



Minutes

Planning Decisions Committee

6.30pm, Wednesday 18 November 2020

MS Teams

1. Appointment of Chair

Cr Jolly nominated Cr Stone as chair.

There being no other nominations, Cr Stone was elected chair.

Cr Stone assumed the chair.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

“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.”

3. Attendance and apologies

Councillors

- Cr Edward Crossland
- Cr Stephen Jolly
- Cr Amanda Stone

Council officers

- Sarah Griffiths (Senior Co-Ordinator Continuous Improvement Statutory Planning)
- Danielle Connell (Senior Co-Ordinator Statutory Planning)
- Michelle King (Principal Planner)
- Rhys Thomas (Senior Governance Advisor)
- Cindi Johnson (Governance Officer)

4. Declarations of conflict of interest

Rhys Thomas declared that his wife is a Director of Urbis Pty Ltd, who are acting for the applicant for PLN20/0168 - 40-50 Rokeby Street, Collingwood and PLN17/0448.01 - 484-486 Swan Street, Richmond and stated that his role in the meeting is purely administrative and that he has played no role in preparing the reports or officer advice.

5. Confirmation of Minutes

RESOLUTION

Moved: Cr Jolly **Seconded:** Cr Stone

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 14 October 2020 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN19/0441: 3 Hilton Street, Clifton Hill	4	11
6.2	PLN19/0807 - 176 Johnston Street & 300 Napier Street Fitzroy	20	27
6.3	PLN20/0173 - 27 Russell Street, Abbotsford	28	34
6.4	PLN20/0168 - 40-50 Rokeby Street, Collingwood	42	52
6.5	PLN20/0184 - 1027 Drummond Street Carlton North	62	63
6.6	PL05/1061.04 - 538 - 540 Heidelberg Road Alphington	64	67
6.7	PLN17/0448.01 - 484-486 Swan Street, Richmond	71	88

Reference D20/157745
Author Julian Larkins - Coordinator Statutory Planning
Authoriser Manager Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to recommend a Notice of Decision to Grant a Planning Permit for construction of a five storey commercial building plus roof terrace and a reduction in the statutory car parking requirements associated with office (no permit required use) at 3 Hilton Street, Clifton Hill, generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (PL05, Revision A, dated 10/12/2019, PL06 to PL11, Revision B, dated 17/12/2019, PL12 to PL22, Revision A, dated 10/12/2019 and PL39 to PL40 Revision A, dated 10/12/2019 prepared by Wellard) but modified to show:

Built form

- (a) The changes to the development in accordance with the Sketch Plans (Revision D, dated 24 June 2020, prepared by Wellard) submitted on 26 June 2020, which show:
 - (i) A reduction in rooftop elements allowing for a reduction in overall height.
 - (ii) Revised front and rear elevations with changes to materials and overall increase to setbacks.
 - (iii) Changes to the northern façade including introduction of mesh exposure of a void space.
 - (iv) Revised internal layout, including the deletion of the ground-floor Food and Drink (café) tenancy; and
 - (v) Other supplementary changes such including but not limited to vertical landscaping to the podium.

But further modified to show:

- (b) Deletion of Level Five and Level Six to achieve a maximum overall height of five storeys plus the roof terrace.

Car park and services

- (c) The width of the garage doorway / car park entrance to be dimensioned.
- (d) Notation indicating convex mirrors at the development's entrance.
- (e) Clearance dimensions along the ramped accessway to be dimensioned.
- (f) The floor to ceiling height above the car stacker system is to be dimensioned on the drawings.
- (g) At least 9 employee bicycle spaces provided within a secure facility at the ground level or basement level. Pursuant to AS2890.3 at least 20% of bicycle storage spaces should be provided horizontal at ground level spaces.
- (h) Notations indicating the type of bicycle parking devices to be used should be shown on the plans, as well as dimensions of bicycle storage spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the responsible authority.

- (i) End of trip facilities, including a minimum of one shower / change room.
- (j) The bin storage area to be increased in size not to form an effective waste system.

Reports and Plans

- (k) Any amendments as required by the Landscaping Plan pursuant to Condition 5.
 - (l) Any amendments as required by the Amended Sustainable Management Plan pursuant to Condition 7, including recommended changes to meet NCC.
 - (m) Any amendments as required by the Amended Waste Management Plan pursuant to Condition 8.
 - (n) Any requirements as required by Amended Wind Assessment Report pursuant to Condition 10.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Façade Strategy

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

Ongoing architect involvement

4. As part of the ongoing consultant team, Wellard 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.

Landscaping Plan Required

5. 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:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants / vertical greening;
 - (b) provide a specification of works to be undertaken prior to planting,

to the satisfaction of the Responsible Authority.

Ongoing Landscaping Plan Requirement

6. 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.

Amended Sustainable Management Plan

7. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Compliance Energy Rating and dated 10 December 2019, but modified to include or show:
 - (a) Provide additional openings on eastern elevation to allow for cross ventilation
 - (b) Recommend improvement of 10% over NCC Section J minimum requirements should be targeted.
 - (c) Provide separate water metering for all tenants and major common areas.
 - (d) Recommend source all timber from sustainability managed sources that hold third party verification.
 - (e) Include bike parking spaces for offices, and bike parking spaces for visitors.
 - (f) Include a requirement for a site-specific Waste Management Plan including a target recycling rate of at least 80% of construction and demolition waste.
 - (g) Provide facilities in tenancies to separate general waste, recyclables and organic waste.
 - (h) Outline organic waste collection facilities on ground floor plan.
 - (i) Provide a tap for irrigation and drainage on balconies and roof terrace.
 - (j) Develop a simple Building Users Guide explaining optimal usage of building services to minimise energy and water consumption.
 - (k) More information required on how car park is ventilated.
 - (l) Collection area to be shown on the roof plan and explanation of how water will be collected and pumped to tank.
 - (m) Provide an assessment of re-used and recycled materials.
 - (n) Provide an assessment of embodied energy of concrete and steel
 - (o) A statement required to demonstrate how material choice has reduced urban heat island effect.

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

Waste Management Plan

8. Before the development commences, an amendment Waste Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified waste engineer and must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will form part of this permit. The WMP must be generally in accordance with the WMP prepared by OneMileGrid dated 15 November 2019, but modified to include:
 - (a) A bin storage area large enough to form an effective waste system.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Tunnel Study

10. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit.
The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac and dated 3 December 2019, but modified to include (or show):
 - (a) The assessment adequately consider the exposure to the prevailing and strong north sector wind directions on the wind conditions along Hilton Street.
11. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public realm and Infrastructure

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

Timing of works

13. Before the building is occupied, all works required by condition 12 must be fully constructed and completed at the full cost of the owner to the satisfaction of the Responsible Authority.

Car parking

14. 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.
15. 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.
16. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.

17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Road Infrastructure

18. 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.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
20. 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.

General

21. 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.
22. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent 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. 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.
26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;

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

Construction Management Plan

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

During the construction:

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

Time Expiry

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

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

Notes:

A building permit maybe required before development is commenced.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submissions made online during the meeting

Will Pearce, Human Habitats (for the applicant)

Mark Purvis
Nicole Eckersley

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to recommend a Notice of Decision to Grant a Planning Permit for construction of a five storey commercial building and a reduction in the statutory car parking requirements associated with office (no permit required use) at 3 Hilton Street, Clifton Hill, generally in accordance with the plans noted previously as the "decision plans" and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (PL05, Revision A, dated 10/12/2019, PL06 to PL11, Revision B, dated 17/12/2019, PL12 to PL22, Revision A, dated 10/12/2019 and PL39 to PL40 Revision A, dated 10/12/2019 prepared by Wellard) but modified to show:

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But further modified to show:

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Car park and services

- (c) The width of the garage doorway / car park entrance to be dimensioned.
- (d) Notation indicating convex mirrors at the development's entrance.
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 - (l) Any amendments as required by the Amended Sustainable Management Plan pursuant to Condition 7, including recommended changes to meet NCC.
 - (m) Any amendments as required by the Amended Waste Management Plan pursuant to Condition 8.
 - (n) Any requirements as required by Amended Wind Assessment Report pursuant to Condition 10.
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Amended Sustainable Management Plan

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Wind Tunnel Study

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

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 - (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.

15. 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.
16. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Road Infrastructure

18. 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.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
- (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- (c) at the permit holder's cost; and
- (d) to the satisfaction of the Responsible Authority.

20. 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.

General

21. 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.
22. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent 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. 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.
26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management Plan

27. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;

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

During the construction:

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

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

Time Expiry

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

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

Notes:

A building permit maybe required before development is commenced.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CARRIED

Reference: D20/153732

Authoriser: Senior Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0807 for full demolition and construction of a multi-level building, with a reduction in the car parking requirements associated with the use of the land for retail (shop) and offices (no permit required uses), including the construction and display of internally-illuminated signage at Nos. 176 Johnston Street & 300 Napier Street Fitzroy VIC 3065, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Chamberlain Architects, dated 8 October 2020 (Rev D: TP1.01, TP1.03, TP1.04, TP2.01, TP2.02, TP2.03, TP3.01, TP3.02 and TP4.01, but modified to show the following:
 - (a) Ground floor retail space to be relabelled as 'shop';
 - (b) The ground floor shop amended to reinstate the existing north-western corner splay in asphalt (consistent with the surrounding footpaths);
 - (c) All internally illuminated signs to have a minimum clearance height of 2.7m above the footpath.
 - (d) The number of off-site visitor bicycle spaces reduced from 4 hoops to 3 hoops and relocated with a maximum setback of 1.5m from the proposed building along Napier Street.
 - (e) The canopy located along the Johnston Street facade (at the corner of Napier Street) provided with a minimum setback of 0.5m from any part of the traffic signal at this location;
 - (f) Vehicle crossing ground clearance check confirming that a B99 design vehicle can enter and exit the property without scraping or bottoming out;
 - (g) Design changes to implement recommendations of the Sustainable Management Plan Condition No. 3 of this permit;
 - (h) Design changes to implement recommendations of the Waste Management Plan Condition No. 6 of this permit; and
 - (i) Design changes to implement recommendations of the Green Travel Plan Condition No. 14 of this permit.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority

Sustainable Management Plan

3. 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 Sustainable Management Plan will be endorsed and will form part of this permit.

The Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Development Consultants and dated July 2020, but modified to include the following:

- (a) All design changes made under the revised S57A plans dated 8.10.2020.
 - (b) All design changes required under Condition 1 of this permit.
 - (c) A commitment to exceed the current NCC2019 standards.
 - (d) Deletion of the ambiguous terms such as “aim” from the energy efficient LED lighting standard and commit to a clear performance standard.
 - (e) The size of the proposed rainwater tank to be correctly identified as 8,000Ltrs on all reports, including the plans.
 - (f) Operable windows included to all offices on each level and operability of windows clearly marked on plans.
4. The provisions, recommendation and requirements of the plans and endorsed Sustainable Development Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Daylight Modelling Report

5. Concurrently with the endorsement of condition 1 plans, an amended Daylight Modelling Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Daylight Modelling Report will be endorsed and will form part of this permit. The Daylight Modelling Report must be generally in accordance with the Daylight Modelling Report prepared by Sustainable Development Consultants and dated May 2020, but modified to include the following:
- (a) All design changes made under the revised S57A plans dated 8.10.2020.

