



# Minutes

## Planning Decisions Committee

6.30pm, Tuesday 16 August 2022

Richmond Town Hall

## 1. Appointment of Chair

Cr O'Brien nominated Cr Crossland as chair.

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

Cr Crossland 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

Attendance

Councillors

Cr Edward Crossland

Cr Anab Mohamud

Cr Bridgid O'Brien

Council officers

Julian Larkins (Co-ordinator Statutory Planning)

Robert Galpin (Senior Statutory Planner)

Cindi Johnston (Governance Officer)

Municipal Monitor

Yehudi Blacher

## 4. Declarations of conflict of interest

No declarations were made.

## 5. Confirmation of Minutes

### RESOLUTION

**Moved:** Cr Mohamud **Seconded:** Cr O'Brien

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 26 July 2022 be confirmed.

**CARRIED**

## 6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN20/0626 - 265 Johnston Street, Abbotsford	4	16
6.2	PLN21/0905 - 23 Howard Street Richmond - The construction of a seven storey (plus basement level) office building (no permit required for office land use) and a reduction in the car parking requirements.	30	38
6.3	Section 72 Amendment to Planning Permit PLN18/0812 to; - Increase the red line area to allow for the sale and consumption of liquor at 281 and 283-285 Wellington Street and include as part of the subject site - Increase the on premises licensed hours to 1am for internal areas Thursday - Saturday, Sunday- Wednesday to remain at 11pm (External areas to close at 10pm) - Increase the maximum number of patrons to 256 - Reduction to the statutory car parking rate - Associated buildings and works - Construct and display of signage	48	53
6.4	PLN21/0554 - 15 - 33 Queens Parade, Clifton Hill	58	72

<b>Reference</b>	D22/193308
<b>Author</b>	John Theodosakis - Principal Planner
<b>Authoriser</b>	Senior Coordinator Statutory Planning

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## RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for part demolition to make way for the construction of a multi-storey building, use of the land for dwellings (permit required use) and office and food and drink premises (café) (permit not-required uses) and a reduction in the car parking requirements of the Yarra Planning Scheme at 265 Johnston Street, Abbotsford 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 Petridis Architects and dated 8 June 2022 but modified to show:

### Plans

- (a) The deletion of either the third or fourth level and a subsequent reduction in building height to no greater than 21m as measured above the natural ground level.
- (b) The treatment of the west and south walls with a textured and / or patterned finish.
- (c) The balustrades and square-shaped frames of the tower finished in a dark and more subdued colour.
- (d) The pedestrian gate to Dwelling G1 made more prominent through a different colour and/or material treatment.
- (e) Details of fencing to the eastern and northern sides of the open space associated with Dwelling G1.
- (f) A plan notation confirming that the open area to the west of the balcony area of Dwelling 1.5 is non-trafficable and is roof only.
- (g) A plan notation confirming that any street trees will be retained.
- (h) A plan notation detailing a minimum 14kW of solar PV system capacity.
- (i) A plan notation confirming that all three external windows of the office will contain an operable component.
- (j) Details of all internal screening in compliance with Standard D15 (Internal Views) of Clause 58 (Apartment Developments) of the Yarra Planning Scheme for the following:
  - (i) between dwellings and the first level of the office (including and not limited to the north-facing balcony of Dwelling 1.1 and the south-facing first floor office window); and
  - (ii) the western aspect of the balcony associated with Dwelling 1.5 and south-facing bedroom window of Dwelling 1.1).
- (k) The western and southern interfaces screened to a height of 1.7m above the finished floor level and 25% transparency (minimum) if any trafficable area is located within 9m of the habitable areas associated with surrounding dwellings and / or details to demonstrate otherwise (if screening is deemed to not be required).

- (l) A materials schedule coloured drawings and renders outlining colours, materials including glare and reflectivity levels from glazing of the walls to the tower and graffiti proofing of walls to Park Street, including doors, perforations and upper levels (where necessary).
- (m) The width of the development entrance to be dimensioned on the drawings.
- (n) The provision of a bollard inserted into the shared area as required by AS/NZS 2890.6:2009.
- (o) The 1 in 8 transition grades at the base of the 1 in 4 ramp sections lengthened to 2.5 metres (along the inside radius).
- (p) Cross sectional drawings together with B99 design vehicle clearance templates to show spot levels which include the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement of Park Street.
- (q) The deletion of the annotation on the drawing 'Pit Cover is to be recessed into Proposed New Crossover'.

