



Minutes

Planning Decisions Committee

6.30pm, Tuesday 5 July 2022

Richmond Town Hall

1. Appointment of Chair

Cr Landes 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 Herschel Landes

Cr Anab Mohamud (substitute for Cr Jolly)

Cr Amanda Stone

Council officers

Jacob Martin (Acting Senior Planner)

Amy Hodgen (Senior Co-ordinator Statutory Planning)

Rhys Thomas (Senior Governance Advisor)

Apology

Cr Stephen Jolly

4. Declarations of conflict of interest

Rhys Thomas disclosed that his wife is a Director of Urbis Pty Ltd who he understands act on behalf of a neighbouring property owner who may have an interest in the application at 133-137 Victoria Parade Fitzroy.

5. Confirmation of Minutes

RESOLUTION

Moved: Cr Landes **Seconded:** Cr Mohamud

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday (insert date of previous meeting) be confirmed.

CARRIED UNANIMOUSLY

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN20/0931 - 133-137 Victoria Parade, Fitzroy - Full demolition of the existing building, construction of a multi-storey building and a reduction in the statutory car parking and visitor bicycle facility requirements	4	12

6.1 **PLN20/0931 - 133-137 Victoria Parade, Fitzroy - Full demolition of the existing building, construction of a multi-storey building and a reduction in the statutory car parking and visitor bicycle facility requirements**

Reference D22/145791
Author Amy Hodgen - Senior Coordinator Statutory Planning
Authoriser Manager Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to advise VCAT and the parties to VCAT proceeding P11666/2021 that it supports the proposal at 133-137 Victoria Parade, Fitzroy for full demolition of the existing building, construction of a multi-storey building and a reduction in the statutory car parking and visitor bicycle facility requirements based on the plans prepared by Point Architects and dated 9 May 2022, 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 VCAT amended plans prepared by Point Architects plan numbers, TP 100, 101, 103, 104, 106, 107, 200, 300, 404, all REV P3 dated 09/05/2022, and TP105 and 403 REV P2 dated 28.03.2022 and TP 500, 501, 502 & 503 REV P1 dated 09/05/2022 further modified as following:
 - (a) Increase the setback of Level 5 to a minimum of 6.34m from the northern boundary;
 - (b) External finish of Level 5 changed to light grey;
 - (c) Reduction in height of building plant and screens to a maximum 1.8m (RL 63.6 AHD);
 - (d) Overlooking treatment to north-facing windows at Levels 1 and 2 to reduce overlooking to windows and open space at No. 2-4 Napier Street within 9m and to a height of 1.7m above the respective finished floor levels;
 - (e) Demonstrate no unreasonable overlooking (i.e. within 9m to a height of 1.7m) will occur from the north facing windows at Levels 3 and 4, with any additional screening treatment clearly shown;
 - (f) Include note on plans that the door access to the maintenance deck area on Level 3 is to remain locked and only accessible by building maintenance or other authorised persons for maintenance purposes;
 - (g) Dimensions of the access lift and main entry to show compliance with AS2890.3 to ensure the lift is large enough for bicycle access;
 - (h) Dimensions of the door into the bicycle storage facility to confirm compliance with AS2890.3;
 - (i) Details of external ground surface treatment within the site (such as entrance thresholds);
 - (j) Dimension the width of the proposed garage door on the north elevation and on the ground floor plan;
 - (k) Dimension the height of the head clearance under the proposed garage door;
 - (l) Note and/or dimension on the drawings that the dedicated accessible space and shared area will have a minimum headroom clearance of 2.5 metres as required in *Figure 2.7 of AS/NZS 2890.6:2009*;
 - (m) Provide a 1 in 20 scale cross-sectional diagram of the vehicle accessway along the centre of each car stacker platform with the following spot levels:
 - (i) the level of the north and south edge of the laneway;
 - (ii) the centreline/invert level of the laneway;