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 3 October, but modified to include:
- (a) Organic/green waste and e-waste;
 - (b) Demonstration of how the 4 waste streams will be separated and ensure adequate space for extra bins that will be required (glass separation and food waste).
7. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with at all times 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:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
 - (c) provide a specification of works to be undertaken prior to planting,

to the satisfaction of the Responsible Authority.

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Tree Management Plan

10. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection of two street trees opposite the site on the eastern side of Napier Street, including:
- (a) pre-construction;
 - (b) during construction; and
 - (c) post construction
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

11. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
12. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must provide a bond to the Responsible Authority for the existing trees on the Napier Street footpath, in proximity of the site. The bond:
- (a) is to be to the total value of the \$5,000 for both trees;
 - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (c) may be held by the Responsible Authority until the buildings and works are completed to the satisfaction of the Responsible Authority; and
 - (d) may be applied by the Responsible Authority to allow for a large replacement planting(s) and costs associated with establishment and maintenance.

Once the buildings and works are completed to the satisfaction of the Responsible Authority, any portion of the bond which has not been applied by the Responsible Authority will be refunded to the permit holder.

13. Before the development starts, or by such later date as approved in writing by the Responsible Authority, the permit holder must provide 2 years maintenance fee for the two additional trees proposed on the Napier Street frontage. This fee:

- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.

Green Travel Plan

14. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Sustainable Development Consultants and dated October 2019, but modified to include or show:
 - (a) All design changes required under Condition 1 of this permit.
 - (b) Description of the location in the context of alternative modes of transport;
 - (c) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (f) Details of bicycle parking and bicycle routes;
 - (g) Details of Green Travel funding and management responsibilities;
 - (h) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (i) Security arrangements to access the employee bicycle storage spaces;
 - (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (k) Provisions for the GTP to be updated not less than every five years.
15. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
16. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
17. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
18. 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.
19. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
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 external lighting capable of illuminating access to the pedestrian entries and car parking area must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity.

to the satisfaction of the Responsible Authority.

22. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
- (a) be designed, provided and completed to the satisfaction of the Responsible Authority;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all-weather seal coat;

all to the satisfaction of the Responsible Authority.

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on Napier Street 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.
24. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures, fire hydrants or service 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.
25. 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 full re-sheeting of the footpath at the front of the property if required by Council):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Signage

26. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
27. The signage component of this permit expires 15 years from the date of the permit.
28. This permit will expire if the signs are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.
29. The signs must not include any flashing or intermittent light.
30. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.

Vic Roads Conditions (31 to 35)

31. The canopy/awning located along the Johnston Street facade at the corner of Napier Street must provide a minimum setback of 0.5m from any part of the traffic signal at this location.
32. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Johnston Street and Napier Street boundary (i.e. the canopies, fixed shading devices, architectural features, awnings, balconies etc.), to indemnify the Crown in relation to any claim or liability arising from the projections within the Johnston Street and Napier Street road reserve. A copy of the endorsed plan must be submitted and clearly detail the dimensions of all projections including the total area (sqm), length, width and height which extend beyond the title boundary. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required or if no projections are proposed into the road reserve airspace.
33. The lighting must be installed and maintained to ensure there is no disability glare and accordingly, the lighting output must be no greater than 0.25 cd/m² throughout the approach from either direction.
34. All signs must not be reflective, flashing scrolling or intermittent light.
35. All signs are secured in a safe manner to ensure there is no public safety risk.
36. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to:
 - (i). contaminated soil;
 - (ii). materials and waste;
 - (iii). dust;
 - (iv). stormwater contamination from run-off and wash-waters;
 - (v). sediment from the land on roads;
 - (vi). washing of concrete trucks and other vehicles and machinery; and
 - (vii). spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

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. 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.

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

39. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.

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

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

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.

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

Notes:

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

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

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

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.

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

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

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

Submissions made online during the meeting

David De Giovanni, DD Planning (for the applicant)

Lisa Jonas

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Crossland

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Reference: D20/150937
Authoriser: Senior Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the construction of a five-storey (plus basement level) building for office and food and drink premises (no permit required for uses), display of high-wall, floodlit, business identification signage and a reduction in the car parking requirements at 27 Russell Street, Abbotsford, generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Lindsay Holland Pty Ltd Architects sheet 00.00 – 13.00 & R.27 re-issue: 02 (14.05.2020) and shadow diagrams 01.02 & 02.02 issue: 01 (03.03.2020) but modified to show:
 - (a) The metal portal frames and fin infills above the third floor (L.04.01) Russell Street façade deleted.
 - (b) Floor plans amended to show:
 - (i) Finished floor levels to Australian Height Datum (AHD) or a Relative Level (RL) with the fixed datum point clearly indicated;
 - (ii) Pink grid lines deleted;
 - (iii) The location of horizontal webforge screens within the western lightcourt;
 - (c) Elevation plans to show:
 - (i) Natural ground level;
 - (ii) Finished floor levels and the overall building height to Australian Height Datum (AHD) or a Relative Level (RL) that will not be affected during construction (overall height must not exceed height dimensioned on decision plans);
 - (iii) Wall heights and overall building height dimensioned above natural ground level (heights must not exceed heights dimensioned on decision plans);
 - (iv) Vertical pink lines deleted;
 - (v) Indicative ‘signage’ notation/detail deleted from the eastern ground level façade;
 - (vi) Upper floor windows clearly detailed as openable on the east and west elevations;
 - (vii) A notation indicating where the northern boundary wall ‘steps in’;
 - (viii) A notation confirming the ‘magpie graphic’ is to wrap around the pre-cast panel where the northern wall ‘steps in’;
 - (d) Materials and finishes schedule amended to show:
 - (i) A notation specifying the colour of window frames in accordance with the sample provided;
 - (ii) A notation specifying that the ‘steel paintwork is to be Dulux Ferrador - St Enoch’s Grey’;

- (iii) Confirmation of the blue tint for the glass balustrade (sample of multiple tints removed);
- (e) Drawings/sections detailing the method of construction and finish of the magpie graphics, including specific details relating to the 'magpie graphic' which is to wrap around the pre-cast panel where the northern wall 'steps in'.
- (f) Notation corrected to specify 4 visitor bike racks at basement level (12 total);
- (g) A minimum 20% of bicycle spaces within the basement must be provided as a horizontal bicycle rail;
- (h) The size of the rooftop solar PV system as per the amended sustainability management plan;
- (i) Provision of planter boxes for vegetation on the roof terrace in lieu of potted plants; and
- (j) Adjustable, external shading devices to all exposed east-facing windows and the west-facing fourth floor window. The shading devices must be:
 - (i) A high quality and durable product; and
 - (ii) Be compatible and complement the architectural features of the building;

Compliance with endorsed plans

2. The uses 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.
3. The location and details of the sign, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Landscape Plan

4. 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:
 - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) indicate the location of all areas to be covered by lawn or other surface materials;
 - (c) detail the strategy for establishing and maintaining the vertical garden at ground level;
 - (d) details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - (i) Soil volume sufficient for the proposed vegetation
 - (ii) Soil mix
 - (iii) Drainage design
 - (iv) Details of an automatic irrigation system, including maintenance program and responsibility for maintenance; and
 - (e) provide a specification of works to be undertaken prior to planting, to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

Sustainability Management Plan

6. 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 Lindsay Holland Pty Ltd and dated 14 May 2020, but modified to include or show:
 - (a) Any necessary modifications to ensure the SMP accords with the amended plans required under Condition 1 of this permit;
 - (b) Hard target of greater than 80% for recycling of construction waste to be included in the EMP;
 - (c) Capacity of courtyard rainwater tank confirmed and consistently referenced between the BESS and STORM reports;
 - (d) Delete reference to opportunities outside of title boundaries from the Urban Ecology section;
 - (e) Confirm rainwater tanks to be connect to wash closets for re-use in Water Efficiency section;
 - (f) Confirm design and provision of energy efficient VRV of HVAC system;
 - (g) Confirm the size of the rooftop solar PV system;
 - (h) BESS Report modified to show:
 - (i) Innovations which are claimed elsewhere in the report (i.e. water collection, solar array, solar HWS, construction waste and energy use) removed from the Innovations section.
7. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Prior to the occupation of the development approved under this permit, a report by a suitably qualified person or company, approved pursuant to this permit 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

9. 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 Lindsay Holland Pty Ltd Architects and dated 15.04.2020, but modified to include:
 - (a) All changes to accord with the Waste Management Plan prepared by Lindsay Holland Pty Ltd Architects and dated 14.09.2020.

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

Construction Management Plan

12. 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; and
 - (v) other relevant considerations.

General

- 13. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 14. 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.

Lighting

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

Infrastructure

- 16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken to Council's satisfaction and at the Permit Holder's cost:
 - (a) All redundant vehicle crossings associated with the development must be demolished and reinstated with pavement and kerb and channel;
 - (b) The kerb and channel along the property's Russell Street road frontage must be reconstructed;
 - (c) The footpath along the property's Russell Street road frontage must be reconstructed. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council; and
 - (d) The half-width road pavement of Russell Street (from the centre line of the road to the west kerb) along the property frontage must be profiled (grounded by 50 mm) and re-sheeted.
- 17. 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.

Signs

18. The signs must not include any flashing or intermittent light.
19. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.

Amenity

20. 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.
21. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
22. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
23. 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.
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. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
26. 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.

Permit Expiry

27. 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
28. The signage component of this permit expires 15 years from the date of the permit.

Notes:

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

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.

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.

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>.

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 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.

Submissions made online during the meeting.

Lindsay Holland, Lindsay Holland Architects (for the applicant)

Kevin De Almeida

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the construction of a four-storey (plus basement level) building for office and food and drink premises (no permit required for uses), display of high-wall, floodlit, business identification signage and a reduction in the car parking requirements at 27 Russell Street, Abbotsford, generally in accordance with the plans noted previously as the "decision plans" and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Lindsay Holland Pty Ltd Architects sheet 00.00 – 13.00 & R.27 re-issue: 02 (14.05.2020) and shadow diagrams 01.02 & 02.02 issue: 01 (03.03.2020) but modified to show:
 - (a) The metal portal frames and fin infills above the third floor (L.04.01) Russell Street façade deleted.
 - (b) Floor plans amended to show:

- (i) Finished floor levels to Australian Height Datum (AHD) or a Relative Level (RL) with the fixed datum point clearly indicated;
- (ii) Pink grid lines deleted;
- (iii) The location of horizontal webforge screens within the western lightcourt;
- (c) Elevation plans to show:
 - (i) Natural ground level;
 - (ii) Finished floor levels and the overall building height to Australian Height Datum (AHD) or a Relative Level (RL) that will not be affected during construction (overall height must not exceed height dimensioned on decision plans);
 - (iii) Wall heights and overall building height dimensioned above natural ground level (heights must not exceed heights dimensioned on decision plans);
 - (iv) Vertical pink lines deleted;
 - (v) Indicative 'signage' notation/detail deleted from the eastern ground level façade;
 - (vi) Upper floor windows clearly detailed as openable on the east and west elevations;
 - (vii) A notation indicating where the northern boundary wall 'steps in';
 - (viii) A notation confirming the 'magpie graphic' is to wrap around the pre-cast panel where the northern wall 'steps in';
- (d) Materials and finishes schedule amended to show:
 - (i) A notation specifying the colour of window frames in accordance with the sample provided;
 - (ii) A notation specifying that the 'steel paintwork is to be Dulux Ferrador - St Enoch's Grey;
 - (iii) Confirmation of the blue tint for the glass balustrade (sample of multiple tints removed);
- (e) Drawings/sections detailing the method of construction and finish of the magpie graphics, including specific details relating to the 'magpie graphic' which is to wrap around the pre-cast panel where the northern wall 'steps in'.
- (f) Notation corrected to specify 4 visitor bike racks at basement level (12 total);
- (g) A minimum 20% of bicycle spaces within the basement must be provided as a horizontal bicycle rail;
- (h) The size of the rooftop solar PV system as per the amended sustainability management plan;
- (i) Provision of planter boxes for vegetation on the roof terrace in lieu of potted plants;
- (j) Adjustable, external shading devices to all exposed east-facing windows and the west-facing fourth floor window. The shading devices must be:
 - (i) A high quality and durable product; and
 - (ii) Be compatible and complement the architectural features of the building.
- (k) Deletion of one storey so that the maximum building height is 4-storeys with roof terrace with no other subsequent changes (including the as-submitted bicycle parking on site); and
- (l) A bicycle wheeling ramp incorporated into the stairs between the basement and ground floor.

