable.
 - (g) The basement entirely within the subject site's title boundary.
 - (h) A Material and Finishes Schedule, including the materiality and transparency of screens and balustrades and an additional cladding or material incorporated on the East Elevation.
 - (i) The removal of the rear fence and roller door shown in the Demolition Plan.
 - (j) Demolition Elevations.
 - (k) The proposed roller door as 3.6 metres wide
 - (l) Details to demonstrate that the development would achieve a STORM score of 100 percent or higher, with any storm water treatment measures shown on plans and rainwater tanks notated as being connected to toilet flushing and or irrigation systems.
 - (m) The 9.045 metre dimension on the South Elevation to the top of the roof terrace.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
7. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

Submissions made online during the meeting

Tim Ash (for the applicant)
Graeme Kelk
Penny Barnes

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Searle

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0121 for part demolition and construction of a two storey extension with associated basement car parking and roof terrace, at No. 684 Station Street, Carlton North, 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 as lodged pursuant to Section 57a of the *Planning and Environment Act* (1987) on 16 June 2020 and prepared by Superdraft, Drawings A1.01-A1.03, A2.01-A2.08 and date 2 June 2020 but modified to show:
 - (a) The north arrow corrected to show true north.
 - (b) The southern boundary wall, where it is adjacent to the SPOS of No. 682 Station Street, no higher than the existing boundary wall which is approximately 4.68 metres in height.
 - (c) The one metre high balustrade associated with the rooftop garden, located within the southern setback of the first floor balcony, setback from the southern title boundary in accordance with Standard A10 (Side and rear setbacks) of the Yarra Planning Scheme.
 - (d) Deletion of the roof terrace.
 - (e) No additional overshadowing to any area of neighbouring SPOS between the hours of 9am and 2pm at the Equinox, in accordance with Clause 54.04-5 (Overshadowing Standard) of the Yarra Planning Scheme, which should be achieved through increased setbacks of the first floor balcony and bathroom from the south and east title boundaries or a reduction in the associated wall heights.
 - (f) An Overlooking Diagram demonstrating that views to the SPOS of No. 682 Stations Street's SPOS from the first floor east-facing balcony are in accordance with the provisions of Clause 54.04-6 (Overlooking Standard) of the Yarra Planning Scheme, including the materiality and measurements of all screens and, if applicable, any additional screening measures required to demonstrate compliance shown in plans.
 - (g) A notation confirming that the rooftop garden, located within the southern setback of the first floor balcony, is not trafficable.
 - (h) The basement entirely within the subject site's title boundary.
 - (i) A Material and Finishes Schedule, including the materiality and transparency of screens and balustrades and an additional cladding or material incorporated on the East Elevation.
 - (j) The removal of the rear fence and roller door shown in the Demolition Plan.
 - (k) Demolition Elevations.
 - (l) The proposed roller door, altered to a tilt door as 3.6m wide.

(m) Details to demonstrate that the development would achieve a STORM score of 100 percent or higher, with any storm water treatment measures shown on plans and rainwater tanks notated as being connected to toilet flushing and or irrigation systems.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
7. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

CARRIED UNANIMOUSLY

-
- 1.8 PLN16/0041.01 - 274 Brunswick Street, Fitzroy - Section 72 amendment for buildings and works to an existing building, change in the type of liquor licence (from a restaurant/cafe licence to a hotel general licence), an increase of 99 patrons (i.e. patron capacity increased from 46 to 145 patrons), an increase to the 'red line' area to include the first floor (including outdoor balcony), installation of internally illuminated signage and reduction in the bicycle facilities requirement of the Yarra Planning Scheme**
-

Reference: D20/140375

Authoriser: Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an amended planning permit PLN16/0041.01 for buildings and works to an existing building, change in the type of liquor licence (from restaurant/café licence to a hotel general licence), an increase of 99 patrons (from 46 to 145), an increase to the 'red line' area to include the first floor, installation of internally illuminated signage and a reduction in the bicycle facilities requirement at 274 Brunswick Street, Fitzroy VIC , generally in accordance with the plans and reports noted previously as the “decision plans” subject to the following changes to the permit preamble/conditions (with asterisks):

