



YARRA CITY COUNCIL PLANNING DECISIONS COMMITTEE MINUTES

**held on Wednesday 14 October 2020 at 6.30pm
in MS Teams**

I. ATTENDANCE

Councillor James Searle
Councillor Jackie Fristacky

Mary Osman (Manager Statutory Planning)
Ally Huynh (Senior Co-ordinator Statutory Planning)
Lara Fiscalini (Principal Planner)
Rhys Thomas (Senior Governance Advisor)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

Councillor Stephen Jolly

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

Rhys Thomas declared that his wife is a Director of Urbis Pty Ltd, who are acting for the applicant for PLN19/0238 - 81 - 89 Victoria Parade and 8-14 Brunswick Street, Fitzroy 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 Fristacky **Seconded:** Councillor Searle

That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 23 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 Searle as Chair.

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

Councillor Searle assumed the Chair.

1 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
1.1	Amendment to Planning Permit Application No. PLN16/0434.01 - 26 - 56 Queens Parade, Fitzroy North - Construction of two or more dwellings on a lot in a 10-storey building plus two basements, use of part of the land for the sale and consumption of liquor (on premises), partial demolition, reduction of the car parking requirements and alterations of access to a road in Road Zone Category 1.	6	6
1.2	PLN19/0921-No's 34-40 Cubitt Street, 2-6 Fitzgibbon Street and 49-55 Dover Street, Cremorne - Construction of a multi-storey building, use as a food and drinks premises and a reduction in the car parking requirements.	7	14
1.3	PLN20/0229 - 65-81 Dover Street, Cremorne - Construction of a multi-storey building for use as office and food and drink premises and a reduction in the statutory car parking requirement.	23	31
1.4	PLN16/0741.02 - 378-390 St Georges Road, Fitzroy North - Section 72 amendment to allow for changes to the permit preamble, amendment of permit conditions, modifications to the approved buildings and works including provision of an additional basement level, an increase in height (no change to number of storeys), modification to the number, layout and mix of dwellings, modification to the commercial component, changes to the materiality and alteration of access to a road zone, category 1	39	45
1.5	PLN19/0238 - 81 - 89 Victoria Parade and 8-14 Brunswick Street, Fitzroy - Demolition of the existing building to allow for the construction of a twelve (12) storey building used as an education centre (permit not required use), a reduction in the car and bicycle parking requirements of the Yarra Planning Scheme, display of internally illuminated business identification signs and alterations to Victoria Parade (Road Zone, Category 1) to make way for a loading dock / bay.	52	64
1.6	PLN17/0626.02 - 60 - 88 Cremorne Street Cremorne - Section 72 Amendment to construct a west-facing terrace to level 05 of the approved office development.	65	65

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- 1.1 Amendment to Planning Permit Application No. PLN16/0434.01 - 26 - 56 Queens Parade, Fitzroy North - Construction of two or more dwellings on a lot in a 10-storey building plus two basements, use of part of the land for the sale and consumption of liquor (on premises), partial demolition, reduction of the car parking requirements and alterations of access to a road in Road Zone Category 1.**
-

Reference: D20/144819
 Authoriser: Manager Statutory Planning

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RECOMMENDATION

That having considered all objections and relevant planning policies, had Council been in a position to determine the application within the prescribed time, it would have resolved to issue a Notice of Refusal to grant amended Planning Permit PLN16/0434 for:

- (a) 'Construction of two or more dwellings on a lot in a 10 storey building plus two basements in the *Mixed Use Zone* under clause 32.04-6;
 - (b) Use of part of the land for the sale and consumption of liquor (on premises) under clause 52.27;
 - (c) Partial demolition or removal of a building in a *Heritage Overlay* under clause 43.01-1;
 - (d) Construction of a building or construction or carrying out works in a *Heritage Overlay* under clause 43.01-2;
 - (e) Reduction of the car parking requirements under clause 52.06-2;
 - (f) Alteration of access to a road in Road Zone Category 1 under clause 52.29'.
- on the following grounds:

- 1. The proposed massing does not respond to the existing or preferred character of the area and will dominate the surrounding area;
- 2. The proposed massing will result in unacceptable off-site amenity impacts;
- 3. The proposal will result in unacceptable on-site amenity impacts, including natural daylight and ventilation.
- 4. The application lacks sufficient information to enable a proper assessment against the relevant provisions of the Yarra Planning Scheme.

Submissions made online during the meeting

Robert Kelderman (for the applicant)
 Glen McCallum
 Maree Hayhoe
 Simon Evans

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Searle

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

1.2 PLN19/0921-No's 34-40 Cubitt Street, 2-6 Fitzgibbon Street and 49-55 Dover Street, Cremorne - Construction of a multi-storey building, use as a food and drinks premises and a reduction in the car parking requirements.

Reference: D20/146827

Authoriser: Co-Ordinator 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 PLN19/0921 for construction of a multi-storey building for use as office and food and drink premises (café) and a reduction in the statutory car parking requirement at No's 34-40 Cubitt Street, 2-6 Fitzgibbon street and 49-55 Dover Street, Cremorne subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by DKO Architects plan numbers, TP501-512 Rev 1 (Council RFI), dated 01/04/2020, TP201-211 Rev 1, TP300-306 and TP410 Rev 1, (all Council RFI) dated 01/04/2020, but modified to show:
 - (a) The dark grey colour to the lift core and the 1.3m setback to the sloped southern walls to level 6 shown on Pages 4, 7 and 10 of the sketch plans dated 7th September 2020, Project number 12303,
 - (b) The setbacks to level 6 required by condition 1 a) to be noted as:
 - (i) non-trafficable areas; and
 - (ii) no plant to be placed in these areas.
 - (c) Inclusion of additional glazing to the ground floor external east and west wall to the Fitzgibbon Street main office entry,
 - (d) West elevation EFO2 notation updated to read EF11,
 - (e) The urban seating to Cubitt Street to provide the following:
 - (i) a brick back rest;
 - (ii) the height and width of seating to demonstrate it will be practical to sit on; and
 - (iii) be setback sufficiently to provide legroom for seat users wholly within title boundaries.
 - (f) Deletion of the urban seating to Fitzgibbon Street where it is located in front of windows,
 - (g) A sightline (with a radius of 9m) demonstrating views from the second floor west-facing terrace to the ground floor private open space of No's 57, 59, 61 and 63 Dover Street and No.42 Cubitt Street and any mitigation measures to prevent overlooking if necessary,
 - (h) Provision of a 22,000ltr rainwater tank,
 - (i) Headroom/vehicle clearance to be dimensioned at the vehicle entrance doorway,
 - (j) a vehicle crossing ground clearance check for a B99 design vehicle with appropriate levels provided in accordance with Council's 'Vehicle Crossing – Cross Section' information sheet and to demonstrate access into and out of the development,
 - (k) Any relevant changes required by the amended Sustainable Management Plan at Condition 3;
 - (l) Any relevant changes required by the amended Wind Report at Condition 12.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainability Management Plan