Compliance with endorsed plans

2. The uses 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.
3. The location and details of the sign, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Landscape Plan

4. 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:
 - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) indicate the location of all areas to be covered by lawn or other surface materials;
 - (c) detail the strategy for establishing and maintaining the vertical garden at ground level;
 - (d) details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
 - (i) Soil volume sufficient for the proposed vegetation
 - (ii) Soil mix
 - (iii) Drainage design
 - (iv) Details of an automatic irrigation system, including maintenance program and responsibility for maintenance; and
 - (e) provide a specification of works to be undertaken prior to planting, to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

Sustainability Management Plan

6. 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 Lindsay Holland Pty Ltd and dated 14 May 2020, but modified to include or show:

- (a) Any necessary modifications to ensure the SMP accords with the amended plans required under Condition 1 of this permit;
- (b) Hard target of greater than 80% for recycling of construction waste to be included in the EMP;
- (c) Capacity of courtyard rainwater tank confirmed and consistently referenced between the BESS and STORM reports;
- (d) Delete reference to opportunities outside of title boundaries from the Urban Ecology section;
- (e) Confirm rainwater tanks to be connect to wash closets for re-use in Water Efficiency section;
- (f) Confirm design and provision of energy efficient VRV of HVAC system;
- (g) Confirm the size of the rooftop solar PV system;
- (h) BESS Report modified to show:
 - (i) Innovations which are claimed elsewhere in the report (i.e. water collection, solar array, solar HWS, construction waste and energy use) removed from the Innovations section.

- 7. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 8. Prior to the occupation of the development approved under this permit, a report by a suitably qualified person or company, approved pursuant to this permit 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

- 9. 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 Lindsay Holland Pty Ltd Architects and dated 15.04.2020, but modified to include:
 - (a) All changes to accord with the Waste Management Plan prepared by Lindsay Holland Pty Ltd Architects and dated 14.09.2020.
- 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. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Construction Management Plan

- 12. 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; and
 - (v) other relevant considerations.

General

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

14. 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.

Lighting

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

Lighting must be:

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

to the satisfaction of the Responsible Authority.

Infrastructure

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken to Council's satisfaction and at the Permit Holder's cost:

- (a) All redundant vehicle crossings associated with the development must be demolished and reinstated with pavement and kerb and channel;
- (b) The kerb and channel along the property's Russell Street road frontage must be reconstructed;
- (c) The footpath along the property's Russell Street road frontage must be reconstructed. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council; and
- (d) The half-width road pavement of Russell Street (from the centre line of the road to the west kerb) along the property frontage must be profiled (grounded by 50 mm) and re-sheeted.

17. 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.

Signs

18. The signs must not include any flashing or intermittent light.
19. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.

Amenity

20. 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.

21. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
22. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
23. 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.
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. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
26. 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.

Permit Expiry

27. 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
28. The signage component of this permit expires 15 years from the date of the permit.

Notes:

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

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.

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.

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>.

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 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.

CARRIED

6.4 PLN20/0168 - 40-50 Rokeby Street, Collingwood

Reference	D20/157126
Author	John Theodosakis - Principal Planner
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit (PLN20/0168) be issued for the construction of a thirteen (13) level building (with roofed plant services) used for shop(s) (permit required use), food and drink premises (café) and office and a reduction in the car parking requirement of the Yarra Planning Scheme at 40 - 50 Rokeby Street, Collingwood generally in accordance with the plans received by Council and 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 25th August 2020, prepared by Rothelowman Architects and labelled TP00.01, TP00.02, TP01.02, TP01.03, TP01.04, TP01.06, TP01.07, TP01.08, TP01.09, TP01.10, TP01.11, TP01.17, TP02.01, TP02.02, TP02.03, TP02.04, TP02.05, TP02.06, TP02.07, TP02.08, TP03.01, TP03.01 TP03.02 and TP03.01 - all Revision B but modified to show / include:

Plans

- (a) A Level 01 plan.
- (b) The terraces above the podium set back 3m from the Rokeby Street boundary (i.e. to be consistent with the southern portion of the tower facing Rokeby Street).
- (c) A plan notation confirming that the laneways running parallel with the subject site will be reinstated with sawn bluestone pavers as per *Yarra Standard Drawings*.
- (d) The dimension of the headroom clearance of the ramped access-way.
- (e) The length of the tandem car space in the lower basement to have a length of 5.4m.
- (f) All column depths, setbacks and locations clearly annotated and dimensioned and positioned to ensure that they do not encroach into the parking space clearance envelopes.
- (g) The lengths of the motorcycle spaces are to be dimensioned to comply with AS/NZS 2890.1:2004.
- (h) All ramp grade and transition grade lengths dimensioned with the latter having a minimum length of 2.5m.
- (i) Cross-sections with dimensions annotated in accordance with Council's Vehicle Crossing Information Sheet together with the B99 design vehicle ground clearance template demonstrating access into and out of the development that requires a number of spot levels that include:
 - (i) a reduced 2.0 metres level inside the property;
 - (ii) the bottom of kerb (invert) level; and

- (iii) the edge of the channel level and levels of the road pavement along Rokeby Street.
- (j) The surface material of the setback area adjacent to the laneway different to that of the laneway to clearly demarcate the difference in surface treatment.
- (k) The car share spaces within the building clearly identified on plans, including details of the car share scheme and reference to the car share space on Rokeby Street deleted.

Reports

- (l) Any requirement of the endorsed Façade and Foyer Strategy (condition 2) (where relevant to show on plans).
- (m) Any requirement of the endorsed Landscape Plan (condition 5) (where relevant to show on plans).
- (n) Any requirement of the endorsed Sustainable Management Plan (condition 8) (where relevant to show on plans).
- (o) Any requirement of the endorsed Wind Assessment Report (condition 11) (where relevant to show on plans).
- (p) Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to show on plans).
- (q) Any requirement of the endorsed Waste Management Plan (condition 14) (where relevant to show on plans).
- (r) Any requirement of the endorsed Public Lighting Plan (condition 17) (where relevant to show on plans).

Façade and Walkways

2. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) Elevations at a scale of 1:20 illustrating typical podium details for all podium types, entries and doors, utilities (services to Rokeby Street) 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) 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 Rokeby Street and the laneways, including the walls accessible to the public at the ground floor.

Use

3. Except with the prior written consent of the Responsible Authority, the shop(s) authorised by this permit may only operate between the hours of 7am to 10pm, Monday to Sunday.

Ongoing Architect Involvement

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

Landscape Plan

5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Package of material prepared by Eckersley Garden Architecture and received by Council 25 August 2020, but modified to include (or show):
 - (a) Details of soil volumes for all garden beds provided including those at the ground floor.
 - (b) Consideration to passive irrigation or use of water captured by the subject site.
 - (c) The planting schedule to include the pot sizes and mature heights of all tree and plant species selected.
 - (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*.
6. 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.
7. 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 \$4,806 to the Responsible Authority to contribute to the cost of planting six (6) new street trees.

Sustainable Management Plan

8. 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) Provision of a heat pump for the hot water service;
- (b) A % of materials (by weight or cost) that are either recycled or contain recycled content;
- (c) Any further measures identified to further reduced embodied carbon;
- (d) A small pallet of materials and construction techniques that can assist in disassembly;
- (e) Further provision of a green roof or wall to improve the ecological value of this site (if possible); and
- (f) A notation confirming that the head contractor will be ISO14001 accredited.

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

11. Before the development commences, an amended Qualitative Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Qualitative Wind Assessment will be endorsed and will form part of this permit. The amended Qualitative Wind Assessment must be generally in accordance with the Qualitative Wind Assessment prepared by SLR Consulting Pty. Ltd, dated March 2020, but modified to include (or show):
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Wind tunnel testing to verify any predictions.
 - (c) Any wind mitigation measures applied within the subject title boundaries.
12. 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

13. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Ratio Consultants Pty. Ltd. and dated 08 April 2020, but modified to make reference to the plans as endorsed at Condition 1.
14. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

15. 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 Pty. Ltd. and dated 09 April 2020 but modified to make reference to the plans as endorsed at Condition 1.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Public Lighting Plan

18. 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 the Rokeby Street and laneway interfaces but also in the walkways 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) A maintenance regime for the lighting scheme within the curtilage of the property.

- (b) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
19. 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.

Section 173 Agreement (Laneway / Pedestrian Walkway Access)

20. Within six months of the commencement of works the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) The Owner must provide unfettered 24 hour public access over that part of the land to be used for the new north-south link (laneway to laneway access); and
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 19(a) at the cost of the owners of the site and to the satisfaction of the Responsible Authority.
21. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Loading and Unloading

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for 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.
23. 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.
24. 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.

Road Infrastructure

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossing on Rokeby Street 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.

26. 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 Rokeby Street and laneway frontages must be reconstructed (including kerb and channel):
 - (a) at the permit holder's cost; and
 - (b) 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 full width road pavement of the Rokeby Street reserve outside the property's frontage must be profiled and re-sheeted:
 - (a) at the permit holder's cost; and
 - (b) to 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 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.
29. 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.
30. 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

31. 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.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensityto the satisfaction of the Responsible Authority.

General

33. 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.

34. 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.
35. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
36. 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.
37. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
38. The use(s) must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
39. 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.
40. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
41. 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

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

- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

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

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

During the construction:

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

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

44. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
45. 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

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

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.