1. *Before the sale and consumption of liquor associated with the amended permit commences or the signs are displayed, 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 Robert Simeoni Architects and dated January 2020, Jacobson O'Halloran Pty Ltd and dated January 2020 and north elevation TP1.03 and dated 20 November 2017 but modified to show:
 - (a) An annotation that the first floor external deck is not to be accessed by patrons at any time.
 - (b) Amend the red line area to exclude the first floor external deck.
 - (c) The deletion of the neon sign and replacement with of the “wine bar” sign with either a board or individual lettering fixed to the building façade which may be externally illuminated.
 - (d) The deletion of the two retractable awnings, heaters, lights, security cameras, speakers and planter boxes from the first floor external deck.
 - (e) A new bicycle hoop on the footpath adjacent to the subject site.
 - (f) Any changes as required by the amended Acoustic report pursuant to Condition 10.
 - (g) Any changes as required by the amended Waste Management Plan pursuant to Condition 15.
2. The development, including the sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. *The first floor external deck is not to be used by patrons at any time.
4. *Before the sale and consumption of liquor associated with the amended permit commences, or by such later date as approved in writing by the Responsible Authority, a bike hoop must be installed:
 - (a) at the permit holder's cost; and
 - (b) in a location and manner generally in accordance with the endorsed plans,

to the satisfaction of the Responsible Authority.

Hours

5. *Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of:
 - (a) Sunday – 10.00am to 1am the following day;
 - (b) Monday to Saturday – 9.00am to 1.00am the following day;
 - (c) Good Friday & ANZAC Day – 12 noon to 1.00am the following day.
6. *Except with the prior written consent of the Responsible Authority, the sale and consumption of packaged liquor may only occur between the hours of:
 - (a) Monday to Sunday: 9.00am to 11.00pm

Patron numbers

7. *No more than:
 - (a) 70 patrons are permitted on the ground floor level at any time liquor is being sold or consumed.
 - (b) 75 patrons are permitted on the first floor level at any time liquor is being sold or consumed.

Noise and Amenity Action Plan

8. *Before the sale and consumption of liquor commences in associated with the General Licence, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by On Tap Liquor Consulting (advertised under PLN16/0041.01 in March/April 2020), but modified to include show:
 - (a) Delete reference to there being no queuing on page 13.
 - (b) First floor external deck is not to be accessed by patrons at any time.
 - (c) The hours of operation as per conditions 5 and 6.
9. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General Amenity

10. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
11. 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.

Noise

12. *Before the sale and consumption of liquor associated with the general licence or 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 Waveform Acoustics and dated 1 June 2020, but modified to include or show:
 - (i) The predicted levels of music noise at the nearest sensitive receiver (i.e. 107 Victoria Street).
 - (ii) The proposed criteria for assessing the indoor patron noise to address the semi-steady / continuous nature of noise from a crowd using an Leq descriptor.
 - (iii) Higher source noise levels be used for the patron noise assessment taking into account the “vertical consumption of alcohol” associated with a hotel/bar.
 - (iv) First floor external deck is not to be accessed by patrons at any time.
 - (v) The hours of operation as per conditions 5 and 6.
 - (vi) The permitted patron numbers as per condition 7.
13. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
14. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
15. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.
16. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.

Waste

17. *Before the use and/or 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 On Tap Liquor Consultants and dated 14 May 2020, but modified to include:
 - (a) Provision for food waste diversion.
18. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.

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

Loading and unloading/deliveries

20. 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.

Signage

21. *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.
22. *The signs must not include any flashing or intermittent light
23. *The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority
24. *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.

Construction times

25. 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.

Expiry

26. *The signage component of this permit expires 15 years from the date of the amended permit.
27. *Upon expiry of the signage component of this permit, the approved signs and structures built specially to support or illuminate signage must be removed.
28. The permit relating to the approved use and development 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 sale and consumption of liquor is not commenced 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 afterwards for commencement or within twelve months afterwards for completion

Notes:

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

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

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

Submissions made online during the meeting

Stefan Soltys (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an amended planning permit PLN16/0041.01 for buildings and works to an existing building, change in the type of liquor licence (from restaurant/café licence to a hotel general licence), an increase of 99 patrons (from 46 to 145), an increase to the 'red line' area to include the first floor, installation of internally illuminated signage and a reduction in the bicycle facilities requirement at 274 Brunswick Street, Fitzroy VIC, generally in accordance with the plans and reports noted previously as the "decision plans" subject to the following changes to the permit preamble/conditions (with asterisks):