3. Before the development commences or otherwise agreed by the Responsible Authority, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the advertised Sustainable Management Plan dated 20 December 2019, prepared by GIW Environmental Solutions, but updated to include the following:
 - (a) All the additional information/ESD commitments contained in the amended Sustainable Management Plan dated 11 August 2020, prepared by GIW Environmental Solutions; and
 - (b) In collaboration with the Responsible Authority, define the procedures and protocols in delivering this project as a pilot of carbon neutral operations in line with the *Climate Emergency Plan* adopted 2 June 2020 and published by the City of Yarra and for a minimum commitment period of 10 years.
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. The provisions, recommendations and requirements of the endorsed waste management by Ratio Consultants dated 18 December 2019 plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Façade Strategy

6. 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, urban seating, 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.
7. As part of the ongoing progress and development of the site, DKO 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 ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Landscape Plan

8. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include:
 - (a) Details of ground floor landscaping treatment and new landscaping treatments to be provided to all the proposed terraces and ground floor frontages,
 - (b) Details of the proposed method for irrigation and drainage;
 - (c) Details of the maintenance (duration, regime) and irrigation;
 - (d) Specification of works to be undertaken prior to planting; and

- (e) Details of all plant/planting maintenance schedules and requirements.
- 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.

Green Travel Plan

- 10. 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 management by Ratio Consultants dated 18 December 2019, but modified to include:
 - (a) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (b) Security arrangements to access the employee bicycle storage spaces;
 - (c) Provisions for the Green Travel Plan to be updated not less than every five years.
- 11. 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 Report

- 12. Before the development commences, an amended Wind Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Report will be endorsed and will form part of this permit. The amended Wind Report must be generally in accordance with the Wind Report prepared by MEL Consultants and dated 16 March 2020, but modified to include:
 - (a) a 1.8m high balustrade to the south edge of the level 1 terrace;
 - (b) a 1.5m high wind gate to the north-east corner of the level 2 terrace to Cubitt/Fitzgibbon Street;
 - (c) detail education strategies for occupants on the use of terraces during high wind events; and
 - (d) detail of management procedures to remove or tie down loose furniture/items during high winds events.
- 13. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Uses

- 14. Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) authorised by this planning permit may only operate between the hours of 6am–10pm Sunday to Thursday and 6am–11pm Friday to Saturday.
- 15. 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.
16. 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).
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
18. 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.
19. 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.

Discontinuance of laneway/road

20. Prior to the commencement of the development, all areas of the public laneway and road that the development is to be developed on must be formally discontinued under the provisions of the *Local Government Act 1989*; and transferred and consolidated with the instruments of title forming the address of this planning permit.

General

21. 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.
22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
24. 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.
25. 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.
26. 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

27. 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.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing and drain outlets 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.
29. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
30. 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.
31. 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.
32. Before the development commences, or by such later date as approved in writing by the Responsible Authority, detailed engineering designs to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the engineering designs will be endorsed and will form part of this permit. The engineering designs are to show/include detail of the following:
 - (a) The footpath immediately outside the site on Dover, Cubitt and Fitzgibbon Streets must be stripped and re-sheeted in asphalt, including repair/reinstatement of kerb and channel (with bluestone kerb used to Fitzgibbon Street),
 - (b) The footpaths must have a cross-fall of no steeper than 1 in 33 or unless otherwise specified by Council;
 - (c) Construction of pram crossings across Fitzgibbon Street at Dover Street and Cubitt Street;
 - (d) The half width road pavement of Fitzgibbon Street (in between the south kerb and the centreline of the road) must be profiled (grinded) and re-sheeted. Any isolated areas of pavement failure must be reinstated with full-depth asphalt;
 - (e) The half width road pavement of Dover Street (in between the east kerb and the centreline of the road) must be profiled (grinded) and re-sheeted. These re-sheeting works are to be undertaken outside the property's Dover Street frontage, from Fitzgibbon Street to the southern boundary. Any isolated areas of pavement failure must be reinstated with full-depth asphalt; and
 - (f) The existing drainage pit in front of the new vehicle crossing on Cubitt Street must be converted to a grated pit and a new grated side entry pit be constructed just north of the new vehicle crossing.
33. The works detailed in condition 32 must be finalised within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, at the permit holder's cost and to the satisfaction of the Responsible Authority.

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 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.
35. 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.

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

Construction hours & noise

37. 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

38. 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 food and drinks premises (cafe) 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:

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.

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.

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 or line-markings 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.

Submissions made online during the meeting

Vaughan Connor (for the applicant)
Michael Russell

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

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 PLN19/0921 for construction of a multi-storey building for use as office and food and drink premises (café) and a reduction in the statutory car parking requirement at No's 34-40 Cubitt Street, 2-6 Fitzgibbon street and 49-55 Dover Street, Cremorne subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by DKO Architects plan numbers, TP501-512 Rev 1 (Council RFI), dated 01/04/2020, TP201-211 Rev 1, TP300-306 and TP410 Rev 1, (all Council RFI) dated 01/04/2020, but modified to show:
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 - (b) The setbacks to level 6 required by condition 1 a) to be noted as:
 - (i) non-trafficable areas; and
 - (ii) no plant to be placed in these areas.
 - (c) Inclusion of additional glazing to the ground floor external east and west wall to the Fitzgibbon Street main office entry,

- (d) West elevation EFO2 notation updated to read EF11,
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- (h) Provision of a 22,000ltr rainwater tank,
- (i) Headroom/vehicle clearance to be dimensioned at the vehicle entrance doorway,
- (j) a vehicle crossing ground clearance check for a B99 design vehicle with appropriate levels provided in accordance with Council's 'Vehicle Crossing – Cross Section' information sheet and to demonstrate access into and out of the development,
- (k) A minimum of 50% 'at-grade' bicycle spaces;
- (l) EV bicycle charging for e-bikes and electric cars;
- (m) A minimum of one gender-neutral toilet/change room within the end of trip facilities;
- (n) A notation confirming that all ground floor walls facing public land will be treated with a graffiti proof finish;
- (o) Any relevant changes required by the amended Waste Management Plan at Condition 5;
- (p) Any relevant changes required by the amended Green Travel Plan at Condition 11;
- (q) Any relevant changes required by the amended Sustainable Management Plan at Condition 3;
- (r) Any relevant changes required by the amended Wind Report at Condition 13.

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

Sustainability Management Plan

3. Before the development commences or otherwise agreed by the Responsible Authority, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the advertised Sustainable Management Plan dated 20 December 2019, prepared by GIW Environmental Solutions, but updated to include the following:
 - (a) All the additional information/ESD commitments contained in the amended Sustainable Management Plan dated 11 August 2020, prepared by GIW Environmental Solutions; and
 - (b) In collaboration with the Responsible Authority, define the procedures and protocols in delivering this project as a pilot of carbon neutral operations in line with the *Climate Emergency Plan* adopted 2 June 2020 and published by the City of Yarra and for a minimum commitment period of 10 years.
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 Ratio Consultants dated 18 December 2019, but modified to include:
 - (a) Any changes as required by the amended plans pursuant to Condition 1; and
 - (b) Provision for recycling of glass.
6. The provisions, recommendations and requirements of the endorsed waste management by Ratio Consultants dated 18 December 2019 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, urban seating, 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.
8. As part of the ongoing progress and development of the site, DKO 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 ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Landscape Plan

9. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include;
 - (a) Details of ground floor landscaping treatment and new landscaping treatments to be provided to all the proposed terraces and ground floor frontages,
 - (b) Details of the proposed method for irrigation and drainage;
 - (c) Details of the maintenance (duration, regime) and irrigation;
 - (d) Specification of works to be undertaken prior to planting; and
 - (e) Details of all plant/planting maintenance schedules and requirements.
10. 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.