Vicky Grillakis, Urbis (for the applicant)

Chris Exner, Rothelowman (for the applicant)

Mathew van Kooy

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit (PLN20/0168) be issued for the construction of a multi level building (with roofed plant services) used for shop(s) (permit required use), food and drink premises (café) and office and a reduction in the car parking requirement of the Yarra Planning Scheme at 40 - 50 Rokeby Street, Collingwood generally in accordance with the plans received by Council and 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 25th August 2020, prepared by Rothelowman Architects and labelled TP00.01, TP00.02, TP01.02, TP01.03, TP01.04, TP01.06, TP01.07, TP01.08, TP01.09, TP01.10, TP01.11, TP01.17, TP02.01, TP02.02, TP02.03, TP02.04, TP02.05, TP02.06, TP02.07, TP02.08, TP03.01, TP03.01 TP03.02 and TP03.01 - all Revision B but modified to show / include:

Plans

- (a) A Level 01 plan.
- (b) The height reduced by two storeys (levels 5 & 6) so that it presents as an eleven storey building with a plant roof / service area.
- (c) The street podium reduced to a maximum three-storeys on the boundary with the southern section of the building setback a minimum of 4m at Level 3.
- (d) Increased setback of the southern section of the building from 3m to 4m for levels 4 and above.
- (e) The terraces above the podium set back 3m from the Rokeby Street boundary.
- (f) A plan notation confirming that the laneways running parallel with the subject site will be reinstated with sawn bluestone pavers as per *Yarra Standard Drawings*.
- (g) The dimension of the headroom clearance of the ramped access-way.
- (h) The length of the tandem car space in the lower basement to have a length of 5.4m.
- (i) All column depths, setbacks and locations clearly annotated and dimensioned and positioned to ensure that they do not encroach into the parking space clearance envelopes.
- (j) The lengths of the motorcycle spaces are to be dimensioned to comply with AS/NZS 2890.1:2004.
- (k) All ramp grade and transition grade lengths dimensioned with the latter having a minimum length of 2.5m.
- (l) Cross-sections with dimensions annotated in accordance with Council's Vehicle Crossing Information Sheet together with the B99 design vehicle ground clearance template demonstrating access into and out of the development that requires a number of spot levels that include:
 - (i) a reduced 2.0 metres level inside the property;
 - (ii) the bottom of kerb (invert) level; and
 - (iii) the edge of the channel level and levels of the road pavement along Rokeby Street.

- (m) The surface material of the setback area adjacent to the laneway different to that of the laneway to clearly demarcate the difference in surface treatment.
- (n) The car share spaces within the building clearly identified on plans, including details of the car share scheme and reference to the car share space on Rokeby Street deleted.

Reports

- (o) Any requirement of the endorsed Façade and Foyer Strategy (condition 2) (where relevant to show on plans).
- (p) Any requirement of the endorsed Landscape Plan (condition 5) (where relevant to show on plans).
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- (u) Any requirement of the endorsed Public Lighting Plan (condition 17) (where relevant to show on plans).

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 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form.
 - (c) 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 Rokeby Street and the laneways, including the walls accessible to the public at the ground floor.

Use

3. Except with the prior written consent of the Responsible Authority, the shop(s) authorised by this permit may only operate between the hours of 7am to 10pm, Monday to Sunday.

Ongoing Architect Involvement

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

Landscape Plan

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 - (a) Details of soil volumes for all garden beds provided including those at the ground floor.
 - (b) Consideration to passive irrigation or use of water captured by the subject site.
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 - (g) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*.
6. 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.
7. 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 \$4,806 to the Responsible Authority to contribute to the cost of planting six (6) new street trees.

Sustainable Management Plan

8. 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) Provision of a heat pump for the hot water service;
 - (b) A % of materials (by weight or cost) that are either recycled or contain recycled content;
 - (c) Any further measures identified to further reduced embodied carbon;
 - (d) A small pallet of materials and construction techniques that can assist in disassembly;
 - (e) Further provision of a green roof or wall to improve the ecological value of this site (if possible); and
 - (f) A notation confirming that the head contractor will be ISO14001 accredited.

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

11. Before the development commences, an amended Qualitative Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Qualitative Wind Assessment will be endorsed and will form part of this permit. The amended Qualitative Wind Assessment must be generally in accordance with the Qualitative Wind Assessment prepared by SLR Consulting Pty. Ltd, dated March 2020, but modified to include (or show):
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Wind tunnel testing to verify any predictions.
 - (c) Any wind mitigation measures applied within the subject title boundaries.
12. 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

13. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Ratio Consultants Pty. Ltd. and dated 08 April 2020, but modified to make reference to the plans as endorsed at Condition 1.
14. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

15. 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 Pty. Ltd. and dated 09 April 2020 but modified to make reference to the plans as endorsed at Condition 1.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Public Lighting Plan

18. 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 the Rokeby Street and laneway interfaces but also in the walkways 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) A maintenance regime for the lighting scheme within the curtilage of the property.
- (b) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

19. 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.

Section 173 Agreement (Laneway / Pedestrian Walkway Access)

20. Within six months of the commencement of works the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:

- (a) The Owner must provide unfettered 24 hour public access over that part of the land to be used for the new north-south link (laneway to laneway access); and
- (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 19(a) at the cost of the owners of the site and to the satisfaction of the Responsible Authority.

21. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Loading and Unloading

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for 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.

23. 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.

24. 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.

Road Infrastructure

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossing on Rokeby Street 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.
26. 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 Rokeby Street and laneway frontages must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
 - (b) 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 full width road pavement of the Rokeby Street reserve outside the property's frontage must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to 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 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.
29. 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.
30. 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

31. 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.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and

(d) of limited intensity
to the satisfaction of the Responsible Authority.

General

33. 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.
34. 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.
35. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
36. 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.
37. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
38. The use(s) must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
39. 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.
40. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
41. 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

42. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;

- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

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

- (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.
- During the construction:
- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (t) vehicle borne material must not accumulate on the roads abutting the land;
 - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

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

- 43. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
- 44. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 45. 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

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

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>

CARRIED

6.5 PLN20/0184 - 1027 Drummond Street Carlton North

Reference	D20/157190
Author	Nish Goonetilleke - Senior Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN20/0184 for full demolition of existing built form on-site and construction of a double-storey dwelling at 1027 Drummond Street Carlton North VIC 3054, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Wellard Architects, dated 22.09.2020 (Rev E: PL03, PL04, PL05, PL06, PL07, PL08 and PL16), but modified to show the following:
 - (a) Fences along the northern and southern boundaries clearly shown demonstrating compliance with Standard A15 (Overlooking objective) at Clause 54 of the Yarra Planning Scheme;
 - (b) First floor, east and south-facing retreat windows screened to comply with the objective of Standard A15 (Overlooking objective) at Clause 54 of the Yarra Planning Scheme;
 - (c) North and south elevations to show proposed on-boundary walls (not adjacent walls);
 - (d) Southern elevation to show new timber fence (not existing); and
 - (e) The provision of the 40mm lip from the edge of the laneway to the finished floor level of the front edge of the slab at ground level, by providing a 1 in 20 scale cross-sectional drawing showing the reduced level of the west and east edge of the laneway, the centreline of the laneway and the finished floor level of the slab.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;

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

7. This permit will expire if:

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

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

Notes:

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

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

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

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

Submissions made online during the meeting

Joe Fisher, Human Habitats (for the applicant)

Ros Braham

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Crossland

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Reference: D20/152856
Authoriser: Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to Issue a Notice of Decision to Amend a Planning Permit PL05/1061.04 to allow for a change of use from a café to a restaurant; an associated reduction of car parking; an extension to the hours of operation; introduce the sale and consumption of liquor on-site (restaurant and café licence); and include additional buildings and works (construction of an acoustic fence) at 538-540 Heidelberg Road, Alphington, in accordance with the decision plans and subject to the following changes to the permit pre-ambles and conditions:

Permit preamble modified to read:

Use of the site as a restaurant; an associated reduction of car parking; sale and consumption of liquor on-site (restaurant and café licence); and construction of buildings and works including the construction of a fence and deck.

Conditions modified as follows (new or amended conditions in bold):

1. **Before the use (including the sale and consumption of liquor) or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, drawing nos. A1, A2, A3 & A4 (prepared by Mimar Designs and dated Oct'19 with notations dated 18/3/2020); and drawing no. SD Bar 01 (prepared by Cogent Acoustics and dated 28/11/2019), but modified to show:**
 - (a) **The proposed acoustic fence along the western boundary to be increased in height to 2.4m, where adjacent the outdoor dining area (courtyard), as per the Revised Acoustic Report prepared by Cogent Acoustics and dated 10 August 2020.**
 - (b) **Deletion of the red line depicted on the proposed site/licensed area plan adjacent the car parking area.**
2. The layout of the uses (including the sale and consumption of liquor) and development as shown on the endorsed plans must not be altered without the further consent of the Responsible Authority.
3. **Before the commencement of the restaurant use and sale and consumption of liquor authorised by the amended permit, or by such later date as approved in writing by the Responsible Authority, the acoustic fence along the western boundary, as shown on the endorsed plans, must be constructed to the satisfaction of the Responsible Authority.**
4. **The restaurant use must only operate between the following hours:**
 - (a) **7.00am to 8.00pm Monday to Friday (except the courtyard / outdoor area that must only operate from 8.00am) other than on Good Friday and Anzac Day;**
 - (b) **8.00am to 8.00pm Saturday & Sunday; and**
 - (c) **8.00am to 8.00pm Good Friday and Anzac Day.**
5. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:**
 - (a) **9.00am to 8.00pm Monday to Saturday (other than on Good Friday and Anzac Day);**

(b) 10.00am to 8.00pm Sunday (other than on Anzac Day); and

(c) 12.00 noon to 8.00pm Good Friday and Anzac Day.

6. The number of staff, proprietors, and person related to the proprietors working on the site or any other persons working on the site, whether paid or unpaid, must not exceed twelve (12) on the site at any one time.
7. No more than 75 seats may be available to the public on the site at any one time.
8. **No more than 75 patrons are permitted on the land at any one time, including a maximum of 32 patrons within the outdoor dining area (courtyard).**
9. Music on the site must be limited to background music only. No live music or entertainment will be permitted.
10. No music must be played outside the premises. No speakers must be sited outside the premises.
11. The operator shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which this permit relates during or immediately after the trading hours authorised under this permit.
12. The operator shall ensure that the level of noise emitted from the premises shall not exceed the relevant State Environment Protection Policy or other relevant noise policy.
13. The use permitted must not adversely affect the amenity of the locality by the appearance of any buildings, works or materials, the transporting of goods to and from the premises, emissions from the site or in any other way.
14. **Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.**
15. Any empty bottles associated with the use must be taken in bags and no emptying of bottles into garbage bins is permitted **after 9.00pm or before 9.00am on Sunday and Public Holidays; and after 9.00pm or before 7.00am on any other day.**
16. No fewer than fourteen (14) car spaces must be provided on the land for the use. The car park must be clearly line-marked with 14 spaces.
17. Car parking spaces must be maintained at all times to the satisfaction of the Responsible Authority and must not be used for any other purpose, except with the written consent of the Responsible Authority.
18. There are to be no less than eight (8) bicycle spaces available on the site at all times, unless with the further written consent of the Responsible Authority.
19. Garbage collection by private contractor must be restricted between **9.00am and 10.00pm on Sunday and Public Holidays; and between 7.00 am and 10.00 pm on any other day.**
20. Deliveries to the site are only permitted **between 9:00am and 6:00pm on Sunday and Public Holidays; and between 7:00am and 6:00pm on any day.** All deliveries must occur on site to the satisfaction of the Responsible Authority.

Melbourne Water conditions (21-24)

21. All No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
22. The carport must be constructed with finished surface levels no lower than 350mm below the applicable flood level.
23. The decking is to be constructed with unenclosed foundations to allow for the passage of overland flows.