### Reports and Plans

- (r) Any requirement of the endorsed Heritage Scope of Conservation Works Report (condition 3) (where relevant to show on plans).
  - (s) Any requirement of the endorsed Landscape Plan (condition 5) (where relevant to show on plans).
  - (t) Any requirement of the endorsed Tree Management Plan (condition 7) (where relevant to show on plans).
  - (u) Any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans).
  - (v) Any requirement of the endorsed Wind Assessment Report (condition 12) (where relevant to show on plans).
  - (w) Any relevant requirement of the endorsed Acoustic Report (condition 14) (where relevant to show on plans).
  - (x) Any requirement of the endorsed Green Travel Plan (condition 17) (where relevant to show on plans).
  - (y) Any requirement of the endorsed Waste Management Plan (condition 19) (where relevant to show on plans).
  - (z) Any requirement of the endorsed Public Lighting Plan (condition 22) (where relevant to show on plans).
  - (aa) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (condition 25) (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 that a permit is not required) without the prior written consent of the Responsible Authority.

### Heritage Scope of Conservation Works Report

3. In conjunction with the submission of development plans under Condition 1, a Heritage Scope of Conservation Works Report to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Heritage Scope of Conservation Works Report will be endorsed and will then form part of this permit. The Report must include fully dimensioned and accurately measured plans and elevations prepared by a suitably qualified heritage practitioner/architect;
- (a) Full details relating to the façade conservation and restoration methodology of the retained heritage building;
  - (b) Elevations at a scale of 1:20 or 1:50 illustrating typical details, entries and doors of the heritage building; and
  - (c) Any other specific requirements.

### Ongoing architect involvement

4. As part of the ongoing progress and development of the site, Petridis Architects or another 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. In conjunction with the submission of development plans under Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) Show the type, location, quantity, height at maturity and botanical names of all proposed plants.
  - (b) Provide information on all planter beds, including the depths and widths, as well as information on soil media, drainage and irrigation ensuring their location is setback from behind the heritage parapet.
  - (c) Provide a specification of works to be undertaken prior to planting.
  - (d) Confirm the mulch used on higher levels is a wind tolerant material.
  - (e) Include maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

### Ongoing Landscape 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.

### Tree Management Plan

7. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
  - (a) the protection of existing street trees outside the property's frontage:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction.

- (b) the provision of any barriers;
- (c) any pruning necessary; and
- (d) watering and maintenance regimes.

#### Ongoing Tree Management Plan Requirement

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

#### Amended Sustainable Management Plan

9. In conjunction with the submission of development plans under Condition 1, 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 *Sustainability Management Plan (SMP)* prepared and authored by Low Impact Development (LID) Consulting and dated 28 October 2021 but modified to:
- (a) Ensure the hot water system is consistently referred to as 'electric heat pump' across all documentation, including removal of annotations such as 'HWS gas burners' on the plans.
  - (b) Remove electric vehicle skeleton infrastructure from Innovation credit in BESS.
  - (c) Ensure plans reflect any deviations/alterations to designs adopted in the preliminary residential energy ratings (e.g. glazing widths and sills heights of Level 7 apartments).
  - (d) Ensure connection of irrigation to rainwater tanks is consistent across all documentation.
  - (e) Ensure WELS ratings are consistent across all documentation.
  - (f) Clarify end of trip facilities for café and office staff, ensuring consistency of figures between BESS and plans.
  - (g) Clarify post-development flows will not exceed pre-development levels.
  - (h) Update individual metering of services commitment to include both electricity and water.
  - (i) Clarify availability of external views – concerns around the single aspect of south-facing apartments.
  - (j) Consider optimising the capacity of the rainwater tanks to better capitalise on available rainwater.
  - (k) Consider vertical vegetation to increase amenity, ecology and urban heat island reduction.

#### Prior to occupation Sustainable Management Plan Requirement

10. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

#### Ongoing Sustainable Management Plan Requirement

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

### Amended Wind Impact Assessment Required

12. In conjunction with the submission of development plans under Condition 1, 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 Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared and authored by Vipac Engineers and Scientists and dated 20 October 2020, but modified to:
- (a) Assess the proposal as amended pursuant to Condition 1; and
  - (b) Provide a return of up to 1.5m high above the natural ground level to the seating areas associated with the food and drinks premises (café).

### Ongoing Wind Assessment Requirement

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

### Acoustic Report

14. 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 Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Assess the proposal as amended under Condition 1 and provide noise attenuation techniques to protect the amenity of existing and new dwellings.
15. The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

### Ongoing Acoustic Report Requirement

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

### Green Travel Plan

17. In conjunction with the submission of development plans under Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 Impact Traffic Engineering Pty. Ltd, but modified to reference:
- (a) The proposal as amended pursuant to Condition 1.
  - (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.