Green Travel Plan

11. 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 management by Ratio Consultants dated 18 December 2019, but modified to include:
 - (a) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (b) Security arrangements to access the employee bicycle storage spaces;
 - (c) Provisions for the Green Travel Plan to be updated not less than every five years.
 - (d) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces), with a minimum of 50% bicycle spaces provided 'at-grade'; and
 - (e) The provision of additional charging points for e-bikes and electric cars and signage re EV charging.
12. 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 Report

13. Before the development commences, an amended Wind Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Report will be endorsed and will form part of this permit. The amended Wind Report must be generally in accordance with the Wind Report prepared by MEL Consultants and dated 16 March 2020, but modified to include:
 - (a) a 1.8m high balustrade to the south edge of the level 1 terrace;
 - (b) a 1.5m high wind gate to the north-east corner of the level 2 terrace to Cubitt/Fitzgibbon Street;
 - (c) detail education strategies for occupants on the use of terraces during high wind events; and
 - (d) detail of management procedures to remove or tie down loose furniture/items during high winds events.
14. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Uses

15. Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) authorised by this planning permit may only operate between the hours of 6am–10pm Sunday to Thursday and 6am-11pm Friday to Saturday.
16. 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.

17. 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).
18. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
19. 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.
20. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Discontinuance of laneway/road

21. Prior to the commencement of the development, all areas of the public laneway and road that the development is to be developed on must be formally discontinued under the provisions of the *Local Government Act 1989*; and transferred and consolidated with the instruments of title forming the address of this planning permit.

General

22. 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.
23. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
25. Before the building is occupied, any ground floor walls facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
26. 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.
27. 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

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and

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, any redundant vehicular crossing and drain outlets 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.
30. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
31. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
32. 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.
33. Before the development commences, or by such later date as approved in writing by the Responsible Authority, detailed engineering designs to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the engineering designs will be endorsed and will form part of this permit. The engineering designs are to show/include detail of the following:

 - (a) The footpath immediately outside the site on Dover, Cubitt and Fitzgibbon Streets must be stripped and re-sheeted in asphalt, including repair/reinstatement of kerb and channel (with bluestone kerb used to Fitzgibbon Street),
 - (b) The footpaths must have a cross-fall of no steeper than 1 in 33 or unless otherwise specified by Council;
 - (c) Construction of pram crossings across Fitzgibbon Street at Dover Street and Cubitt Street;
 - (d) The half width road pavement of Fitzgibbon Street (in between the south kerb and the centreline of the road) must be profiled (grinded) and re-sheeted. Any isolated areas of pavement failure must be reinstated with full-depth asphalt;
 - (e) The half width road pavement of Dover Street (in between the east kerb and the centreline of the road) must be profiled (grinded) and re-sheeted. These re-sheeting works are to be undertaken outside the property's Dover Street frontage, from Fitzgibbon Street to the southern boundary. Any isolated areas of pavement failure must be reinstated with full-depth asphalt; and
 - (f) The existing drainage pit in front of the new vehicle crossing on Cubitt Street must be converted to a grated pit and a new grated side entry pit be constructed just north of the new vehicle crossing.
34. The works detailed in condition 33 must be finalised within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, at the permit holder's cost and to the satisfaction of the Responsible Authority.

Shared Zone

35. Within 12 months of the development commencing, or by such later date as approved in writing by the Responsible Authority, detailed engineering designs of a Shared Zone to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The design of the Shared Zone for the length of Fitzgibbon Street road surface must be prepared by an independent and suitably qualified professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. When approved, the engineering designs will be endorsed and will form part of this permit. The design of the Shared Zone must provide details including:
- (a) Road pavement widths,
 - (b) Road surface treatments,
 - (c) Signage, infrastructure and line markings, and
 - (d) Methods of traffic management to control traffic and speed to allow for safe pedestrian movement and to manage the potential conflicts between traffic generation, bicycles and pedestrians using Fitzgibbon Street.
36. Before the occupation of the approved building, or by such later date as approved in writing by the Responsible Authority, all works associated with the provision of the Shared Zone as set out in condition 35 must be undertaken at the permit holder's cost and to the satisfaction of the Responsible Authority.

Construction Management Plan

37. 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.

38. 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.

39. 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

- 40.** 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

- 41.** 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 food and drinks premises (cafe) 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:

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.

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.

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 or line-markings 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.

Subsequent Motion

The Planning Decisions Committee notes and endorses the applicant's agreement to work with the neighbouring landowners in relation to the relocation of photovoltaic equipment at 42 Cubitt Street and the installation of skylights or similar solar treatments at 57 Dover St Cremorne in order to lessen the impact of the development on neighbouring properties.

CARRIED UNANIMOUSLY

1.3 **PLN20/0229 - 65-81 Dover Street, Cremorne - Construction of a multi-storey building for use as office and food and drink premises and a reduction in the statutory car parking requirement.**

Reference: D20/146587

Authoriser: Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That had Council been in a position to decide on the application, the Planning Decisions Committee would have issued a Notice of Decision to Grant a Planning Permit PLN20/0229 for construction of a multi-storey building for use as office and food and drink premises (café) and a reduction in the statutory car parking requirement at 65-81 Dover Street, Cremorne subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Fieldwork Architects and dated 25 May 2020, but modified to show:
 - (a) All relevant plans amended to correctly reference the dwellings at Nos. 58 & 60 Cubitt Street;
 - (b) One level deleted from Levels 4 to 7;
 - (c) Levels 3 to 7 (as a result of Condition 1b) set back a minimum of 3m from the north and south boundaries (including terraces at Level 3 and Level 7);
 - (d) The materiality of the north and south elevations, where set back by Condition 1(c), amended to reflect the glazed pattern and finishes proposed in the Dover Street façade at the corresponding levels;
 - (e) External shading to the northern elevation where set back by Condition 1(c) ;
 - (f) The removal of the 300mm planting strip along the Dover Street footpath;
 - (g) The Dover Street footpath material as asphalt with charcoal coloured concrete kerb and channel;
 - (h) A direct connection (via bi-fold doors or similar) to be provided between the café and the office lobby, with glazing to also be provided within this wall;
 - (i) A sightline (with a radius of 9m) demonstrating views from the development into the secluded private open space of No. 60 Cubitt Street and any mitigation measures to prevent overlooking if necessary;
 - (j) A vehicle crossing ground clearance diagram;
 - (k) Additional parking spaces electrically wired to be 'EV ready' to enable future installation of EV chargers within both basement levels;
 - (l) The bicycle spaces at basement level to be provided in a secure (i.e. lockable) facility, and located closer to the lift shaft with unobstructed access;
 - (m) The correct number of bicycle hoops demonstrated on all relevant plans;
 - (n) Signage for visitor bicycle storage, with directions from the building entries;
 - (o) Provision of separate compost storage on each office level;
 - (p) Any changes required by the amended Sustainable Management Plan at Condition 3;
 - (q) Any changes required by the amended Waste Management Plan at Condition 6;
 - (r) Any changes required by the Landscape Plan at Condition 9;
 - (s) Any changes required by the Green Travel Plan at Condition 11;
 - (t) Any changes required by the Wind Tunnel Test at Condition 13.