- (iii) the 40 millimetre lip/bullnose along the northern edge of the internal concrete slab; and
- (iv) the finished floor level 2.0 metres inside the internal concrete slab.
- (n) Convex mirrors at the entrance to the car park; angled to improve visibility of on-coming vehicles in the laneway;
- (o) Levels to be provided adjacent to the subject site, including footpath levels to demonstrate seamless transitions are achieved to all proposed entrances;
- (p) Notations stating the following:
 - (i) The utility service doors to Napier Street can swing at 180-degrees and be latched onto the building when in service,
 - (ii) bi-fold garage does not open over or into the public highway (lane) to the north
 - (iii) The existing garden bed/kerb outstand to remain in its current configuration,
 - (iv) Bicycle hoops (2) will be installed in accordance with Council Standards and installed as per Council details,
 - (v) Add notation that all car parking areas are electrically wired to be 'EV ready'.
- (q) Identify the location of minimum 40A single phase electrical sub circuit to be installed to for future EV charging points;
- (r) Provide at least one electric bicycle charging point in the employee bicycle parking area.
- (s) All entrance thresholds must demonstrate that a seamless, universally accessible, and appropriate interface with the adjacent existing footpaths and laneway are achieved. Any handrails, tactiles and landings must be fully accommodated within the subject site boundary;
- (t) Clearly show and annotate all existing streetscape fixtures to be retained on all relevant plans;
- (u) Any relevant changes required by the endorsed Acoustic report pursuant to condition 5;
- (v) Any relevant changes required by the endorsed Sustainable Management Plan pursuant to condition 9;
- (w) Any relevant changes required by the endorsed Waste Management Plan pursuant to condition 11; and
- (x) Any relevant changes required by the endorsed Landscape Plan pursuant to condition 15.

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

Façade Strategy

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

Acoustic report

5. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The Report must show/address the following:
 - (a) Car stackers
 - (b) The Noise Protocol zoning levels be calculated for 2 Napier Street,
 - (c) Background noise monitoring be conducted in proximity to the subject site or the report adopt the Noise Protocol zoning levels as noise limits,
6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Transport

7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bike hoops must be installed along the site frontage:
 - (a) at the permit holder's cost; and
 - (b) in a location and manner,

to the satisfaction of the Responsible Authority.

Green Travel Plan Required

8. 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 include, but not be limited to, the following:
 - (a) a description of the location in the context of alternative modes of transport;
 - (b) employee and/or resident welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) the provision of real time passenger information displays for nearby stops within each lobby [only appropriate at certain thresholds];
 - (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (f) details of bicycle parking and bicycle routes;
 - (g) details of GTP 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) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (j) security arrangements to access the employee bicycle storage spaces; and
 - (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (l) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.
 - (m) provisions for the Green Travel Plan to be updated not less than every 5 years.

Sustainability Management Plan

9. Before the development commences or otherwise agreed by the Responsible Authority, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the amended Sustainable Management Plan by Lucid Consulting Australia Dated 25 March 2022, but updated to include the following:

- (a) Any changes necessary as a result of condition 1 requirements,
 - (b) Confirm ventilation strategy for all of the food and drink premises including the basement level and ensure that AS:1668 fresh air delivery rates are exceeded by at least 50%.
 - (c) Confirm VOC and formaldehyde limits for all internal sealants and paints, adhesives, and engineered timber products
 - (d) Provide a Section J Report which details these improvements against a reference case to support claims of reductions in energy consumption and peak demand.
 - (e) Include details within Section J Report to support claims of GHG emission reduction.
 - (f) Include HVAC details within Section J Report.
 - (g) Clarify that post-development stormwater flows will not exceed pre-development levels.
 - (h) Confirm that timber will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
 - (i) Confirm PVC specifications for pipes, cabling, flooring.
 - (j) Confirm provision of a site-specific construction Waste Management Plan with a target recycling rate of 80% of construction and demolition waste.
 - (k) Clearly articulate location of specific bins within the waste room floor plans.
 - (l) Provide a statement as to how the development responds to urban heat impacts and mitigates these through (for example); increased vegetation, passive irrigation and light coloured/high-SRI external finishes and materials.
 - (m) Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications
 - (n) Confirm head contractor will be ISO 14001 accredited.
 - (o) Confirm that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.
10. 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

11. Before the development commences, an amended waste management 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 (Dated 06 May 2022) but modified to include:
- (a) Any changes necessary as a result of condition 1 requirements,
 - (b) Include the size of the bin storage area in metres squared, and
 - (c) Include the bin truck swept path diagram.
12. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
13. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
14. 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.