#### Ongoing Green Travel Plan Requirement

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

#### Waste Management Plan

19. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Lid Consulting (WMP) dated 28 September 2021 but modified to:

- (a) Assess the proposal as amended under Condition 1 and its requirements.

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

#### Ongoing Waste Management Plan Requirement

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

#### Public Lighting Plan Required

22. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along Cambridge Street and Victoria Parade, including the northern and eastern interfaces. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for (as relevant):

- (a) A lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1.
- (b) The control of light spillage into the windows of existing residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting".
- (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places.
- (d) A maintenance regime for the lighting scheme within the curtilage of the property.
- (e) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

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

#### Ongoing Public Lighting Plan Requirement

24. 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.

#### Public Realm Plan(s) / Works / Road Infrastructure / Street trees

25. Prior to the occupation of the building or by such later date as is approved by the Responsible Authority, a Public Realm Works plan prepared 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 then form part of the permit. The Public Realm Works plan must show the works associated with:

- (a) All pedestrian, vehicle and bicycle footpaths, crossings, roads, drainage, infrastructure works and connections and associated landscaping (external to buildings).
- (b) Provision of replacement trees should any existing trees be impacted by the proposal.
- (c) Include all paving materials with footpath areas outside and for the length of the subject site constructed of asphalt, surface grading and drainage and all existing/proposed fixtures such as paving, trees and the improvements to Park and Johnston Street.

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the works shown on the endorsed Public Realm Plan must be carried out and completed 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, all building works and connections for underground utility services, the footpaths along the property's Park and Johnston Street frontages must be reconstructed (including kerb and channel):

- (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 full width road pavement of Park and Johnston Streets, 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.

29. 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.

30. 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.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
32. 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
33. 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.

#### General

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. 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.
36. The development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
37. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
38. 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.
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.

#### Privacy screens

42. 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.

#### Developer Contribution Plan

43. Prior to the commencement of the development:
- (a) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or
  - (b) the Owner must enter into an agreement with Yarra City Council to pay the amount of the Development Infrastructure within a time specified in the agreement.

#### Community levy

44. Prior to the issue of a building permit, the Community 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 Community Infrastructure Levy within a time specified in the agreement.

#### Environmental Audit (Statement or Certificate)

45. Before the development authorised by this permit commences, a Preliminary Risk Screen Assessment (PRSA) of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The PRSA must be prepared in accordance with Part 8.3 of the Environmental Protection (EP) Act 2017 and done by an environmental auditor appointed under the EP Act to the satisfaction of the Responsible Authority and must include:
- (a) Desktop assessment of the likely site contamination
  - (b) Site inspection
  - (c) May include limited field investigations and sampling conducted to the standard established in Schedule B2 of National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM), and
  - (d) To make recommendations on likelihood of contamination and whether further assessment is necessary i.e. an Audit.
46. If the assessment required by condition 45 does not result in a recommendation that an Environmental Auditor be appointed to undertake an Environmental Audit or Environmental Audit Statement in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the PRSA must be implemented and complied with to the satisfaction of the Responsible Authority.
47. If the assessment required by condition 45 results in a recommendation that an Environmental Auditor be appointed to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

- (a) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
- (b) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.

48. If, pursuant to condition 47, a Statement is issued:

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

#### Construction Management Plan

49. 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.

#### Ongoing Construction Management Plan Requirement

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

#### Construction Times

51. 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

52. This permit will expire if:

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

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

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

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

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

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.

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.

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

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.

### Submissions

Andrew Clarke, Clarke Planning (for the applicant)  
Brent Thomson  
Terry O'Connor  
Shannon Wylde  
Nick McLennan

## **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Mohamud

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for part demolition to make way for the construction of a multi-storey building, use of the land for dwellings (permit required use) and office and food and drink premises (café) (permit not-required uses) and a reduction in the car parking requirements of the Yarra Planning Scheme at 265 Johnston Street, Abbotsford 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 Petridis Architects and dated 8 June 2022 but modified to show:

### Plans

- (a) The deletion of the third level and a subsequent reduction in building height to no greater than 21m as measured above the natural ground level.
- (b) The treatment of the west and south walls with a textured and / or patterned finish.
- (c) The balustrades and square-shaped frames of the tower finished in a dark and more subdued colour.
- (d) The pedestrian gate to Dwelling G1 made more prominent through a different colour and/or material treatment.
- (e) Details of fencing to the eastern and northern sides of the open space associated with Dwelling G1.
- (f) A plan notation confirming that the open area to the west of the balcony area of Dwelling 1.5 is non-trafficable and is roof only.
- (g) A plan notation confirming that any street trees will be retained.
- (h) A plan notation detailing a minimum 14kW of solar PV system capacity.
- (i) A plan notation confirming that all three external windows of the office will contain an operable component.
- (j) Details of all internal screening in compliance with Standard D15 (Internal Views) of Clause 58 (Apartment Developments) of the Yarra Planning Scheme for the following:

- (i) between dwellings and the first level of the office (including and not limited to the north-facing balcony of Dwelling 1.1 and the south-facing first floor office window); and
- (ii) the western aspect of the balcony associated with Dwelling 1.5 and south-facing bedroom window of Dwelling 1.1).
- (k) The western and southern interfaces screened to a height of 1.7m above the finished floor level and 25% transparency (minimum) if any trafficable area is located within 9m of the habitable areas associated with surrounding dwellings and / or details to demonstrate otherwise (if screening is deemed to not be required).
- (l) A materials schedule coloured drawings and renders outlining revised colours and materials that present more uniformly and are a simplified and subdued palette to ensure that the heritage building is the most prominent feature of the development. This is to include glare and reflectivity levels from glazing of the walls to the tower and graffiti proofing of walls to Park Street, including doors, perforations and upper levels (where necessary).
- (m) The width of the development entrance to be dimensioned on the drawings.
- (n) The provision of a bollard inserted into the shared area as required by AS/NZS 2890.6:2009.
- (o) The 1 in 8 transition grades at the base of the 1 in 4 ramp sections lengthened to 2.5 metres (along the inside radius).
- (p) Cross sectional drawings together with B99 design vehicle clearance templates to show spot levels which include the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement of Park Street.
- (q) The deletion of the annotation on the drawing 'Pit Cover is to be recessed into Proposed New Crossover'.
- (r) The balconies of Dwellings 4.4 and 5.4 deleted and the same dwellings setback from Park Street to match the setback of the first-floor wall of the southern adjoining dwelling.
- (s) Dwellings 4.4 and 5.4 amalgamated with dwellings 4.5 and 5.5, respectively (as a consequence of the above condition).
- (t) The remaining 17.9m street wall to Park Street reduced to 15m.
- (u) A minimum of 50% of bicycle spaces to be provided at the ground floor.

### Reports and Plans

- (v) Any requirement of the endorsed Heritage Scope of Conservation Works Report (condition 3) (where relevant to show on plans).
- (w) Any requirement of the endorsed Landscape Plan (condition 5) (where relevant to show on plans).
- (x) Any requirement of the endorsed Tree Management Plan (condition 7) (where relevant to show on plans).
- (y) Any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans).
- (z) Any requirement of the endorsed Wind Assessment Report (condition 12) (where relevant to show on plans).
- (aa) Any relevant requirement of the endorsed Acoustic Report (condition 14) (where relevant to show on plans).
- (bb) Any requirement of the endorsed Green Travel Plan (condition 17) (where relevant to show on plans).
- (cc) Any requirement of the endorsed Waste Management Plan (condition 19) (where relevant to show on plans).
- (dd) Any requirement of the endorsed Public Lighting Plan (condition 22) (where relevant to show on plans).

(ee) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (condition 25) (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 that a permit is not required) without the prior written consent of the Responsible Authority.

#### Heritage Scope of Conservation Works Report

3. In conjunction with the submission of development plans under Condition 1, a Heritage Scope of Conservation Works Report to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Heritage Scope of Conservation Works Report will be endorsed and will then form part of this permit. The Report must include fully dimensioned and accurately measured plans and elevations prepared by a suitably qualified heritage practitioner/architect;
  - (a) Full details relating to the façade conservation and restoration methodology of the retained heritage building;
  - (b) Elevations at a scale of 1:20 or 1:50 illustrating typical details, entries and doors of the heritage building; and
  - (c) Any other specific requirements.

#### Ongoing architect involvement

4. As part of the ongoing progress and development of the site, Petridis Architects or another 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. In conjunction with the submission of development plans under Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) Show the type, location, quantity, height at maturity and botanical names of all proposed plants.
  - (b) Provide information on all planter beds, including the depths and widths, as well as information on soil media, drainage and irrigation ensuring their location is setback from behind the heritage parapet.
  - (c) Provide a specification of works to be undertaken prior to planting.
  - (d) Confirm the mulch used on higher levels is a wind tolerant material.
  - (e) Include maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

### Ongoing Landscape 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.

### Tree Management Plan

7. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of existing street trees outside the property's frontage:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction.
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and
  - (d) watering and maintenance regimes.