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

Sustainability Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit.

The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 14 February 2020, but modified to include:

- (a) Any changes as required by the amended plans pursuant to Condition 1
 - (b) Details on how the high-set operable louvres will be internally operated;
 - (c) Confirmation that NCC 2016 applies, and if so, a 10% improvement in relation to building fabric ;
 - (d) A statement clarifying strategy for thermal comfort for internal occupants;
 - (e) Details of the design and layout of the PV system on the roof plan ;
 - (f) Provision for individual tenancy metering;
 - (g) The design of the rainwater harvest filtration unit;
 - (h) Provision of separate compost storage on each office level;
 - (i) Details of how materials and vegetation selection has reduced the Urban Heat Island (UHI);
 - (j) A review to reduce reliance on innovation points to meet 60 point benchmark for 5 star Green Star; and,
 - (k) Clarify nominated systems for building tuning prior to construction.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 5. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

Waste Management Plan

6. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 14 February 2020, but modified to include:
 - (a) Any changes as required by the amended plans pursuant to Condition 1;
 - (b) Provision of separate compost storage on each office level;
 - (c) Swept path details confirming that a 6.4m long waste collection truck can access the waste collection area.
7. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Façade Strategy

8. 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

9. 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 Ben Scott Garden Design and dated 21 February 2020, but modified to include:
 - (a) Any changes as required by the amended plans pursuant to Condition 1
 - (b) Details of all proposed raingardens or WSUD elements, with these specifications to be to the satisfaction of Council's Stormwater and Drainage Team;
 - (c) Detailed drawings of the layout of the pocket parks, ensuring there is adequate space for access around the landscape elements and building entries, and requirements for DDA access and wayfinding are considered;
 - (d) Details on tree planting in the pocket parks, with confirmation of whether the trees will be raised or in-ground. Further details around the cut-outs, tree grates and surface materials are also required;
 - (e) An alternative material (instead of gravel) for the ground cover of the southern-most pocket park that responds appropriately to the maintenance and drainage requirements of this space;
 - (f) A planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants, with none of these plants to be included on the Advisory list of environmental weeds in Victoria (DELWP April 2018);
 - (g) Details on any furniture proposed at ground level (within the title boundaries), balcony and roof areas;
 - (h) Details of the proposed method for irrigation and drainage, including maintenance details and regime;;
 - (i) Specification of works to be undertaken prior to planting; and
 - (j) Details of all plant/planting maintenance schedules and requirements.
10. 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,
 - (d) to the satisfaction of the Responsible Authority.

Green Travel Plan

11. Before the 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 include or show:
 - (a) 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 Green Travel Plan 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) Details on how visitors can access the secure visitor bicycle parking facility;
 - (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (k) Provisions for the Green Travel Plan to be updated not less than every five years.
12. 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

13. Before the endorsement of plans; 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 RWDI dated 21 February 2020;
 - (b) Achieve recommended criteria at each point (i.e. not an average) without the reliance upon vegetation; and
 - (c) Potential wind impacts within the upper level terraces and adjacent areas of secluded private open space.
14. 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

15. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) authorised by this planning permit may only operate between the hours of 7:00am to 11:00pm, Monday to Friday.
16. 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.
17. 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).

18. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
19. 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.
20. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

General

21. 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.
22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
24. 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.
25. 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.
26. 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

27. 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.
28. 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.
- 29. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 30. 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 by the re-sheeting of the entire Dover Street footpath for the width of the property frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 31. 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.

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 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.

33. 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.

34. 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

35. 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

36. 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 food and drink premises (café) 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:

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 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.

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.

Submission made online during the meeting

Kyle Reeve (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

That had Council been in a position to decide on the application, the Planning Decisions Committee would have issued a Notice of Decision to Grant a Planning Permit PLN20/0229 for construction of a multi-storey building for use as office and food and drink premises (café) and a reduction in the statutory car parking requirement at 65-81 Dover Street, Cremorne subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Fieldwork Architects and dated 25 May 2020, but modified to show:
 - (a) All relevant plans amended to correctly reference the dwellings at Nos. 58 & 60 Cubitt Street;
 - (b) One level deleted from Levels 4 to 7;
 - (c) Levels 3 to 7 (as a result of Condition 1b) set back a minimum of 3m from the north and south boundaries (including terraces at Level 3 and Level 7);
 - (d) The materiality of the north and south elevations, where set back by Condition 1(c), amended to reflect the glazed pattern and finishes proposed in the Dover Street façade at the corresponding levels;
 - (e) External shading to the northern elevation where set back by Condition 1(c) ;
 - (f) The removal of the 300mm planting strip along the Dover Street footpath;
 - (g) The Dover Street footpath material as asphalt with charcoal coloured concrete kerb and channel;
 - (h) A direct connection (via bi-fold doors or similar) to be provided between the café and the office lobby, with glazing to also be provided within this wall;
 - (i) A sightline (with a radius of 9m) demonstrating views from the development into the secluded private open space of No. 60 Cubitt Street and any mitigation measures to prevent overlooking if necessary;
 - (j) A vehicle crossing ground clearance diagram;
 - (k) Additional parking spaces electrically wired to be 'EV ready' to enable future installation of EV chargers within both basement levels;
 - (l) The bicycle spaces at basement level to be provided in a secure (i.e. lockable) facility, and located closer to the lift shaft with unobstructed access;
 - (m) The correct number of bicycle hoops demonstrated on all relevant plans;
 - (n) Signage for visitor bicycle storage, with directions from the building entries;
 - (o) A minimum of 50% 'at-grade' bicycle spaces including at least 2 spaces for cargo bikes;
 - (p) Provision for EV for cars and bicycle charging;
 - (q) A minimum of one 'unisex' change-room at ground level;
 - (r) A notation confirming that all walls facing public land will be treated with a graffiti proof finish;
 - (s) Provision of separate compost storage on each office level;
 - (t) Any changes required by the amended Sustainable Management Plan at Condition 3;
 - (u) Any changes required by the amended Waste Management Plan at Condition 6;
 - (v) Any changes required by the Landscape Plan at Condition 9;
 - (w) Any changes required by the Green Travel Plan at Condition 11;
 - (x) Any changes required by the Wind Tunnel Test at Condition 13.

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

Sustainability Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit.