Landscape Plan

15. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include:

- (a) a planting schedule which shows the type, location, quantity, height at maturity and botanical names of all proposed plants. Ensure none of the plants appear on the DELWP advisory list of environmental weeds;
 - (b) provide details of the planter box planting, including detail of:
 - (i) planter box materials and dimensions,
 - (ii) mulch layer – something that won't blow away,
 - (iii) growing media – suitable in weight and content for roof top gardens,
 - (iv) filter media,
 - (v) irrigation method,
 - (vi) drainage system, and
 - (vii) root barrier / water proofing layer;
 - (c) provide details of the proposed method for irrigation and drainage for all planters;
 - (d) detail the maintenance and irrigation schedules (duration, regime and detail body responsible for maintenance);
 - (e) provide a specification of works to be undertaken prior to planting; and
 - (f) detail plant/planting maintenance schedules and requirements.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
17. Before the development commences, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by TAG Consulting and dated 10 May 2022, but modified to include (or show):
- (a) Confirmation within the report that any pruning to Council trees must be approved by a City of Yarra Arborist and works carried out by a Council approved contractor.
 - (b) Trees species of 2, 3 and 4 amended within the report from Styraclua (Liquid Amber), to the correct tree species. (Trees 2 and 3 are *Quercus palustris* (Pin Oak), Tree 4 is *Ulmus procera* (English Elm).)
18. The provisions, recommendations and requirements of the endorsed Tree Protection Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

19. The provisions, recommendations and requirements of the endorsed Wind Report (generally in accordance with the report prepared by MEL Consultants dated 28 March 2022) must be implemented and complied with to the satisfaction of the Responsible Authority.

Archival Record

20. During demolition, if any 19th Century building fabric is discovered, a detailed and annotated photographic record of this fabric must be submitted to and approved by the Responsible Authority as a record of the building, with any significant fabric or artifacts retained and lodged with Council. The photographs must:
- (a) be submitted in a colour format; and
 - (b) be taken by a suitably qualified heritage photographer.

Development Infrastructure Levy

21. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

General

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the 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.
23. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
25. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
26. 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.
27. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Civil Works

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant drain outlets must be demolished and re-instated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
29. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

30. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the Napier Street and Victoria Parade footpath in asphalt with a crossfall of no more than of 1 in 33 with kerb and channel re-constructed in its existing position) for the width of the property frontage if required by the Responsible Authority:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

31. No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
32. Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
33. The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

Construction Management Plan

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

- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with chapter 4 of the Civil Construction, Building and Demolition Guide (Publication 1834) as issued by the Environment Protection Authority in November 2020. 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.

35. During the construction:

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

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

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

Construction hours & noise

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

Permit Expiry

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

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

Notes:

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

The food and drink 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.

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

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

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

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

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

Submission

Andrew Lanarus, Human Habitats (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Mohamud

That having considered all relevant planning policies, the Committee resolves to advise VCAT and the parties to VCAT proceeding P11666/2021 that it supports the proposal at 133-137 Victoria Parade, Fitzroy for full demolition of the existing building, construction of a multi-storey building and a reduction in the statutory car parking and visitor bicycle facility requirements based on the plans prepared by Point Architects and dated 9 May 2022, 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 VCAT amended plans prepared by Point Architects plan numbers, TP 100, 101, 103, 104, 106, 107, 200, 300, 404, all REV P3 dated 09/05/2022, and TP105 and 403 REV P2 dated 28.03.2022 and TP 500, 501, 502 & 503 REV P1 dated 09/05/2022 further modified as following:
 - (a) Levels 3 to 5 set back from the rear (north) boundary to be contained within a 45 degree setback envelope above the proposed northern boundary wall;
 - (b) External finish of Level 5 changed to light grey;
 - (c) Reduction in height of building plant and screens to a maximum 1.8m (RL 63.6 AHD);