### Ongoing Tree Management Plan Requirement

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

### Amended Sustainable Management Plan

9. In conjunction with the submission of development plans under Condition 1, 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 *Sustainability Management Plan (SMP)* prepared and authored by Low Impact Development (LID) Consulting and dated 28 October 2021 but modified to:
- (a) Ensure the hot water system is consistently referred to as 'electric heat pump' across all documentation, including removal of annotations such as 'HWS gas burners' on the plans.
  - (b) Remove electric vehicle skeleton infrastructure from Innovation credit in BESS.

- (c) Ensure plans reflect any deviations/alterations to designs adopted in the preliminary residential energy ratings (e.g. glazing widths and sills heights of Level 7 apartments).
- (d) Ensure connection of irrigation to rainwater tanks is consistent across all documentation.
- (e) Ensure WELS ratings are consistent across all documentation.
- (f) Clarify end of trip facilities for café and office staff, ensuring consistency of figures between BESS and plans.
- (g) Clarify post-development flows will not exceed pre-development levels.
- (h) Update individual metering of services commitment to include both electricity and water.
- (i) Clarify availability of external views – concerns around the single aspect of south-facing apartments.
- (j) Consider optimising the capacity of the rainwater tanks to better capitalise on available rainwater.
- (k) Consider vertical vegetation to increase amenity, ecology and urban heat island reduction.

#### Prior to occupation Sustainable Management Plan Requirement

10. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

#### Ongoing Sustainable Management Plan Requirement

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

#### Amended Wind Impact Assessment Required

12. In conjunction with the submission of development plans under Condition 1, 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 Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared and authored by Vipac Engineers and Scientists and dated 20 October 2020, but modified to:
  - (a) Assess the proposal as amended pursuant to Condition 1; and
  - (b) Provide a return of up to 1.5m high above the natural ground level to the seating areas associated with the food and drinks premises (café).

#### Ongoing Wind Assessment Requirement

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

### Acoustic Report

14. 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 Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) Assess the proposal as amended under Condition 1 and provide noise attenuation techniques to protect the amenity of existing and new dwellings.
15. The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

### Ongoing Acoustic Report Requirement

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

### Green Travel Plan

17. In conjunction with the submission of development plans under Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 Impact Traffic Engineering Pty. Ltd, but modified to reference:
  - (a) The proposal as amended pursuant to Condition 1.
  - (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.

### Ongoing Green Travel Plan Requirement

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

## Waste Management Plan

19. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Lid Consulting (WMP) dated 28 September 2021 but modified to:
  - (a) Assess the proposal as amended under Condition 1 and its requirements.
20. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

## Ongoing Waste Management Plan Requirement

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

## Public Lighting Plan Required

22. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along Cambridge Street and Victoria Parade, including the northern and eastern interfaces. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for (as relevant):
  - (a) A lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1.
  - (b) The control of light spillage into the windows of existing residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting".
  - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places.
  - (d) A maintenance regime for the lighting scheme within the curtilage of the property.
  - (e) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances 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.

### Ongoing Public Lighting Plan Requirement

24. 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.

### Public Realm Plan(s) / Works / Road Infrastructure / Street trees

25. Prior to the occupation of the building or by such later date as is approved by the Responsible Authority, a Public Realm Works plan prepared 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 then form part of the permit. The Public Realm Works plan must show the works associated with:
  - (a) All pedestrian, vehicle and bicycle footpaths, crossings, roads, drainage, infrastructure works and connections and associated landscaping (external to buildings).
  - (b) Provision of replacement trees should any existing trees be impacted by the proposal.
  - (c) Include all paving materials with footpath areas outside and for the length of the subject site constructed of asphalt, surface grading and drainage and all existing/proposed fixtures such as paving, trees and the improvements to Park and Johnston Street.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the works shown on the endorsed Public Realm Plan must be carried out and completed 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, all building works and connections for underground utility services, the footpaths along the property's Park and Johnston Street frontages must be reconstructed (including kerb and channel):
  - (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 full width road pavement of Park and Johnston Streets, 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.
29. 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.
30. 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.

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
  
32. 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 reinstated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority
  
33. 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.

#### General

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. 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.
  
36. The development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
  
37. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
  
38. 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.
  
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.

#### Privacy screens

42. 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.

#### Developer Contribution Plan

43. Prior to the commencement of the development:
  - (a) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or
  - (b) the Owner must enter into an agreement with Yarra City Council to pay the amount of the Development Infrastructure within a time specified in the agreement.

#### Community levy

44. Prior to the issue of a building permit, the Community 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 Community Infrastructure Levy within a time specified in the agreement.