24. Unless otherwise agreed to in writing by Melbourne Water, any proposed vehicle parking areas must have finished surface levels no lower than 350mm below the applicable flood level.
25. The line marking of the car park and construction of the new fence along the eastern boundary must occur within three months of the issue of this amended permit.
26. **This permit will expire if:**
- (a) **the development is not completed within two years of the date of this amended permit;**
 - (b) **the restaurant use (including the sale and consumption of liquor) is not commenced within two years from the date of this amended permit; or**
 - (c) **the restaurant use (including the sale and consumption of liquor) is discontinued for a period of two years.**

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

Note:

These premises are required to comply with the *Food Act* 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on (03) 9205 5777.

Note:

These premises will be required to comply with the *Health Act* 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on (03) 9205 5777.

Note:

A building permit must be obtained before development is commenced.

Note (Melbourne Water):

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 85967.

The applicable flood level for the property is 27.16 metres to Australian Height Datum (AHD).

Submissions made online during the meeting

Adam Wright, Kissaten Alphington (for the applicant)

Alan Taylor

PROPOSED PLANNING DECISIONS COMMITTEE RECOMMENDATION

Moved: Councillor Jolly

That having considered all relevant planning policies, the Committee resolves to Issue a Notice of Refusal to Amend a Planning Permit PL05/1061.04 to allow for a change of use from a café to a restaurant; an associated reduction of car parking; an extension to the hours of operation; introduce the sale and consumption of liquor on-site (restaurant and café licence); and include additional buildings and works (construction of an acoustic fence) at 538-540 Heidelberg Road, Alphington, on the following grounds:

1. The proposed licensed restaurant will unreasonably impact the amenity of the area.
2. Neighbourhood (residential) character will be adversely impacted by the operation of the licensed restaurant.

Motion lapsed for want of a seconder.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Stone

Moved: Councillor Jolly

That having considered all relevant planning policies, the Committee resolves to Issue a Notice of Decision to Amend a Planning Permit PL05/1061.04 to allow for a change of use from a café to a restaurant; an associated reduction of car parking; an extension to the hours of operation; introduce the sale and consumption of liquor on-site (restaurant and café licence); and include additional buildings and works (construction of an acoustic fence) at 538-540 Heidelberg Road, Alphington, in accordance with the decision plans and subject to the following changes to the permit pre-ambles and conditions:

Permit preamble modified to read:

Use of the site as a restaurant; an associated reduction of car parking; sale and consumption of liquor on-site (restaurant and café licence); and construction of buildings and works including the construction of a fence and deck.

Conditions modified as follows (new or amended conditions in bold):

1. **Before the use (including the sale and consumption of liquor) or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, drawing nos. A1, A2, A3 & A4 (prepared by Mimar Designs and dated Oct'19 with notations dated 18/3/2020); and drawing no. SD Bar 01 (prepared by Cogent Acoustics and dated 28/11/2019), but modified to show:**
 - (a) **The proposed acoustic fence along the western boundary to be increased in height to 2.4m, where adjacent the outdoor dining area (courtyard), as per the Revised Acoustic Report prepared by Cogent Acoustics and dated 10 August 2020.**
 - (b) **Deletion of the red line depicted on the proposed site/licensed area plan adjacent the car parking area.**

2. The layout of the uses **(including the sale and consumption of liquor)** and development as shown on the endorsed plans must not be altered without the further consent of the Responsible Authority.
3. **Before the commencement of the restaurant use and sale and consumption of liquor authorised by the amended permit, or by such later date as approved in writing by the Responsible Authority, the acoustic fence along the western boundary, as shown on the endorsed plans, must be constructed to the satisfaction of the Responsible Authority.**
4. **The restaurant use must only operate between the following hours:**
 - (a) **7.00am to 6.00pm Monday to Friday (except the courtyard / outdoor area that must only operate from 8.00am) other than on Good Friday and Anzac Day;**
 - (b) **8.00am to 6.00pm Saturday & Sunday; and**
 - (c) **8.00am to 6.00pm Good Friday and Anzac Day.**
5. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:**
 - (a) **9.00am to 6.00pm Monday to Saturday (other than on Good Friday and Anzac Day);**
 - (b) **10.00am to 6.00pm Sunday (other than on Anzac Day); and**
 - (c) **12.00 noon to 6.00pm Good Friday and Anzac Day.**
6. The number of staff, proprietors, and person related to the proprietors working on the site or any other persons working on the site, whether paid or unpaid, must not exceed twelve (12) on the site at any one time.
7. No more than 75 seats may be available to the public on the site at any one time.
8. **No more than 75 patrons are permitted on the land at any one time, including a maximum of 32 patrons within the outdoor dining area (courtyard).**
9. Music on the site must be limited to background music only. No live music or entertainment will be permitted.
10. No music must be played outside the premises. No speakers must be sited outside the premises.
11. The operator shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which this permit relates during or immediately after the trading hours authorised under this permit.
12. The operator shall ensure that the level of noise emitted from the premises shall not exceed the relevant State Environment Protection Policy or other relevant noise policy.
13. The use permitted must not adversely affect the amenity of the locality by the appearance of any buildings, works or materials, the transporting of goods to and from the premises, emissions from the site or in any other way.
14. **Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.**
15. Any empty bottles associated with the use must be taken in bags and no emptying of bottles into garbage bins is permitted **after 9.00pm or before 9.00am on Sunday and Public Holidays; and after 9.00pm or before 7.00am on any other day.**
16. No fewer than fourteen (14) car spaces must be provided on the land for the use. The car park must be clearly line-marked with 14 spaces.

17. Car parking spaces must be maintained at all times to the satisfaction of the Responsible Authority and must not be used for any other purpose, except with the written consent of the Responsible Authority.
18. There are to be no less than eight (8) bicycle spaces available on the site at all times, unless with the further written consent of the Responsible Authority.
19. Garbage collection by private contractor must be restricted between **9.00am and 10.00pm on Sunday and Public Holidays; and between 7.00 am and 10.00 pm on any other day.**
20. Deliveries to the site are only permitted **between 9:00am and 6:00pm on Sunday and Public Holidays; and between 7:00am and 6:00pm on any day.** All deliveries must occur on site to the satisfaction of the Responsible Authority.

Melbourne Water conditions (21-24)

21. All No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
22. The carport must be constructed with finished surface levels no lower than 350mm below the applicable flood level.
23. The decking is to be constructed with unenclosed foundations to allow for the passage of overland flows.
24. Unless otherwise agreed to in writing by Melbourne Water, any proposed vehicle parking areas must have finished surface levels no lower than 350mm below the applicable flood level.
25. The line marking of the car park and construction of the new fence along the eastern boundary must occur within three months of the issue of this amended permit.
26. **This permit will expire if:**
 - (a) **the development is not completed within two years of the date of this amended permit;**
 - (b) **the restaurant use (including the sale and consumption of liquor) is not commenced within two years from the date of this amended permit; or**
 - (c) **the restaurant use (including the sale and consumption of liquor) is discontinued for a period of two years.**

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

Note:

These premises are required to comply with the *Food Act* 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on (03) 9205 5777.

Note:

These premises will be required to comply with the *Health Act* 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on (03) 9205 5777.

Note:

A building permit must be obtained before development is commenced.

Note (Melbourne Water):

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 85967.

The applicable flood level for the property is 27.16 metres to Australian Height Datum (AHD).

CARRIED

Reference: D20/144758
Authoriser: Senior Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That a Notice of Decision to Grant an Amended Planning Permit for amendment to Planning Permit PLN17/0448 be issued to allow for changes to the permit preamble, deletion/amendment of conditions, reconfiguration of building uses (including increased hours and patron numbers for cafe and restaurant - permit required uses), internal reconfigurations, changes to the car parking provision/allocation, built form changes (including a reduction in setbacks, an increase in overall height, addition of a storey to a total of 14 storeys plus rooftop plant and changes to the design) and alteration of access to a road zone, category 1 at 484 – 486 Swan Street, Richmond, generally in accordance with the plans and reports noted previously as the “decision plans”, subject to the following change to the permit preamble and permit conditions (amended/new conditions shown in **bold**).

Preamble (amended)

*Use and development of the land for the construction of a mixed use building (permit required for food and drinks premises (café **and restaurant**)), reduction in car parking requirements, and alteration of access and building and works to a Road Zone Category 1.*

Conditions (amended or new conditions in bold)

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 by Techne Architects received by Council on 15 June 2020 but modified to show:**
 - (a) **The outline of the previous endorsed envelope deleted from elevations/sections.**
 - (b) **The notation ‘co-working’ included on the Level 1 Floor Plan modified to ‘office.’**
 - (c) **The outline of the 64sqm Tenancy 3 (café) clearly shown on the ground floor plan.**
 - (d) **A roof plan showing all plant and equipment with screening provided ensuring views from Swan Street and Burnley Station are obscured with the notation ‘roof plant arrangement and heights tbc’ deleted from the west elevation;**
 - (e) **Details regarding the treatment of the services to the east of the pedestrian link;**
 - (f) **details of the vehicular entry door;**
 - (g) **details of the ground floor setback area facing Swan Street and confirmation that it is compliant with the *Disability Discrimination Act 1992* (DDA);**
 - (h) **Dimensions of the column depths and setbacks, demonstrating the columns do not encroach into the clearance envelopes of the car parking spaces;**
 - (i) **Confirmation whether bicycle spaces are horizontal or hanging spaces (with at least 20 percent of employee and all visitor bicycle spaces being horizontal ground level spaces);**
 - (j) **the location of the additional signal lantern facing the proposed site egress;**

- (k) A 7m building setback to the western elevation, for a length of 20m from the Swan Street interface for a landscaped terrace at level 11 and at levels 12 and 13;
- (l) A 7m building setback to the eastern elevation, for length of 20m from the Swan Street interface for a landscaped terrace at level 11 and at levels 12 and 13;
- (m) An additional setback of 2.4 metres from the southern boundary at Level 8;
- (n) The south-facing indented facade in the south-west corner of Levels 11-13 to include vertical blades at the mullions (as per the southern half of the western façade at these levels);
- (o) A materials schedule of external materials and finishes including:
 - (i) thumb nail sketches of key elements of the facade system at the ground, middle and upper levels including details of the proposed metal cladding; and
 - (ii) details of the materials and finishes of the podium, tower and roof level soffits.
- (p) An additional entrance provided to Tenancy 5 from the southern extended pedestrian footpath;
- (q) The columns located along the southern boundary at the ground floor removed within the eastern two thirds;
- (a) A notation indicating that the car parking area will be electrically wired to be 'EV ready.'
- (r) any requirement of the endorsed Sustainable Management Plan (condition 8) (where relevant to show on plans);
- (s) any requirement of the endorsed Waste Management Plan (condition 10) (where relevant to show on plans);
- (t) any requirement of the endorsed Acoustic Report (condition 12) (where relevant to show on plans);
- (u) any requirement of the endorsed Landscape Plan report (condition 16) (where relevant to show on plans);
- (v) any requirement of the endorsed Wind Report (condition 22) (where relevant to show on plans); and
- (w) any requirement of the endorsed Detailed Design Plan (Through-link between Swan Street and land to the south) (condition 24) (where relevant to show on plans).