- (d) Overlooking treatment to north-facing windows at Levels 1 and 2 to reduce overlooking to windows and open space at No. 2-4 Napier Street within 9m and to a height of 1.7m above the respective finished floor levels;
- (e) Demonstrate no unreasonable overlooking (i.e. within 9m to a height of 1.7m) will occur from the north facing windows at Levels 3 and 4, with any additional screening treatment clearly shown;
- (f) Include note on plans that the door access to the maintenance deck area on Level 3 is to remain locked and only accessible by building maintenance or other authorised persons for maintenance purposes;
- (g) Dimensions of the access lift and main entry to show compliance with AS2890.3 to ensure the lift is large enough for bicycle access;
- (h) Dimensions of the door into the bicycle storage facility to confirm compliance with AS2890.3;
- (i) Details of external ground surface treatment within the site (such as entrance thresholds);
- (j) Dimension the width of the proposed garage door on the north elevation and on the ground floor plan;
- (k) Dimension the height of the head clearance under the proposed garage door;
- (l) Note and/or dimension on the drawings that the dedicated accessible space and shared area will have a minimum headroom clearance of 2.5 metres as required in *Figure 2.7 of AS/NZS 2890.6:2009*;
- (m) Provide a 1 in 20 scale cross-sectional diagram of the vehicle accessway along the centre of each car stacker platform with the following spot levels:
 - (i) the level of the north and south edge of the laneway;
 - (ii) the centreline/invert level of the laneway;
 - (iii) the 40 millimetre lip/bullnose along the northern edge of the internal concrete slab; and
 - (iv) the finished floor level 2.0 metres inside the internal concrete slab.
- (n) Convex mirrors at the entrance to the car park; angled to improve visibility of on-coming vehicles in the laneway;
- (o) Levels to be provided adjacent to the subject site, including footpath levels to demonstrate seamless transitions are achieved to all proposed entrances;
- (p) Notations stating the following:
 - (i) The utility service doors to Napier Street can swing at 180-degrees and be latched onto the building when in service,
 - (ii) bi-fold garage does not open over or into the public highway (lane) to the north
 - (iii) The existing garden bed/kerb outstand to remain in its current configuration,
 - (iv) Bicycle hoops (2) will be installed in accordance with Council Standards and installed as per Council details,
 - (v) Add notation that all car parking areas are electrically wired to be 'EV ready'.
- (q) Identify the location of minimum 40A single phase electrical sub circuit to be installed to for future EV charging points;
- (r) Provide at least one electric bicycle charging point in the employee bicycle parking area.
- (s) All entrance thresholds must demonstrate that a seamless, universally accessible, and appropriate interface with the adjacent existing footpaths and laneway are achieved. Any handrails, tactiles and landings must be fully accommodated within the subject site boundary;
- (t) Clearly show and annotate all existing streetscape fixtures to be retained on all relevant plans;
- (u) Any relevant changes required by the endorsed Acoustic report pursuant to condition 5;
- (v) Any relevant changes required by the endorsed Sustainable Management Plan pursuant to condition 9;
- (w) Any relevant changes required by the endorsed Waste Management Plan pursuant to condition 11; and

(x) Any relevant changes required by the endorsed Landscape Plan pursuant to condition 15.

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

Façade Strategy

3. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
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 - (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; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.
4. As part of the ongoing progress and development of the site, Point 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.

Acoustic report

5. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The Report must show/address the following:
- (a) Car stackers
 - (b) The Noise Protocol zoning levels be calculated for 2 Napier Street,
 - (c) Background noise monitoring be conducted in proximity to the subject site or the report adopt the Noise Protocol zoning levels as noise limits,
6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Transport

7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bike hoops must be installed along the site frontage:
- (a) at the permit holder's cost; and
 - (b) in a location and manner,
- to the satisfaction of the Responsible Authority.

Green Travel Plan Required

8. 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 include, but not be limited to, the following:

- (a) a description of the location in the context of alternative modes of transport;
- (b) employee and/or resident welcome packs (e.g. provision of Myki/transport ticketing);
- (c) the provision of real time passenger information displays for nearby stops within each lobby [only appropriate at certain thresholds];
- (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
- (f) details of bicycle parking and bicycle routes;
- (g) details of GTP 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) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (j) security arrangements to access the employee bicycle storage spaces; and
- (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (l) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.
- (m) provisions for the Green Travel Plan to be updated not less than every 5 years.