#### Environmental Audit (Statement or Certificate)

45. Before the development authorised by this permit commences, a Preliminary Risk Screen Assessment (PRSA) of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The PRSA must be prepared in accordance with Part 8.3 of the Environmental Protection (EP) Act 2017 and done by an environmental auditor appointed under the EP Act to the satisfaction of the Responsible Authority and must include:
  - (a) Desktop assessment of the likely site contamination
  - (b) Site inspection
  - (c) May included limited field investigations and sampling conducted to the standard established in Schedule B2 of National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM), and
  - (d) To make recommendations on likelihood of contamination and whether further assessment is necessary i.e.an Audit.
46. If the assessment required by condition 45 does not result in a recommendation that an Environmental Auditor be appointed to undertake an Environmental Audit or Environmental Audit Statement in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the PRSA must be implemented and complied with to the satisfaction of the Responsible Authority.

47. If the assessment required by condition 45 results in a recommendation that an Environmental Auditor be appointed to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
  - (b) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.
48. If, pursuant to condition 47, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences.
  - (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

#### Construction Management Plan

49. 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.

### Ongoing Construction Management Plan Requirement

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

### Construction Times

51. 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

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

53. Where the developer has agreed to enter into a written agreement with "Home for Homes" that provides for a contribution of 0.1% of the sale price of every residential property to be provided to "Home for Homes" at the time of settlement, a copy of the agreement should be provided to the Responsible Authority.

### Notes:

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

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

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

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

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.

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.

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

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.

If possible, all overhead power lines to be put underground.

**CARRIED UNANIMOUSLY**

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**6.2**      **PLN21/0905 - 23 Howard Street Richmond - The construction of a seven storey (plus basement level) office building (no permit required for office land use) and a reduction in the car parking requirements.**

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**Reference**      D22/177643  
**Author**          Chris Stathis - Senior Statutory Planner  
**Authoriser**     Senior Coordinator Statutory Planning

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**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN21/0905 for the construction of a multi-storey (plus basement level) office building (no permit required for office land use) and a reduction in the car parking requirements at 23 Howard Street Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the architectural plans prepared by Kavellaris Urban Design and dated 18 November 2021 but modified to show:
  - (a) Deletion of level 05;
  - (b) All levels above level 03 set back a minimum of 1.5m from the northern boundary;
  - (c) The following changes in accordance with the sketch plans received by Council on 24 June 2022:
    - (i) Relocation of the employee bicycle spaces to the basement plan with 14 spaces provided in the form of two-tier racks;
    - (ii) Provision of four visitor bicycle spaces in the form of two horizontal rails located to the west of the bin room;
    - (iii) The internal wall separating the ground floor corridor from the ground floor office depicted as glazed;
    - (iv) Direct pedestrian access from Howard Street for the ground floor office, provided as two internally-opening doors;
    - (v) Increase in the size of the ground floor lobby by decreasing the floor area of the ground floor office;
    - (vi) Increase in the size of the waste storage area;
    - (vii) Deletion of the rear pedestrian door and provision of a full-width access door;

But further modified to show:

- (d) Provision of an internal ramp within the ground floor office or other such treatment to ensure a seamless transition between the footpath level and the proposed floor level of the ground floor office;
- (e) Notation to confirm that the internal wall separating the ground floor corridor from the ground floor office will be constructed of clear glazing;
- (f) Provision of sensor lighting within the ground floor northern setback area;
- (g) Ground floor finished floor level (south of the bin room) increased so that it is above 7.95 AHD or otherwise treated to prevent stormwater flowing into the front of the development;
- (h) Ground floor back of house area (i.e. north of the lift lobby) increased to above 8.19 AHD or otherwise treated to prevent stormwater flowing into the rear of the development;