The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 14 February 2020, but modified to include:

- (a) Any changes as required by the amended plans pursuant to Condition 1
 - (b) Details on how the high-set operable louvres will be internally operated;
 - (c) Confirmation that NCC 2016 applies, and if so, a 10% improvement in relation to building fabric ;
 - (d) A statement clarifying strategy for thermal comfort for internal occupants;
 - (e) Details of the design and layout of the PV system on the roof plan ;
 - (f) Provision for individual tenancy metering;
 - (g) The design of the rainwater harvest filtration unit;
 - (h) Provision of separate compost storage on each office level;
 - (i) Details of how materials and vegetation selection has reduced the Urban Heat Island (UHI);
 - (j) A review to reduce reliance on innovation points to meet 60 point benchmark for 5 star Green Star; and,
 - (k) Clarify nominated systems for building tuning prior to construction.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 5. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

Waste Management Plan

6. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 14 February 2020, but modified to include:
 - (a) Any changes as required by the amended plans pursuant to Condition 1;
 - (b) Provision of separate compost storage on each office level;
 - (c) Provision for recycling of paper/cardboard, plastics and glass; and
 - (d) Swept path details confirming that a 6.4m long waste collection truck can access the waste collection area.
7. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Façade Strategy

8. 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

9. 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 Ben Scott Garden Design and dated 21 February 2020, but modified to include:
 - (a) Any changes as required by the amended plans pursuant to Condition 1;
 - (b) Details of all proposed raingardens or WSUD elements, with these specifications to be to the satisfaction of Council's Stormwater and Drainage Team;
 - (c) Detailed drawings of the layout of the pocket parks, ensuring there is adequate space for access around the landscape elements and building entries, and requirements for DDA access and wayfinding are considered;
 - (d) Details on tree planting in the pocket parks, with confirmation of whether the trees will be raised or in-ground. Further details around the cut-outs, tree grates and surface materials are also required;
 - (e) An alternative material (instead of gravel) for the ground cover of the southern-most pocket park that responds appropriately to the maintenance and drainage requirements of this space;
 - (f) A planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants, with none of these plants to be included on the Advisory list of environmental weeds in Victoria (DELWP April 2018);
 - (g) Details on any furniture proposed at ground level (within the title boundaries), balcony and roof areas;
 - (h) Details of the proposed method for irrigation and drainage, including maintenance details and regime;;
 - (i) Specification of works to be undertaken prior to planting; and
 - (j) Details of all plant/planting maintenance schedules and requirements.
10. 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,
 - (d) to the satisfaction of the Responsible Authority.

Green Travel Plan

11. Before the 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 include or show:
 - (a) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces), with a minimum of 50% bicycle spaces provided 'at- grade' and include at least 2 spaces for cargo bikes;
 - (b) The provision of charging points for e-bikes and cars and signage re EV charging;
 - (c) A description of the location in the context of alternative modes of transport;
 - (d) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (e) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (f) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (g) Details of bicycle parking and bicycle routes;
 - (h) Details of Green Travel Plan funding and management responsibilities;
 - (i) Security arrangements to access the employee bicycle storage spaces;
 - (j) Details on how visitors can access the secure visitor bicycle parking facility;
 - (k) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (l) Provisions for the Green Travel Plan to be updated not less than every five years.
12. 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

13. Before the endorsement of plans; 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 RWDI dated 21 February 2020;
 - (b) Achieve recommended criteria at each point (i.e. not an average) without the reliance upon vegetation; and
 - (c) Potential wind impacts within the upper level terraces and adjacent areas of secluded private open space.
14. 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

15. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) authorised by this planning permit may only operate between the hours of 7:00am to 11:00pm, Monday to Friday.
16. 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.

17. 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).
18. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
19. 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.
20. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

General

21. 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.
22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
24. 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.
25. 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.
26. 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

27. 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.

28. 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.
29. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
30. 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 by the re-sheeting of the entire Dover Street footpath for the width of the property frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
31. 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.
32. Prior to the commencement of the development, the permit holder must pay the Responsible Authority a \$5,000 contribution to support safer cycle access at entry points, proximate intersections with and along Dover Street; this may include installation of signage, road markings including sharrows or the like as agreed in writing to the satisfaction of the Responsible Authority.
33. 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.
34. All existing power poles along the frontage of the subject site to be put underground subject to the approval of the relevant authority.

Construction Management Plan

35. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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.

36. 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.

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.

Construction hours & noise

38. 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

39. 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 food and drink premises (café) 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:

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 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.

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

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

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

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

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

CARRIED UNANIMOUSLY

-
- 1.4 PLN16/0741.02 - 378-390 St Georges Road, Fitzroy North - Section 72 amendment to allow for changes to the permit preamble, amendment of permit conditions, modifications to the approved buildings and works including provision of an additional basement level, an increase in height (no change to number of storeys), modification to the number, layout and mix of dwellings, modification to the commercial component, changes to the materiality and alteration of access to a road zone, category 1**
-

Reference: D20/144179

Authoriser: Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an amended planning permit PLN16/0741.02 for the use and development of the land for dwellings within a six-storey building including a food and drinks premises (no permit required for food and drink use), variation of access to a Road Zone and associated demolition works at 378-390 St Georges Road, Fitzroy North, 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 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 CHT Architects dated 6 March 2020 (Rev W), 7 May 2020 (Rev X) but modified to show:
 - (a) The incorporation of glazing to the bike store area to St Georges Road generally in accordance with the sketch plans received on 5 August 2020 dated 7 May 2020 (TP305 Rev X).
 - (b) The consolidated of the bicycle parking areas within basement levels 1 and 2 into one secure (i.e. lockable) facility within basement level 1.
 - (c) The incorporation of an awning along St Georges Road and with a minimum setback of 0.75 metres from the street kerb.
 - (d) The internal reconfiguration of Apartments 112 and 211 to relocate the bedroom facing the southern light court, so both bedrooms face the central courtyard.
 - (e) To following screening measures to be undertaken:
 - (i) The first floor, east-facing habitable room windows and balconies associated with Apartments 103, 104 and 105 to be provided with 1.7 metre high screening, fixed and to have a maximum transparency of 25%.
 - (ii) The second floor, east-facing habitable room windows and balconies associated with Apartments 203, 204 and east-facing bedroom windows associated with Apartment 205 to be provided with 1.7 metre high screening, fixed and to have a maximum transparency of 25%.
 - (iii) The two living room windows and southern portion of the deck to Apartment G06 to be provided with 1.7 metre high screening, fixed and to have a maximum transparency of 25%.
 - (iv) The southern portion of the balcony to Apartment 106 to be provided with 1.7 metre high screening, fixed and to have a maximum transparency of 25%.
 - (f) Dimension of the headroom clearance of the vehicle entry.

- (g) Dimensions of the columns within the carpark.
 - (h) For the including of electric car infrastructure, the following notations to be included:
 - (i) One or more distribution boards within each car parking basement level.
 - (ii) A scalable load management system.
 - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers.
 - (i) Any changes are required by the endorsed Landscape Plan pursuant to Condition 3.
 - (j) Any changes are required by the endorsed Sustainable Management Plan pursuant to Condition 7.
 - (k) Any changes are required by the endorsed Waste Management Plan pursuant to Condition 9.
2. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. *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 John Patrick Landscape Architects and dated 29 April 2020, but modified to include (or show):
- (a) The 'Burnley Select' to be provide with a minimum 2 metres separation from the boundary shared with No.1 Bundara Street;
 - (b) Details of irrigation in the deep soil area along the eastern boundary;
 - (c) The an updated plant schedules to provide all plant quantities, number and location of all plants included in the landscaping;
 - (d) The replacement of the Fountain Grass (environmental weed) with a more appropriate plant suited to the surrounding context;
 - (e) The replacement of the Artemisia shrub with a plant more suitable for a shaded location;
 - (f) Details of all planting along all upper floor levels associated with the planter boxes.
4. 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;
 - (c) Replacing any dead, diseased, dying or damaged plants.
- to the satisfaction of the Responsible Authority.
5. Before the plans are endorsed, 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) Noise impacts from traffic/tram along St Georges Road onto dwellings within the development; and
- (b) Noise impacts from any proposed plant and equipment (including garage door and lift) onto the dwellings within the development and surrounding residential dwellings.