Sustainability Management Plan

9. Before the development commences or otherwise agreed by the Responsible Authority, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the amended Sustainable Management Plan by Lucid Consulting Australia Dated 25 March 2022, but updated to include the following:
- (a) Any changes necessary as a result of condition 1 requirements,
 - (b) Confirm ventilation strategy for all of the food and drink premises including the basement level and ensure that AS:1668 fresh air delivery rates are exceeded by at least 50%.
 - (c) Confirm VOC and formaldehyde limits for all internal sealants and paints, adhesives, and engineered timber products
 - (d) Provide a Section J Report which details these improvements against a reference case to support claims of reductions in energy consumption and peak demand.
 - (e) Include details within Section J Report to support claims of GHG emission reduction.
 - (f) Include HVAC details within Section J Report.
 - (g) Clarify that post-development stormwater flows will not exceed pre-development levels.
 - (h) Confirm that timber will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
 - (i) Confirm PVC specifications for pipes, cabling, flooring.
 - (j) Confirm provision of a site-specific construction Waste Management Plan with a target recycling rate of 80% of construction and demolition waste.
 - (k) Clearly articulate location of specific bins within the waste room floor plans.
 - (l) Provide a statement as to how the development responds to urban heat impacts and mitigates these through (for example); increased vegetation, passive irrigation and light coloured/high-SRI external finishes and materials.
 - (m) Confirm all energy and water management systems will be commissioned in accordance with the manufacturer's specifications
 - (n) Confirm head contractor will be ISO 14001 accredited.
 - (o) Confirm that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.

10. 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

11. Before the development commences, an amended waste management 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 (Dated 06 May 2022) but modified to include:
 - (a) Any changes necessary as a result of condition 1 requirements,
 - (b) Include the size of the bin storage area in metres squared, and
 - (c) Include the bin truck swept path diagram.
12. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
13. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
14. 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.

Landscape Plan

15. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include:
 - (a) a planting schedule which shows the type, location, quantity, height at maturity and botanical names of all proposed plants. Ensure none of the plants appear on the DELWP advisory list of environmental weeds;
 - (b) provide details of the planter box planting, including detail of:
 - (i) planter box materials and dimensions,
 - (ii) mulch layer – something that won't blow away,
 - (iii) growing media – suitable in weight and content for roof top gardens,
 - (iv) filter media,
 - (v) irrigation method,
 - (vi) drainage system, and
 - (vii) root barrier / water proofing layer;
 - (c) provide details of the proposed method for irrigation and drainage for all planters;
 - (d) detail the maintenance and irrigation schedules (duration, regime and detail body responsible for maintenance);
 - (e) provide a specification of works to be undertaken prior to planting; and
 - (f) detail plant/planting maintenance schedules and requirements.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
17. Before the development commences, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by TAG Consulting and dated 10 May 2022, but modified to include (or show):
- (a) Confirmation within the report that any pruning to Council trees must be approved by a City of Yarra Arborist and works carried out by a Council approved contractor.
 - (b) Trees species of 2, 3 and 4 amended within the report from Styraclua (Liquid Amber), to the correct tree species. (Trees 2 and 3 are *Quercus palustris* (Pin Oak), Tree 4 is *Ulmus procera* (English Elm).)
18. The provisions, recommendations and requirements of the endorsed Tree Protection Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

19. The provisions, recommendations and requirements of the endorsed Wind Report (generally in accordance with the report prepared by MEL Consultants dated 28 March 2022) must be implemented and complied with to the satisfaction of the Responsible Authority.

Archival Record

20. During demolition, if any 19th Century building fabric is discovered, a detailed and annotated photographic record of this fabric must be submitted to and approved by the Responsible Authority as a record of the building, with any significant fabric or artifacts retained and lodged with Council. The photographs must:
- (a) be submitted in a colour format; and
 - (b) be taken by a suitably qualified heritage photographer.

Development Infrastructure Levy

21. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

General

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the 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.

23. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
25. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
26. 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.
27. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Civil Works

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant drain outlets must be demolished and re-instated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
29. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
30. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the Napier Street and Victoria Parade footpath in asphalt with a crossfall of no more than of 1 in 33 with kerb and channel re-constructed in its existing position) for the width of the property frontage if required by the Responsible Authority:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Garden bed Rejuvenation Contribution

31. Before the development commences, a monetary contribution to the value of \$10,204 must be paid to Council for the purpose of rejuvenating the garden bed at the corner of Napier Street and Victoria Parade.

Removal, Adjustment, Changing or Relocation of Parking Restriction Signs

32. 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.
33. Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

34. 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.

Construction Management Plan

35. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management Plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
 - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with chapter 4 of the Civil Construction, Building and Demolition Guide (Publication 1834) as issued by the Environment Protection Authority in November 2020. 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.

36. During the construction:

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

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

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

Construction hours & noise

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

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

Permit Expiry

39. This permit will expire if:

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

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

Notes:

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

The food and drink 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.

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

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

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

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

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

CARRIED UNANIMOUSLY

The meeting closed at 7.04pm.

Confirmed at the meeting held on Tuesday 26 July 2022

Chair