- (i) Façade awnings at the northern façade to have a minimum horizontal protrusion of 0.3m from the northern title boundary;
  - (j) North-facing windows reconfigured so that they do not protrude outside title boundaries at any point with these windows remaining operable;
  - (k) Convex mirrors provided within title boundaries at the rear laneway vehicle entrance to improve visibility;
  - (l) cross section drawing (ground clearance check) of the basement car parking vehicle entrance using the B99 design vehicle. The ground clearance check must provide (or show) the following:
    - (i) spot levels of the northern and southern edges of the laneway, the centre line / invert level of the laneway, a 40mm lip / bullnose along the northern edge of the internal concrete slab and the finished floor level 2m inside the internal concrete slab;
    - (ii) no vehicle scraping or 'bottoming out' of a B99 vehicle as it accesses the subject site via the rear laneway
    - (iii) any floor level changes associated with condition 1(h);
  - (m) a notation to confirm that access to the ground floor visitor bicycle spaces will be via the Howard Street entrance;
  - (n) details of visitor bicycle wayfinding signage to be located at the Howard Street entrance;
  - (o) dimensions of all bicycle spaces, aisle widths, lift and all doors required to access the bicycle parking, demonstrating compliance with Australian Standard AS 2890.3 or otherwise to the satisfaction of the Responsible Authority;
  - (p) details of electrical circuits installed to car parking and bicycle parking to demonstrate 'electric vehicle readiness';
  - (q) the ground floor front glazing set back a minimum of 0.6m from the southern boundary, with any necessary design changes to provide an integrated connection to the level 01 southern façade;
  - (r) clarify surface materials proposed within the ground floor setback area, with this material to be distinguished from the material treatment of the Howard Street footpath;
  - (s) any requirement of the endorsed Façade Strategy (condition 3) (where relevant to show on plans);
  - (t) any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
  - (u) any requirement of the endorsed Waste Management Plan (condition 7) (where relevant to show on plans);
  - (v) any requirement of the endorsed Landscape Plan (condition 9) (where relevant to show on plans).
  - (w) any requirement of the endorsed Acoustic Report (condition 11) (where relevant to show on plans);
  - (x) any requirement of the endorsed Wind Tunnel Modelling Report (condition 14) (where relevant to show on plans);
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. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;

- (c) detailed drawings to demonstrate a minimum 50mm depression between each 'peak' and each 'base' of the fluted concrete forms proposed along the eastern boundary wall at level 01 – level 03;
  - (d) information about how the façade will be maintained, including any vegetation; and
  - (e) a detailed materials schedule and coloured drawings outlining colours, materials and finishes, including a commitment that the east-facing metal cladding will have a low level of light reflectivity and an increase in the level of articulation for the east-facing metal cladding;
4. As part of the ongoing consultant team, Kavellaris Urban Design 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.

### **Sustainable Management Plan**

5. In conjunction with the endorsed plans under condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources, dated 21 February 2022, but modified to include or show:
- (a) correctly identify that the development does not meet the definition for the natural ventilation and CO2 concentration credit, with the BESS report credits updated accordingly;
  - (b) Provide revised daylight modelling that uses an 80% internal wall reflectance level.
  - (c) provide an amended JV3 assessment that includes lighting and hot water demand and the benefits from the solar PV system (within the existing table format) to gauge overall improvements;
  - (d) include overall greenhouse gas emission reductions (lighting, hot water and solar PV) in revised JV3 assessment;
  - (e) Confirm hot water system and include within JV3 assessment with a commitment that the building will be gas-free;
  - (f) Clarify the peak energy demand reduction in heating and cooling associated with the building design and services;
  - (g) Clarify the external shading strategy for north facing glazing on levels 2-3;
  - (h) Discuss the reduced depth of the external shading devices across the northern façade as required by condition 1;
  - (i) Remove ambiguous language with regard to the use of motion sensors and confirm this strategy;
  - (j) Provide more details for project-specific response to reducing testing water in fire systems;
  - (k) Confirm that post-development stormwater flows will not exceed pre-development levels;
  - (l) Confirm exactly which uses the single rainwater tank is servicing, and amend SMP accordingly;
  - (m) Confirmation of the final stormwater treatment strategy;
  - (n) Clarify whether any recycled materials (i.e. reclaimed bricks) or products with post-consumer content (i.e. insulation) will be specified for the building;
  - (o) Confirm a reduction in the use of Portland cement by at least 20% (by weight) will be made through the use of Supplementary Cementing Materials or other alternatives (fly ash, manufactured sand etc);
  - (p) Clarify strategy around best-practice PVC use;
  - (q) Provide a statement as to how the building design has responded to and mitigates the urban heat island effect and provide an increase in the provision of vegetation and/or confirm a lighter external material for the roof of the building;

- (r) remove the innovation claim for Ultra low PVC pain from the BESS credit, whilst maintaining this commitment within the body of the SMP;
  - (s) Confirm EV charging is provided to 100% of the car spaces (i.e. the 5 car spaces proposed).
  - (t) Confirm building tuning and commissioning strategy.
  - (u) Confirm provision of a site-specific Environmental Management Plan.
6. 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**

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 Ratio, dated 18 February 2022, but modified to include or show:
- (a) Correct the revision date to refer to the year 2022;
  - (b) A clause to confirm that a review of the waste management will be undertaken if the operational requirements change;
  - (c) The revised waste storage area as referenced in condition 1(c)(vi);
- To the satisfaction of the Responsible Authority.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Landscape Plan**

9. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include (or show):
- (a) The planter boxes and green walls shown by the plans referenced at condition 1;
  - (b) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (c) indicate the location of all areas to be covered by lawn or other surface materials; and
  - (d) provide a specification of works to be undertaken prior to planting,
- to the satisfaction of the Responsible Authority.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- all to the satisfaction of the Responsible Authority.