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

6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. *Before the plans are endorsed, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 7 May 2020 and updated Sustainable Management Plan prepared by Ark Resources and dated 28 July 2020, but modified to include or show:
 - (a) Confirmation if gas appliances are proposed.
 - (b) The non-residential component to achieve a minimum 10% improvement across thermal fabric and HVAC and not be reliant on solar for compliance.
 - (c) Confirmation that the daylight compliance claim within the SMP can be achieved through an analysis that the IEQ 1.3 credit claim is accurate.
 - (d) Confirm strategy for building materials in terms of:
 - (i) Formaldehyde content,
 - (ii) Energy reducing process for structural steel,
 - (iii) Use of recycled or reclaimed materials (i.e. post-consumer content in insulation, or use of rainwater in concrete mixes), and
 - (iv) Specify quantity by cost or weight.
8. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. *Before the plans are endorsed, 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 Salt and dated 7 May 2020, but modified to include:
 - (a) Swept path diagrams as prepared by GTA Consultants (Drw. No. V169321-ATO1-01 and V169321-ATO2-01) for the waste collection vehicle demonstrating:
 - (i) Entry and exit to St Georges Road; and
 - (ii) Turning movements to and from the bin storage area.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the re-sheeting of the footpath outside the property's St Georges Road frontage and laneway interface if required by the Responsible Authority:

- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
15. *Deleted.
16. 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.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
18. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
19. 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.

20. 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.
21. 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.
22. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
23. 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.
24. 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.

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

VicRoads conditions (26 & 27 only)

- 26. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the occupation of the buildings and works.
- 27. All disused or redundant vehicle crossings must be removed to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or occupation of the buildings and works.

PTV Conditions (28 to 30 only)

- 28. The permit holder must take all reasonable steps to ensure that disruption to tram operation along St Georges Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior.
- 29. 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 Public Transport Victoria at the full cost of the permit holder.
- 30. Prior to the occupation of the development, all works outlined on the endorsed plans restricting access/egress to left in/left out only, must be completed with associated signage, the satisfaction of Public Transport Victoria at the full cost to the permit holder.
- 31. 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.
 - (c) the use component is not commenced within five (5) 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 maybe required before development is commenced. Please contact Council's Building Services on 9205 5585 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 5585 for further information.

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

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

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

Separate consent will be required from Vicroads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside of the title boundary within a Road Zone Category 1 (ie St Georges Road). Please contact VicRoads prior to commencing any works.

The level of the footpath must not be altered or lowered in any way to facilitate access to the site.

Submission made online during the meeting

Sarah Thomas (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Searle

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an amended planning permit PLN16/0741.02 for the use and development of the land for dwellings within a six-storey building including a food and drinks premises (no permit required for food and drink use), variation of access to a Road Zone and associated demolition works at 378-390 St Georges Road, Fitzroy North, 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:

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 - (b) The consolidated of the bicycle parking areas within basement levels 1 and 2 into one secure (i.e. lockable) facility within basement level 1.
 - (c) The incorporation of an awning along St Georges Road and with a minimum setback of 0.75 metres from the street kerb.
 - (d) The internal reconfiguration of Apartments 112 and 211 to relocate the bedroom facing the southern light court, so both bedrooms face the central courtyard.
 - (e) The following screening measures to be undertaken:

- (i) The first floor, east-facing habitable room windows and balconies associated with Apartments 103, 104 and 105 to be provided with 1.7 metre high screening, or obscure glazing to 1.7 metres, fixed and to have a maximum transparency of 25%.
 - (ii) The second floor, east-facing habitable room windows and balconies associated with Apartments 203, 204 and east-facing bedroom windows associated with Apartment 205 to be provided with 1.7 metre high screening, or obscure glazing to 1.7 metres, fixed and to have a maximum transparency of 25%.
 - (iii) The two living room windows and southern portion of the deck to Apartment G06 to be provided with 1.7 metre high screening, or obscure glazing to 1.7 metres, fixed and to have a maximum transparency of 25%.
 - (iv) The southern portion of the balcony to Apartment 106 to be provided with 1.7 metre high screening, or obscure glazing to 1.7 metres, fixed and to have a maximum transparency of 25%.
 - (f) Dimension of the headroom clearance of the vehicle entry.
 - (g) Dimensions of the columns within the carpark.
 - (h) For the including of electric car infrastructure, the following notations to be included:
 - (i) One or more distribution boards within each car parking basement level.
 - (ii) A scalable load management system.
 - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers.
 - (i) Any changes are required by the endorsed Landscape Plan pursuant to Condition 3.
 - (j) Any changes are required by the endorsed Sustainable Management Plan pursuant to Condition 7.
 - (k) Any changes are required by the endorsed Waste Management Plan pursuant to Condition 9.
 - (l) A minimum of 50% of all bicycle spaces to be provided as a horizontal at-grade bike rack, including at least 2 spaces for cargo bikes.
 - (m) The bicycle spaces to include provision for E-bike charging facilities.
2. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. *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 John Patrick Landscape Architects and dated 29 April 2020, but modified to include (or show):
- (a) The 'Burnley Select' to be provide with a minimum 2 metres separation from the boundary shared with No.1 Bundara Street;
 - (b) Details of irrigation in the deep soil area along the eastern boundary;
 - (c) The an updated plant schedules to provide all plant quantities, number and location of all plants included in the landscaping;
 - (d) The replacement of the Fountain Grass (environmental weed) with a more appropriate plant suited to the surrounding context;

- (e) The replacement of the Artemisia shrub with a plant more suitable for a shaded location;
- (f) Details of all planting along all upper floor levels associated with the planter boxes.

4. 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;
- (c) Replacing any dead, diseased, dying or damaged plants.

to the satisfaction of the Responsible Authority.

5. Before the plans are endorsed, 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) Noise impacts from traffic/tram along St Georges Road onto dwellings within the development; and
- (b) Noise impacts from any proposed plant and equipment (including garage door and lift) onto the dwellings within the development and surrounding residential dwellings.