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, Techne Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee the design and construction of the development; and

- (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Food and Drinks Premises (café and restaurant)

- 4. Except with the prior written consent of the Responsible Authority, the café and restaurant uses authorised by this permit may only operate between the hours of 7am and 1am, seven days per week.
- 5. No amplified music may be played, with the exception of background music, to the satisfaction of the Responsible Authority.
- 6. Speakers external to the building must not be erected or used.
- 7. Except with the prior written consent of the Responsible Authority, no more than the following maximum number of patrons are permitted on the land at any one time:
 - (a) Tenancy 2 – 180
 - (b) Tenancy 3 – 32

Sustainable Management Plan

- 8. 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 WSP (prepared on 18 June 2019), but modified to include or show:
 - (a) The type of hot water system which will be used and its standard of energy efficiency
 - (b) Confirm the solar photovoltaic system size and location on all roof plans and include some system overview in the SMP with the solar photovoltaic array to contribute to onsite electricity consumption
 - (c) The approximate location and size of rainwater tank
 - (d) Green façade elements confirmed
 - (e) Water efficient landscaping provided by rainwater
- 9. 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

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

Acoustic report

12. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Clarity Acoustics and dated 26 June 2019, but modified to include (or show, or address):
 - (a) Deletion of the indoor targets for patron noise.
13. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
14. Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the Clarity Acoustics Report dated 26 June 2019. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
 - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 12 have been implemented;
 - (b) Assess mechanical plant noise and loading dock activity to SEPP N-1; and
 - (c) If non-compliance with Condition 14b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.
15. The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

16. 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 amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Tract and dated 4.11.2019, but modified to include (or show):
 - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants. Shade tolerant species are recommended for the ground floor;
 - (b) -Deleted-
 - (c) further details of the proposed planters – height, materials, depth and type of planting media, irrigation and drainage. NB, the plan notes indicate that trees will be planted in 1500mm depth soil however the planters shown are 600mm depth;

- (d) confirm any green façade elements;**
 - (e) show the materiality of the proposed spaces;**
 - (f) detail the design (including the provision of sections) and layout of the common area, planters and ground level planting areas;**
 - (g) provide a specification of works to be undertaken prior to planting;**
 - (h) further detail on any sustainable treatments and water harvesting methods ;and**
 - (i) detail plant/planting maintenance schedules and requirements.**
- 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, 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,
- all to the satisfaction of the Responsible Authority.

Street Tree

18. Before the development commences, the permit holder must provide a security bond of \$20,000 for each of the two street trees (total of \$40,000) to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

Significant Tree

19. Before the development commences, the permit holder must make a one off 'loss of amenity' contribution \$26,349.00 (calculated using the City of Melbourne amenity value calculator for trees) to the Responsible Authority to be used for the replacement and maintenance of trees within the immediate locale to Council's discretion. All tree planting and maintenance work will be undertaken by City of Yarra Contractors.

Tree Management Plan

20. 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 the protection of the maturing Lemon Scented Gum is located on the adjacent property at No. 490 Swan Street:
- (a) pre-construction;
 - (b) during construction; and
 - (c) post construction
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
21. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority

Wind

22. **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 Assessment Report prepared by Vipac Engineers and Scientists, dated 23 July 2019, but modified to include (or show):**
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.**
 - (b) Wind conditions outside building entries to satisfy the criterion for short period standing/sitting.**
 - (c) Wind conditions in outdoor café/retail seating areas to satisfy the criterion for long period standing/sitting. Details of wind mitigation strategies must be provided and be to the satisfaction of the responsible authority.**
 - (d) Wind conditions at the Burnley Station entrances and Bicycle parking and on the station platforms to satisfy the short period standing/sitting criterion.**
 - (e) Wind conditions in all other areas of the surrounding streetscapes to satisfy the walking criterion.**
 - (f) Wind conditions on the private terraces to satisfy the walking criterion.**
 - (g) Wind conditions in the surrounding streetscapes and private terraces to satisfy the Safety criterion of a gust wind speed 23 ms⁻¹ as defined by Melbourne (1978).**
 - (h) The Existing wind conditions (prior to the demolition of the existing buildings) provided to allow the wind impacts of the proposed development to be assessed.**
23. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Detailed Design Plan (Through-link between Swan Street and land to the south)

24. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a detailed design plan for the through-link, between Swan Street and the land to the south (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed design plan will be endorsed and will form part of this permit and must then be maintained to the satisfaction of the Responsible Authority. The detailed design plan must include details of the proposed materials, landscaping, lighting and safety measures to provide unfettered 24 hour public access for the through-link, between Swan Street and the land to the south (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north).

Section 173 Agreement (Through-link between Swan Street and land to the south) and the widened pedestrian footpath along Swan Street

25. **Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority and VicTrack under section 173 of the *Planning and Environment Act 1987*, providing for the following:**
- (a) **The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the ground floor, north-south through-link from Swan Street to the pedestrian path to the south and the widened pedestrian footpath along Swan Street (as shown on the Design Detail Plan Condition 29);**
 - (b) **The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 25(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;**
 - (c) **The owner(s) must obtain and maintain public liability insurance, to the satisfaction of Yarra City Council, for the public liability and indemnify Yarra City Council against all any claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 25(a), except to the extent that the damage, loss, death or injury is caused or contributed to by any conduct, negligent act or omission of the Yarra City Council or any of its employees, agents or contractors.**
26. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

VicTrack Pedestrian Path

27. Before the development commences, the permit holder must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of and approved by the Responsible Authority and VicTrack, showing interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending to the east terminating at Stawell Street).
28. Before the building is occupied, all works associated with the VicTrack pedestrian path detailed design plan as shown on the endorsed plans must be completed by the permit holder at their full cost to the satisfaction of the Responsible Authority and VicTrack.

Design Detail Plan (Swan Street streetscape improvements)

29. Before the development commences, the owner of the site must submit detailed engineering and landscaping documentation showing Swan Street streetscape improvements (for the land directly to the north of the subject site and extending to the east up to Stawell Street) to the satisfaction of and approved by the Responsible Authority and VicRoads and approved by the Responsible Authority and VicRoads and at the full cost of the owner showing the following:
- (a) provision of a 5m wide footpath along Swan Street, with 2.5m of this being outside of the title boundaries of the subject site.
 - (b) new surface treatment to the footpath outside the development and extending to the east up to its termination at Stawell Street;
 - (c) furniture including but not limited to seats, bins, drinking fountain, bike hoops; and
 - (d) appropriate new trees and plantings
30. Before the building is occupied, all works associated with the Swan Street streetscape detailed design plan as shown on the endorsed plans must be completed by the permit holder at their full cost to the satisfaction of the Responsible Authority and VicRoads.

Section 173 Agreement (Car Share Agreement)

31. Before the building is occupied, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under Section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for two car share vehicles on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years (or for another agreed to period of time, to the satisfaction of the Responsible Authority). The agreement will reflect that any costs associated with ensuring ongoing availability of at least two car share vehicles on site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Transport for Victoria Conditions (32 to 48)

32. Before the development commences, unless otherwise agreed in writing with the Head Transport for Victoria, the permit holder must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of the Head, Transport for Victoria (TfV), Vic Track and the Rail Operator (RO) showing the development interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending to the east terminating at Stawell Street) being 'public realm works' on railway land. The plans must:
- (i) Show lighting, landscaping, footpaths, bicycle parking, street furniture and associated infrastructure;
 - (ii) meet Rail Operator specifications and standards; and
 - (iii) demonstrate that the works are compliant with the Disability Standard for Accessible Public Transport 2002.

- (a) A construction control agreement must be in place between the Permit Holder and RO prior to commencement of the Public Realm Works on Rail Land.
 - (b) The Public Realm Works outlined in the plans must be completed by the permit holder at their full cost and to the satisfaction of TfV, VicTrack & the RO.
- 33. Before the development commences (excluding demolition), or other time agreed to in writing with Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria (TfV) must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. These plans must be generally in accordance with the plans submitted to TfV with the application but are to be modified to show:
 - (a) self enforcing left in left out only from Swan Street with associated line marking and signs;
 - (b) no parking shown across the frontage of the site with associated signs; andto the satisfaction of the TfV.
- 34. Prior to the commencement of work on site (excluding demolition) detailed construction / engineering plans and computations for construction works abutting railway land, railway operations, and railway infrastructure assets must be submitted and approved by VicTrack, TfV and the Rail Operator (RO). The Plans must detail all excavation design and controls of the site adjacent to the railway corridor. The Design Plans must ensure compliance regarding:
 - (a) building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) Regulations;
 - (b) design loadings for the building include for:
 - compliance with AS5100 Parts 1 and 2 for collision protection and impact loads from derailed trains,
 - compliance with AS1170 Part 4 - Earthquake Actions in Australia,
 - (c) working adjacent to overhead power to the satisfaction of the RO;
 - (d) demonstrate compliance with air, light and fire requirements without reliance on railway land; and
 - (e) demonstrate a design plan, and a maintenance and operations strategy for balconies and windows that will eliminate any risk of debris falling or being thrown onto railway land.
- 35. Unless otherwise agreed in writing with TfV, before the commencement of works (including demolition), a Construction Management Plan must be submitted to TfV and Vic Track for approval. The Construction Management Plan must designate operating hours and include details of (but not be limited to) management proposals and actions to protect Vic Track assets, rail infrastructure and the operation of the public transport network during construction and must set out objectives, performance and monitoring requirements to the satisfaction of Vic Track & TfV.
- 36. Unless otherwise agreed in writing with the TfV, before the commencement of works (including demolition), a Traffic Management Plan must be submitted to TfV which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport, including trains and trams.

The Traffic Management Plan must be prepared and implemented to the satisfaction of TfV. All traffic management and mitigation costs will be at the full cost of the permit holder.

37. Unless otherwise agreed in writing with TfV, prior to construction commencing including demolition, a construction control and indemnity agreement as required by TfV must be in place to the satisfaction of TfV at the full cost to the permit holder. Any costs required to review documents for the construction control and indemnity agreement must be met by the permit holder.
38. Unless otherwise agreed in writing with TfV, prior to the commencement of works (excluding demolition), the permit holder must prepare a report, to the satisfaction of TfV & the RO, by a suitable qualified consultant, which demonstrates that all building materials (including glass / window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety. The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.
39. Unless otherwise agreed in writing with TfV and VicTrack, windows, doors and balconies must not be placed on the title boundary with Railway Land and no windows or doors are permitted to open beyond the Railway Land title boundary to the satisfaction of TfV and VicTrack.
40. Prior to the occupation of the development, all works outlined on the endorsed plans for the left in left out access must be completed with associated signs, to the satisfaction of TfV at the full cost to the permit holder.
41. The boundary wall must be treated with a graffiti proof finish and any graffiti that appears on the wall must be removed as soon as practicable to the satisfaction of VicTrack and the Rail Operator. Removal of graffiti must be undertaken at no cost to VicTrack or the Rail Operator.
42. Unless otherwise agreed in writing, permanent or temporary soil anchors must not be installed on railway land.
43. Prior to commencement of works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
44. Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the permit holder.
45. Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of TfV, at the full cost of the permit holder.
46. The permit holder must take all reasonable steps to ensure that disruptions to train and tram operation are kept to a minimum during the construction of the development, and in compliance with the Rail and Tram Safety and Environmental requirements.