1. *Before the sale and consumption of liquor associated with the amended permit commences or the signs are displayed, 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 Robert Simeoni Architects and dated January 2020, Jacobson O'Halloran Pty Ltd and dated January 2020 and north elevation TP1.03 and dated 20 November 2017 but modified to show:
 - (a) An annotation that the first floor external deck is not to be accessed by patrons at any time.
 - (b) Amend the red line area to exclude the first floor external deck.
 - (c) The deletion of the neon sign and replacement with of the "wine bar" sign with either a board or individual lettering fixed to the building façade which may be externally illuminated.
 - (d) The deletion of the two retractable awnings, heaters, lights, security cameras, speakers and planter boxes from the first floor external deck.
 - (e) A new bicycle hoop on the footpath adjacent to the subject site.
 - (f) Any changes as required by the amended Acoustic report pursuant to Condition 12.
 - (g) Any changes as required by the amended Waste Management Plan pursuant to Condition 17.
 - (h) The deletion of the existing speakers along the Victoria Street frontage.

2. The development, including the sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. *The first floor external deck is not to be used by patrons at any time.
4. *Before the sale and consumption of liquor associated with the amended permit commences, or by such later date as approved in writing by the Responsible Authority, a bike hoop must be installed:
 - (a) at the permit holder's cost; and
 - (b) in a location and manner generally in accordance with the endorsed plans,to the satisfaction of the Responsible Authority.

Hours

5. *Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of:
 - (a) Sunday – 10.00am to 1am the following day;
 - (b) Monday to Saturday – 9.00am to 1.00am the following day;
 - (c) Good Friday & ANZAC Day – 12 noon to 1.00am the following day.
6. *Except with the prior written consent of the Responsible Authority, the sale and consumption of packaged liquor may only occur between the hours of:
 - (a) Monday to Sunday: 9.00am to 11.00pm

Patron numbers

7. *No more than:
 - (a) 70 patrons are permitted on the ground floor level at any time liquor is being sold or consumed.
 - (b) 75 patrons are permitted on the first floor level at any time liquor is being sold or consumed.

Noise and Amenity Action Plan

8. *Before the sale and consumption of liquor commences in associated with the General Licence, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by On Tap Liquor Consulting (advertised under PLN16/0041.01 in March/April 2020), but modified to include show:
 - (a) Delete reference to there being no queuing on page 13.
 - (b) First floor external deck is not to be accessed by patrons at any time.
 - (c) The hours of operation as per conditions 5 and 6.
9. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General Amenity

10. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises and on food and drink list/menus advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
11. 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.

Noise

12. *Before the sale and consumption of liquor associated with the general licence or 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 Waveform Acoustics and dated 1 June 2020, but modified to include or show:
 - (i) The predicted levels of music noise at the nearest sensitive receiver (i.e. 107 Victoria Street).
 - (ii) The proposed criteria for assessing the indoor patron noise to address the semi-steady / continuous nature of noise from a crowd using an Leq descriptor.
 - (iii) Higher source noise levels be used for the patron noise assessment taking into account the “vertical consumption of alcohol” associated with a hotel/bar.
 - (iv) First floor external deck is not to be accessed by patrons at any time.
 - (v) The hours of operation as per conditions 5 and 6.
 - (vi) The permitted patron numbers as per condition 7.
13. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
14. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
15. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.
16. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.

Waste

17. *Before the use and/or 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 On Tap Liquor Consultants and dated 14 May 2020, but modified to include:
 - (a) Provision for food waste diversion.
 - (b) Provision for separate recycling streams for paper/cardboard, plastics and glass.
18. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Loading and unloading/deliveries

20. 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.

Signage

21. *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.
22. *The signs must not include any flashing or intermittent light
23. *The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority
24. *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.

Construction times

25. 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.

Expiry

26. *The signage component of this permit expires 15 years from the date of the amended permit.
27. *Upon expiry of the signage component of this permit, the approved signs and structures built specially to support or illuminate signage must be removed.
28. The permit relating to the approved use and development 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 sale and consumption of liquor is not commenced 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 afterwards for commencement or within twelve months afterwards for completion

Notes:

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

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

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

CARRIED UNANIMOUSLY

The meeting closed at 10.07pm.

Confirmed at the meeting held on Wednesday 14 October 2020

Chair