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

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

7. *Before the plans are endorsed, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 7 May 2020 and updated Sustainable Management Plan prepared by Ark Resources and dated 28 July 2020, but modified to include or show:

- (a) Confirmation if gas appliances are proposed.
- (b) The non-residential component to achieve a minimum 10% improvement across thermal fabric and HVAC and not be reliant on solar for compliance.
- (c) Confirmation that the daylight compliance claim within the SMP can be achieved through an analysis that the IEQ 1.3 credit claim is accurate.
- (d) Confirm strategy for building materials in terms of:
 - (i) Formaldehyde content,
 - (ii) Energy reducing process for structural steel,
 - (iii) Use of recycled or reclaimed materials (i.e. post-consumer content in insulation, or use of rainwater in concrete mixes), and
 - (iv) Specify quantity by cost or weight.

8. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. *Before the plans are endorsed, 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 Salt and dated 7 May 2020, but modified to include:
 - (a) Swept path diagrams as prepared by GTA Consultants (Drw. No. V169321-ATO1-01 and V169321-ATO2-01) for the waste collection vehicle demonstrating:
 - (i) Entry and exit to St Georges Road; and
 - (ii) Turning movements to and from the bin storage area.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the re-sheeting of the footpath outside the property's St Georges Road frontage and laneway interface if required by the Responsible Authority:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
15. *Deleted.
16. 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.

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

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

to the satisfaction of the Responsible Authority.

18. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
19. 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.
20. 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.
21. 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.
22. 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.
23. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
24. 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.
25. 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.

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

VicRoads conditions (27 & 28 only)

27. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the occupation of the buildings and works.

28. All disused or redundant vehicle crossings must be removed to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or occupation of the buildings and works.

PTV Conditions (29 to 31 only)

29. The permit holder must take all reasonable steps to ensure that disruption to tram operation along St Georges Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior.

30. 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 Public Transport Victoria at the full cost of the permit holder.

31. Prior to the occupation of the development, all works outlined on the endorsed plans restricting access/egress to left in/left out only, must be completed with associated signage, the satisfaction of Public Transport Victoria at the full cost to the permit holder.

32. 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.
- (c) the use component is not commenced within five (5) 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 maybe required before development is commenced. Please contact Council's Building Services on 9205 5585 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 5585 for further information.

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

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

Separate consent will be required from Vicroads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside of the title boundary within a Road Zone Category 1 (ie St Georges Road). Please contact VicRoads prior to commencing any works.

The level of the footpath must not be altered or lowered in any way to facilitate access to the site.

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

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

CARRIED UNANIMOUSLY

-
- 1.5 PLN19/0238 - 81 - 89 Victoria Parade and 8-14 Brunswick Street, Fitzroy - Demolition of the existing building to allow for the construction of a twelve (12) storey building used as an education centre (permit not required use), a reduction in the car and bicycle parking requirements of the Yarra Planning Scheme, display of internally illuminated business identification signs and alterations to Victoria Parade (Road Zone, Category 1) to make way for a loading dock / bay.**
-

Reference: D20/147739
 Authoriser:

[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 (PLN19/0238) be issued for the construction of a twelve (12) level building used as an education centre (permit not required use), a reduction in the car parking and bicycle parking requirements of the Yarra Planning Scheme, display of internally illuminated business identification signs and alterations of access to a Road Zone, Category 1 at 81 – 89 Victoria Parade and 8-14 Brunswick Street, Fitzroy generally in accordance with the plans received by Council 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 received by Council 19 June 2019 and prepared by HASSELL Limited but modified to show:

Built Form

- (a) The provision of a canopy / shade structure to the windows of the cafe for take-away facing the forecourt.

Bicycle Parking and Services

- (b) A minimum of 56 employee bicycle spaces within a secure and conveniently located compound and in accordance with the AS23890.3 requirements for spacing, access-ways 20% horizontal spaces and security.
- (c) Confirmation that the existing number of student bike spaces meets the Development Plan rate of 1 space per 80.6 students as this applies to the portion of the campus affected by the Development Plan. In the event of non-compliance, a provision of at least 22 spaces to be provided for students.

Signs

- (d) Details in relation to the levels of illumination of the high-wall mounted sign on the Brunswick Street interface.
- (e) The location of the interpretation heritage sign as required by Condition 2 with plan notations confirming all content and text displayed.

Reports and Plans

- (f) Any requirement of the endorsed Façade and Foyer Strategy (condition 5) (where relevant to show on plans).
- (g) Any requirement of the endorsed Landscape Plan (condition 7) (where relevant to show on plans).
- (h) Any requirement of the endorsed Tree Management Plan (condition 10) (where relevant to show on plans).
- (i) Any requirement of the endorsed Sustainable Management Plan (condition 12) (where relevant to show on plans).
- (j) Any requirement of the endorsed Wind Assessment Report (condition 15) (where relevant to show on plans).
- (k) Any requirement of the endorsed Green Travel Plan (condition 17) (where relevant to show on plans).
- (l) Any requirement of the endorsed Waste Management Plan (condition 19) (where relevant to show on plans).
- (m) Any requirement of the endorsed Public Lighting Plan (condition 22) (where relevant to show on plans).
- (n) Any requirement of the Transport for Victoria conditions (conditions 29 - 31) (where relevant to show on plans).

Interpretation Heritage Package

2. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority an interpretative sign that includes the text below must be displayed on the building where it can be seen and read from the public domain, to the satisfaction of the Responsible Authority:

The Former Brunswick Street Cable Tram Engine House was built in 1886 and was designed by Alexander Davidson and built by Martin & Peacock for the Melbourne Tramways Trust. Twelve engine houses were built in Melbourne between 1884 and 1891 and eleven were built by the Melbourne Tramways Trust and this one was the second of the eleven built to provide power to what was considered to be the most advanced cable tram network of its time.

The Former Brunswick Street Cable Tram Engine House propelled three underground cable lines which operated trams on routes travelling down Collins Street to Spencer Street, down Victoria Parade to Victoria Bridge and down Brunswick Street to North Fitzroy. The cables were propelled by two pairs of engines which used six Babcock & Willcox water tube boilers and two multi tube boilers.

The Former Brunswick Street Cable Tram Engine House was the first in Melbourne to use rope gearing and is believed to be the first to use a Malcolm Moore conveyor system to handle coal.

*The cable tram system continued to run until it was replaced by the electrical powered system during the 1920s and early 1930s. The Collins and Victoria Street lines closed in July 1929 and the Brunswick line was closed in June 1930.
(Victorian Heritage Database)*

3. Following the removal / demolition of the portable class rooms, an archaeological investigation must be conducted with any new found information to be added to the interpretative signage required by Condition 2. Any new found information must be provided to the Responsible Authority for record keeping or written confirmation must be provided confirming that there is no new information.

4. If remnants relating to the Former Brunswick Street Cable Tram Engine House are found following the removal / demolition of the portable class rooms as a result of Condition 3, these must be maintained, restored and included as a feature element to commemorate the sites past in the foyer(s) / portals of the building. This information must be provided to the Responsible Authority prior to the completion of the foyer interiors for further approval. When approved, this information will be endorsed and will then form part of this permit.

Façade and Foyer Strategy

5. 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 (services to Victoria Parade) and tower facade details (in particular glazing types (ensuring limited glare) 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 existing bluestone will be recycled and included to construct the plinth / base of the new building.
 - (d) A sample materials board and coloured renders outlining colours, materials and finishes as these relate to the building, with a graffiti proof finish applied to all walls facing the public domain and carriageway to the east.