47. **No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers, to the satisfaction of the Rail Operator.**
48. **No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.**

Transport for Victoria (Roads Corporation) (Condition No 49)

49. **Before the development commences (excluding demolition), or other time agreed to in writing with Head, Transport for Victoria, amended plans are to be submitted to the Head, Transport for Victoria (TfV) and once approved, can be endorsed by the Responsible Authority, upon which the plans will form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. These plans must be generally in accordance with the plans submitted to TfV with the application but are to be modified to show:**
 - (a) **the installation of signs, line marking, splitter island and associated road works permitting only “left turn in” and “left turn out” vehicular access from Swan Street.**
 - (b) **Modification as required and/or removal of any existing car parking spaces, street tree/s and associated road works on the south side of Swan Street to accommodate the new vehicular access arrangement.**

Road Infrastructure

50. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development’s vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings) of the Swan Street road profile (from the centre line to the property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Swan Street and the accessway inside the property must be accurately drawn.
The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council’s Construction Management branch for assessment and approval.
51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing side entry pit must be converted to a grated pit and must be constructed with a pipe extension to one side of the new vehicle crossing:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority
52. 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) to VicRoads geometric requirements and in accordance with any requirements or conditions imposed by Council;

- (b) to accommodate the ground clearance of the B99 design vehicle;
- (c) at the permit holder's cost; and
- (d) to the satisfaction of the Responsible Authority.

53. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

54. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:

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

55. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Swan Street frontage must be reconstructed:

- (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

56. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Swan Street frontage must be reconstructed:

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

57. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement (from the central tram reservation to the south kerb) of Swan Street immediately along the property street frontage must be profiled and re-sheeted:

- (a) with all road pavement reinstatements consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

58. 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.

59. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, four bicycle racks (eight spaces) must be installed on Swan Street:

- (a) at the permit holder's cost; and**

- (b) in a location and manner,
to the satisfaction of the Responsible Authority.

Car parking

60. Before the building is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
 - (b) the location of the additional signal lantern facing the proposed site egress;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) policing arrangements and formal agreements;
 - (e) details of the management of the two car share scheme spaces;
 - (f) details of the electric car charging points;
 - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 10; and
 - (i) details regarding the management of loading and unloading of goods and materials.
61. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
62. 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.
63. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
64. 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.

Green Travel Plan

65. **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 must be generally in accordance with the Green Travel Plan prepared by Ratio Consultants (dated 21 November 2019) but modified to include or show:**
- (a) The bike rack details; and**
 - (b) Section 4.1 and Appendix A updated to accord with the development as amended pursuant to Condition 1.**
66. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

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

General

68. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
69. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
70. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
71. **The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).**

72. 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.
73. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
74. 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.
75. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

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

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

Time expiry

77. 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; or
- (c) the use has 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:

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

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

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

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

Measures must be taken to ensure that rainfall run-off from Hutchins Street does not enter the development's car park entrance and truck turning area

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 employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

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.

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the basement car park and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

In the event that any contaminated groundwater seeps through the walls of the basement, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated and disposed of in accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

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.

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

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.

Transport for Victoria notes

Works undertaken within railway land must consider all standards and work practices for work within the railway corridor and conform to all relevant Australian standards including Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services to the satisfaction of the Rail Operator and Public Transport Victoria.

Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operators Site Access Procedures and conditions.

Transport for Victoria (Roads Corporation) Notes

Separate consent may be required from Head, Transport for Victoria (the Department of Transport) under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/ projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Swan Street). Please contact VicRoads prior to commencing any works.

Submission made online during the meeting

Rebecca Lyons, Urbis (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Stone

That a Notice of Decision to Grant an Amended Planning Permit for amendment to Planning Permit PLN17/0448 be issued to allow for changes to the permit preamble, deletion/amendment of conditions, reconfiguration of building uses (including increased hours and patron numbers for cafe and restaurant - permit required uses), internal reconfigurations, changes to the car parking provision/allocation, built form changes (including a reduction in setbacks, an increase in overall height, addition of a storey to a total of 14 storeys plus rooftop plant and changes to the design) and alteration of access to a road zone, category 1 at 484 – 486 Swan Street, Richmond, generally in accordance with the plans and reports noted previously as the “decision plans”, subject to the following change to the permit preamble and permit conditions (amended/new conditions shown in **bold**).

Preamble (amended)

*Use and development of the land for the construction of a mixed use building (permit required for food and drinks premises (café **and restaurant**)), reduction in car parking requirements, and alteration of access and building and works to a Road Zone Category 1.*

Conditions (amended or new conditions in bold)

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 by Techne Architects received by Council on 15 June 2020 but modified to show:**
 - (a) **The outline of the previous endorsed envelope deleted from elevations/sections.**
 - (b) **The notation ‘co-working’ included on the Level 1 Floor Plan modified to ‘office.’**
 - (c) **The outline of the 64sqm Tenancy 3 (café) clearly shown on the ground floor plan.**

- (d) A roof plan showing all plant and equipment with screening provided ensuring views from Swan Street and Burnley Station are obscured with the notation 'roof plant arrangement and heights tbc' deleted from the west elevation;
- (e) Details regarding the treatment of the services to the east of the pedestrian link;
- (f) details of the vehicular entry door;
- (g) details of the ground floor setback area facing Swan Street and confirmation that it is compliant with the *Disability Discrimination Act 1992* (DDA);
- (h) Dimensions of the column depths and setbacks, demonstrating the columns do not encroach into the clearance envelopes of the car parking spaces;
- (i) Confirmation whether bicycle spaces are horizontal or hanging spaces (with at least 20 percent of employee and all visitor bicycle spaces being horizontal ground level spaces);
- (j) the location of the additional signal lantern facing the proposed site egress;
- (k) the rooftop plant and services above level 13 must not exceed an overall height of 57.3m;
- (l) A 7m building setback to the western elevation, for a length of 20m from the Swan Street interface for a landscaped terrace at level 11 and at levels 12 and 13;
- (m) A 7m building setback to the eastern elevation, for length of 20m from the Swan Street interface for a landscaped terrace at level 11 and at levels 12 and 13;
- (n) An additional setback of 2.4 metres from the southern boundary at Level 8;
- (o) The south-facing indented facade in the south-west corner of Levels 11-13 to include vertical blades at the mullions (as per the southern half of the western façade at these levels);
- (p) A materials schedule of external materials and finishes including:
 - (i) thumb nail sketches of key elements of the facade system at the ground, middle and upper levels including details of the proposed metal cladding; and
 - (ii) details of the materials and finishes of the podium, tower and roof level soffits.
- (q) An additional entrance provided to Tenancy 5 from the southern extended pedestrian footpath;
- (r) The columns located along the southern boundary at the ground floor removed within the eastern two thirds;
- (s) A notation indicating that the car parking area will be electrically wired to be 'EV ready.'
- (t) any requirement of the endorsed Sustainable Management Plan (condition 8) (where relevant to show on plans);

- (u) any requirement of the endorsed Waste Management Plan (condition 10) (where relevant to show on plans);**
- (v) any requirement of the endorsed Acoustic Report (condition 12) (where relevant to show on plans);**
- (w) any requirement of the endorsed Landscape Plan report (condition 16) (where relevant to show on plans);**
- (x) any requirement of the endorsed Wind Report (condition 22) (where relevant to show on plans); and**
- (y) any requirement of the endorsed Detailed Design Plan (Through-link between Swan Street and land to the south) (condition 24) (where relevant to show on plans).**

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, Techne Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee the design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Food and Drinks Premises (café and restaurant)

4. **Except with the prior written consent of the Responsible Authority, the café and restaurant uses authorised by this permit may only operate between the hours of 7am and 1am, seven days per week.**
5. **No amplified music may be played, with the exception of background music, to the satisfaction of the Responsible Authority.**
6. **Speakers external to the building must not be erected or used.**
7. **Except with the prior written consent of the Responsible Authority, no more than the following maximum number of patrons are permitted on the land at any one time:**
 - (a) Tenancy 2 – 180**
 - (b) Tenancy 3 – 32**

Sustainable Management Plan

8. **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 WSP (prepared on 18 June 2019), but modified to include or show:

- (a) The type of hot water system which will be used and its standard of energy efficiency**
- (b) Confirm the solar photovoltaic system size and location on all roof plans and include some system overview in the SMP with the solar photovoltaic array to contribute to onsite electricity consumption**
- (c) The approximate location and size of rainwater tank**
- (d) Green façade elements confirmed**
- (e) Water efficient landscaping provided by rainwater**

9. 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

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

Acoustic report

12. **Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Clarity Acoustics and dated 26 June 2019, but modified to include (or show, or address):**
- (a) Deletion of the indoor targets for patron noise.**
13. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
14. **Within 3 months of the occupation of the building, updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the Clarity Acoustics Report dated 26 June 2019. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:**
- (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 12 have been implemented;**
 - (b) Assess mechanical plant noise and loading dock activity to SEPP N-1; and**

- (c) If non-compliance with Condition 14b is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.**

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

Landscape Plan

16. **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 amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Tract and dated 4.11.2019, but modified to include (or show):**

- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants. Shade tolerant species are recommended for the ground floor;**
- (b) -Deleted-**
- (c) further details of the proposed planters – height, materials, depth and type of planting media, irrigation and drainage. NB, the plan notes indicate that trees will be planted in 1500mm depth soil however the planters shown are 600mm depth;**
- (d) confirm any green façade elements;**
- (e) show the materiality of the proposed spaces;**
- (f) detail the design (including the provision of sections) and layout of the common area, planters and ground level planting areas;**
- (g) provide a specification of works to be undertaken prior to planting;**
- (h) further detail on any sustainable treatments and water harvesting methods ;and**
- (i) detail plant/planting maintenance schedules and requirements.**

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, 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,**
- all to the satisfaction of the Responsible Authority.**

Street Tree

18. Before the development commences, the permit holder must provide a security bond of \$20,000 for each of the two street trees (total of \$40,000) to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

Significant Tree

19. Before the development commences, the permit holder must make a one off 'loss of amenity' contribution \$26,349.00 (calculated using the City of Melbourne amenity value calculator for trees) to the Responsible Authority to be used for the replacement and maintenance of trees within the immediate locale to Council's discretion. All tree planting and maintenance work will be undertaken by City of Yarra Contractors.

Tree Management Plan

20. 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 the protection of the maturing Lemon Scented Gum is located on the adjacent property at No. 490 Swan Street:
- (a) pre-construction;
 - (b) during construction; and
 - (c) post construction
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
21. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority

Wind

22. 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 Assessment Report prepared by Vipac Engineers and Scientists, dated 23 July 2019, but modified to include (or show):
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.
 - (b) Wind conditions outside building entries to satisfy the criterion for short period standing/sitting.
 - (c) Wind conditions in outdoor café/retail seating areas to satisfy the criterion for long period standing/sitting. Details of wind mitigation strategies must be provided and be to the satisfaction of the responsible authority.
 - (d) Wind conditions at the Burnley Station entrances and Bicycle parking and on the station platforms to satisfy the short period standing/sitting criterion.
 - (e) Wind conditions in all other areas of the surrounding streetscapes to satisfy the walking criterion.
 - (f) Wind conditions on the private terraces to satisfy the walking criterion.
 - (g) Wind conditions in the surrounding streetscapes and private terraces to satisfy the Safety criterion of a gust wind speed 23 ms⁻¹ as defined by Melbourne (1978).
 - (h) The Existing wind conditions (prior to the demolition of the existing buildings) provided to allow the wind impacts of the proposed development to be assessed.
23. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Detailed Design Plan (Through-link between Swan Street and land to the south)

24. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a detailed design plan for the through-link, between Swan Street and the land to the south (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed design plan will be endorsed and will form part of this permit and must then be maintained to the satisfaction of the Responsible Authority. The detailed design plan must include details of the proposed materials, landscaping, lighting and safety measures to provide unfettered 24 hour public access for the through-link, between Swan Street and the land to the south (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north).

Section 173 Agreement (Through-link between Swan Street and land to the south) and the widened pedestrian footpath along Swan Street

25. Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority and VicTrack under section 173 of the *Planning and Environment Act 1987*, providing for the following:

- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the ground floor, north-south through-link from Swan Street to the pedestrian path to the south and the widened pedestrian footpath along Swan Street (as shown on the Design Detail Plan Condition 29);**
- (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 25(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;**
- (c) The owner(s) must obtain and maintain public liability insurance, to the satisfaction of Yarra City Council, for the public liability and indemnify Yarra City Council against all any claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 25(a), except to the extent that the damage, loss, death or injury is caused or contributed to by any conduct, negligent act or omission of the Yarra City Council or any of its employees, agents or contractors.**

26. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

VicTrack Pedestrian Path

- 27. Before the development commences, the permit holder must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of and approved by the Responsible Authority and VicTrack, showing interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending to the east terminating at Stawell Street).
- 28. Before the building is occupied, all works associated with the VicTrack pedestrian path detailed design plan as shown on the endorsed plans must be completed by the permit holder at their full cost to the satisfaction of the Responsible Authority and VicTrack.

Design Detail Plan (Swan Street streetscape improvements)

- 29. Before the development commences, the owner of the site must submit detailed engineering and landscaping documentation showing Swan Street streetscape improvements (for the land directly to the north of the subject site and extending to the east up to Stawell Street) to the satisfaction of and approved by the Responsible Authority and VicRoads and approved by the Responsible Authority and VicRoads and at the full cost of the owner showing the following:
 - (a) provision of a 5m wide footpath along Swan Street, with 2.5m of this being outside of the title boundaries of the subject site.
 - (b) new surface treatment to the footpath outside the development and extending to the east up to its termination at Stawell Street;
 - (c) furniture including but not limited to seats, bins, drinking fountain, bike hoops; and
 - (d) appropriate new trees and plantings

30. Before the building is occupied, all works associated with the Swan Street streetscape detailed design plan as shown on the endorsed plans must be completed by the permit holder at their full cost to the satisfaction of the Responsible Authority and VicRoads.

Section 173 Agreement (Car Share Agreement)

31. Before the building is occupied, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under Section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for two car share vehicles on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years (or for another agreed to period of time, to the satisfaction of the Responsible Authority). The agreement will reflect that any costs associated with ensuring ongoing availability of at least two car share vehicles on site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Transport for Victoria Conditions (32 to 48)

32. Before the development commences, unless otherwise agreed in writing with the Head Transport for Victoria, the permit holder must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of the Head, Transport for Victoria (TfV), Vic Track and the Rail Operator (RO) showing the development interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending to the east terminating at Stawell Street) being 'public realm works' on railway land. The plans must:
- (i) Show lighting, landscaping, footpaths, bicycle parking, street furniture and associated infrastructure;
 - (ii) meet Rail Operator specifications and standards; and
 - (iii) demonstrate that the works are compliant with the Disability Standard for Accessible Public Transport 2002.
- (a) A construction control agreement must be in place between the Permit Holder and RO prior to commencement of the Public Realm Works on Rail Land.
- (b) The Public Realm Works outlined in the plans must be completed by the permit holder at their full cost and to the satisfaction of TfV, VicTrack & the RO.
33. Before the development commences (excluding demolition), or other time agreed to in writing with Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria (TfV) must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. These plans must be generally in accordance with the plans submitted to TfV with the application but are to be modified to show:

- (a) self enforcing left in left out only from Swan Street with associated line marking and signs;
 - (b) no parking shown across the frontage of the site with associated signs; and
- to the satisfaction of the TfV.

34. Prior to the commencement of work on site (excluding demolition) detailed construction / engineering plans and computations for construction works abutting railway land, railway operations, and railway infrastructure assets must be submitted and approved by VicTrack, TfV and the Rail Operator (RO). The Plans must detail all excavation design and controls of the site adjacent to the railway corridor. The Design Plans must ensure compliance regarding:
- (a) building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) Regulations;
 - (b) design loadings for the building include for:
 - compliance with AS5100 Parts 1 and 2 for collision protection and impact loads from derailed trains,
 - compliance with AS1170 Part 4 - Earthquake Actions in Australia,
 - (c) working adjacent to overhead power to the satisfaction of the RO;
 - (d) demonstrate compliance with air, light and fire requirements without reliance on railway land; and
 - (e) demonstrate a design plan, and a maintenance and operations strategy for balconies and windows that will eliminate any risk of debris falling or being thrown onto railway land.
35. Unless otherwise agreed in writing with TfV, before the commencement of works (including demolition), a Construction Management Plan must be submitted to TfV and Vic Track for approval. The Construction Management Plan must designate operating hours and include details of (but not be limited to) management proposals and actions to protect Vic Track assets, rail infrastructure and the operation of the public transport network during construction and must set out objectives, performance and monitoring requirements to the satisfaction of Vic Track & TfV.
36. Unless otherwise agreed in writing with the TfV, before the commencement of works (including demolition), a Traffic Management Plan must be submitted to TfV which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport, including trains and trams. The Traffic Management Plan must be prepared and implemented to the satisfaction of TfV. All traffic management and mitigation costs will be at the full cost of the permit holder.
37. Unless otherwise agreed in writing with TfV, prior to construction commencing including demolition, a construction control and indemnity agreement as required by TfV must be in place to the satisfaction of TfV at the full cost to the permit holder. Any costs required to review documents for the construction control and indemnity agreement must be met by the permit holder.
38. Unless otherwise agreed in writing with TfV, prior to the commencement of works (excluding demolition), the permit holder must prepare a report, to the satisfaction of TfV & the RO, by a suitable qualified consultant, which demonstrates that all building materials (including glass / window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety.

The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.

39. Unless otherwise agreed in writing with TfV and VicTrack, windows, doors and balconies must not be placed on the title boundary with Railway Land and no windows or doors are permitted to open beyond the Railway Land title boundary to the satisfaction of TfV and VicTrack.
40. Prior to the occupation of the development, all works outlined on the endorsed plans for the left in left out access must be completed with associated signs, to the satisfaction of TfV at the full cost to the permit holder.
41. The boundary wall must be treated with a graffiti proof finish and any graffiti that appears on the wall must be removed as soon as practicable to the satisfaction of VicTrack and the Rail Operator. Removal of graffiti must be undertaken at no cost to VicTrack or the Rail Operator.
42. Unless otherwise agreed in writing, permanent or temporary soil anchors must not be installed on railway land.
43. Prior to commencement of works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
44. Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the permit holder.
45. Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of TfV, at the full cost of the permit holder.
46. The permit holder must take all reasonable steps to ensure that disruptions to train and tram operation are kept to a minimum during the construction of the development, and in compliance with the Rail and Tram Safety and Environmental requirements.
47. No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers, to the satisfaction of the Rail Operator.
48. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

Transport for Victoria (Roads Corporation) (Condition No 49)

49. Before the development commences (excluding demolition), or other time agreed to in writing with Head, Transport for Victoria, amended plans are to be submitted to the Head, Transport for Victoria (TfV) and once approved, can be endorsed by the Responsible Authority, upon which the plans will form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

These plans must be generally in accordance with the plans submitted to TfV with the application but are to be modified to show:

- (a) the installation of signs, line marking, splitter island and associated road works permitting only “left turn in” and “left turn out” vehicular access from Swan Street.**
- (b) Modification as required and/or removal of any existing car parking spaces, street tree/s and associated road works on the south side of Swan Street to accommodate the new vehicular access arrangement.**

Road Infrastructure

- 50. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings) of the Swan Street road profile (from the centre line to the property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Swan Street and the accessway inside the property must be accurately drawn. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.
- 51. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing side entry pit must be converted to a grated pit and must be constructed with a pipe extension to one side of the new vehicle crossing:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority
- 52. 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) to VicRoads geometric requirements and in accordance with any requirements or conditions imposed by Council;
 - (b) to accommodate the ground clearance of the B99 design vehicle;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
- 53. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

54. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
55. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Swan Street frontage must be reconstructed:
- (a) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
56. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, kerb and channel along the property's Swan Street frontage must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
57. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement (from the central tram reservation to the south kerb) of Swan Street immediately along the property street frontage must be profiled and re-sheeted:
- (a) with all road pavement reinstatements consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
58. 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.
- 59. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, four bicycle racks (eight spaces) must be installed on Swan Street:**
- (a) at the permit holder's cost; and**
 - (b) in a location and manner,**
- to the satisfaction of the Responsible Authority.**

Car parking

60. **Before the building is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:**
- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;**
 - (b) the location of the additional signal lantern facing the proposed site egress;**
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;**
 - (d) policing arrangements and formal agreements;**
 - (e) details of the management of the two car share scheme spaces;**
 - (f) details of the electric car charging points;**
 - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;**
 - (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 10; and**
 - (i) details regarding the management of loading and unloading of goods and materials.**
61. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
62. 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.
63. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
64. 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.

Green Travel Plan

65. **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 must be generally in accordance with the Green Travel Plan prepared by Ratio Consultants (dated 21 November 2019) but modified to include or show:**
- (a) The bike rack details; and**
 - (b) Section 4.1 and Appendix A updated to accord with the development as amended pursuant to Condition 1.**
66. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

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

General

68. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
69. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
70. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
71. **The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).**

72. 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.
73. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
74. 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.
75. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

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

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
 - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
 - (q) any site-specific requirements.
- During the construction:
- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (t) vehicle borne material must not accumulate on the roads abutting the land;
 - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

77. 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; or
- (c) the use has 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:

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

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

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

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

Measures must be taken to ensure that rainfall run-off from Hutchins Street does not enter the development's car park entrance and truck turning area.

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 employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

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.

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the basement car park and any portions of the development at or below natural surface level have a level of protection to minimise the seepage of subterranean water (groundwater) or any rainfall run-off from penetrating the walls or floors of the site.

In the event that any contaminated groundwater seeps through the walls of the basement, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated and disposed of in accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property.

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.

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

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.

Transport for Victoria notes

Works undertaken within railway land must consider all standards and work practices for work within the railway corridor and conform to all relevant Australian standards including Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services to the satisfaction of the Rail Operator and Public Transport Victoria.

Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operators Site Access Procedures and conditions.

Transport for Victoria (Roads Corporation) Notes

Separate consent may be required from Head, Transport for Victoria (the Department of Transport) under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Swan Street). Please contact VicRoads prior to commencing any works.

CARRIED UNANIMOUSLY

The meeting closed at 9.28pm.

Confirmed at the meeting held on Wednesday 2 December 2020

Chair