Ongoing Architect Involvement

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

Landscape Plan

7. 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 Architecture Plan prepared by HASSELL Limited and dated December 2018, but modified to include (or show):
 - (a) Details of soil volumes for all garden beds provided.
 - (b) Consideration to passive irrigation or use of water captured by the subject site.
 - (c) A detailed planting plan including a planting schedule including the quantities, pot sizes and mature heights.
 - (d) A specification of works to be undertaken prior to planting.
 - (e) Maintenance schedules and notes, including how any plant failure will be managed
 - (f) Details on the proposed methods for irrigation and drainage.
 - (g) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*.

8. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,to the satisfaction of the Responsible Authority.
9. Before the 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 \$12,049.40 to the Responsible Authority for the amenity value, removal and replacement cost of the street tree located on Victoria Parade to make way for the crossover.

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 closest to the south-west corner of the subject site on the Victoria Parade footpath:
 - (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.

Sustainable Management Plan

12. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by LCI Consultants dated 3 December 2018, but modified to include or show:
 - (a) VLT used for daylight modelling, consistent with SHGC.
 - (b) Indicate on plans the water source for landscaping.
 - (c) Confirm actual roof area and review STORM report to reflect this.
 - (d) Advice on the Solar Reflectance Index (SRI) for the roof
 - (e) Consider evaporative pre-cooling for air cooled chillers.
 - (f) Consider a small pallet of materials and construction techniques that can assist in disassembly.
 - (g) Consider collecting organics waste from café.

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

Wind Assessment Report

15. Before the 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 December 2018, but modified to include (or show):
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) The north-west corner wind mitigation replaced with landscaping treatment.
 - (c) The screen wind mitigation item in the carriageway replaced with mitigation treatment shown within the title boundaries.
16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

17. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan for the Australian Catholic University campus received by Council on 19 June 2019, but modified to include or show:
 - (a) Bicycle parking in relation to the subject building in accordance with the provision under Condition 1;
 - (b) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3 as these relate to the subject building;
 - (c) The inclusion of floor plans showing details of the bicycle parking and end of trip facilities;
 - (d) The types of bicycle storage devices proposed to be used for employee and student spaces (i.e. hanging or floor mounted spaces) with at least 50% of those at grade with further space for cargo bike(s); and
 - (e) Provision of charging point(s) for E-bikes.
18. 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

19. 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 Stuart McQuire, of Green Makeover dated 18 March 2019 (Version 5) but modified to include:

- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Provision of food waste diversion.
 - (c) A reduction in the five garbage stream to four.
 - (d) Details relating to the management of hard waste.
 - (e) Details relating to risk management.
 - (f) Reference to all EPA and council laws regarding waste collection times.
 - (g) Provision for recycling of glass.
20. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
21. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Public Lighting Plan

22. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along Brunswick Street and Victoria Parade interface but also in the forecourt and entrances 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) The control of light spillage into the windows of existing and proposed hospital bed rooms associated with the St Vincent's Hospital from the approved building and high wall mounted sign to Brunswick Street, to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting";
 - (b) A maintenance regime for the lighting scheme within the curtilage of the property.
 - (c) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.
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.

Signs

24. The location and details of the signs, 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.
25. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
26. The signs must not include any flashing or intermittent light.

Loading and Unloading

27. 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 loading 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 it 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 loading bay area.

to the satisfaction of the Responsible Authority.

28. 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.

Head, Transport for Victoria's Conditions 29 - 31

29. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Brunswick Street is kept to a minimum during the construction of the development. Foreseen disruption to tram operations during construction and mitigation measures must be communicated to Yarra Trams and the Department of Transport thirty-five (35) days prior.
30. 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 Department of Transport at the full cost of the permit holder.
31. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Victoria Parade is kept to a minimum during the construction of the development. Foreseen disruption to bus operations and mitigation measures must be communicated to the Department of Transport eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au.

Road Infrastructure

32. The pillar box on the Victoria Parade footpath is to be removed, stored for safekeeping, and reinstated at the completion of the building in its exact same location, with all associated costs to be borne by the permit holder.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossing at the Victoria Parade interface 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.
 - (e) The Permit Holder must obtain the consent of the relevant power authority for the relocation of any power poles. All costs associated with the relocation will be at the Permit Holder's cost.
 - (f) The vehicle crossing shall be constructed in accordance with Department of Infrastructure's and City of Yarra's requirements and specifications.
34. 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, the footpaths along the property's Victoria Parade and Brunswick Street (service road) frontages must be reconstructed (including kerb and channel):
- (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, the full width road pavement of the Victoria Parade and Brunswick Street reserve must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts 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.
37. 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.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
39. 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.

Lighting

40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a public lighting design scheme along the development's road frontages demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the Responsible Authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the Permit Holder.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the 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

42. 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.
43. 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.
44. 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 Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
46. 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.
47. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
48. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
50. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
51. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Construction Management Plan

52. 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
- all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

53. 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.

54. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
55. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

56. 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.

57. The signage component of this permit expires 15 years from the date of the permit.

Notes:

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

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

A building permit 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 business (whether as owners, lessees/tenants, occupiers / staff) 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.

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

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

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

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

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

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>.

Submissions made online during the meeting

Anna Barclay (for the applicant)
Greg Hocking

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Refusal to Grant a Permit for the demolition of the existing building to allow for the construction of a twelve (12) storey building used as an education centre (permit not required use), a reduction in the car and bicycle parking requirements of the Yarra Planning Scheme, **construct and** display of internally illuminated business identification signs and alterations to Victoria Parade (Road Zone, Category 1) to make way for a loading dock / bay at 81-89 Victoria Parade and 8-14 Brunswick Street, Fitzroy based on the following grounds:

1. The scale, height and architectural quality of the proposed development does not respond to the site context and fails to comply with the provisions at Clauses 15 (Built Environment and Heritage), 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) and 43.01 of the Yarra Planning Scheme.
2. The proposed development fails to provide a public environment in accordance with Clause 21.05-4 (Public Environment) of the Yarra Planning Scheme.

CARRIED UNANIMOUSLY

1.6 PLN17/0626.02 - 60 - 88 Cremorne Street Cremorne - Section 72 Amendment to construct a west-facing terrace to level 05 of the approved office development.

Reference: D20/146862

Authoriser: Senior Coordinator Statutory Planning

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RECOMMENDATION

1. That a Notice of Decision to Grant an amended Planning Permit PLN17/0626.02 be issued for, in accordance with the endorsed plans, the construction of a building or construction or carrying out of works under clauses 34.02-3 and 43.02-2, the use of the land for 'indoor recreational facility' under clause 34.02-1, the use of the land for 'food and drinks premises (café)' as the floor area exceeds 100sqm under clause 34.02-1, and a reduction in the car parking spaces under clause 52.06-3 at 60 – 88 Cremorne Street Cremorne VIC 3121 generally in accordance with the plans noted previously as the "decision plans" with no changes to the permit preamble or conditions.

Submission made online during the meeting

Tim McBride-Burgess (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Fristacky

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

The meeting closed at 9.52pm.

Confirmed at the meeting held on Wednesday 18 November 2020

Chair