### **Acoustic Report**

11. 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 Renzo Tonin & Associates, dated 30 November 2021, but modified to include or show:
  - (a) A commitment that the future detailed assessment of mechanical plant noise be conducted by a suitably qualified acoustic consultant.  
To the satisfaction of the Responsible Authority.
12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
13. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

### **Wind Tunnel Modelling Report**

14. Before the development commences, a Wind Tunnel Modelling Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Report will be endorsed and will form part of this permit. The Wind Tunnel Modelling Report must be generally in accordance with the Wind Impact Statement prepared by Global Wind Technology Services and dated 01 December 2021, but modified to include (or show):
  - (a) An assess of the plans referenced at condition 1;
  - (b) at least parts of the level 04 terrace and level 06 southern terrace (level 05 when accounting for condition 1(a)) achieve the standing comfort criterion;

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

### **Road Infrastructure**

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Howard Street road frontage must be reconstructed to Council's satisfaction and at the permit holders cost.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Howard Street road frontage must be stripped and re-sheeted:
  - (a) at no cost to the Responsible Authority;
  - (b) with a cross-fall of 1 in 40 or unless otherwise approved in writing by the Responsible Authority;
  - (c) to the satisfaction of the Responsible Authority.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works (including trenching and excavation for utility service connections) must be reinstated:
  - (a) at no cost to the Responsible Authority;
  - (b) to the satisfaction of the Responsible Authority.

### **Car Parking**

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

### **Green Travel Plan**

20. Before the development is occupied, 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, the following:
- (a) a description of the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) details of bicycle parking and bicycle routes;
  - (e) details of GTP funding and management responsibilities;
  - (f) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (g) security arrangements to access the employee bicycle storage spaces; and
  - (h) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (i) Reference to a minimum 40A single phase electrical sub circuit should be installed to the basement levels for 'EV readiness'; and
  - (j) provisions for the Green Travel Plan to be updated not less than every 5 years.
21. 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**

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

### **General**

23. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
24. The amenity of the area must not be detrimentally affected by the construction, 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.
- 25. 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.
- 26. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 27. 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.

### **Development Contributions**

- 28. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) 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 amount of the levy within a time specified in the agreement.

### **Construction Management**

- 29. 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.
30. 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 9am or after 3pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Time expiry**

31. This permit will expire if:

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

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

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

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.

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.

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.

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.

### Submission

Tim McBride-Burgess, Contour Consultants (for the applicant)

## **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor O'Brien

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN21/0905 for the construction of a multi-storey (plus basement level) office building (no permit required for office land use) and a reduction in the car parking requirements at 23 Howard Street Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the architectural plans prepared by Kavellaris Urban Design and dated 18 November 2021 but modified to show:
  - (a) Deletion of levels 04 and 05;
  - (b) All levels above level 03 set back a minimum of 1.5m from the northern boundary;
  - (c) The following changes in accordance with the sketch plans received by Council on 24 June 2022:
    - (i) Relocation of the employee bicycle spaces to the basement plan with 14 spaces provided in the form of two-tier racks;

- (ii) Provision of four visitor bicycle spaces in the form of two horizontal rails located to the west of the bin room;
- (iii) The internal wall separating the ground floor corridor from the ground floor office depicted as glazed;
- (iv) Direct pedestrian access from Howard Street for the ground floor office, provided as two internally-opening doors;
- (v) Increase in the size of the ground floor lobby by decreasing the floor area of the ground floor office;
- (vi) Increase in the size of the waste storage area;
- (vii) Deletion of the rear pedestrian door and provision of a full-width access door;

But further modified to show:

- (d) Provision of an internal ramp within the ground floor office or other such treatment to ensure a seamless transition between the footpath level and the proposed floor level of the ground floor office;
- (e) Notation to confirm that the internal wall separating the ground floor corridor from the ground floor office will be constructed of clear glazing;
- (f) Provision of sensor lighting within the ground floor northern setback area;
- (g) Ground floor finished floor level (south of the bin room) increased so that it is above 7.95 AHD or otherwise treated to prevent stormwater flowing into the front of the development;
- (h) Ground floor back of house area (i.e. north of the lift lobby) increased to above 8.19 AHD or otherwise treated to prevent stormwater flowing into the rear of the development;
- (i) Façade awnings at the northern façade to have a minimum horizontal protrusion of 0.3m from the northern title boundary;
- (j) North-facing windows reconfigured so that they do not protrude outside title boundaries at any point with these windows remaining operable;
- (k) Convex mirrors provided within title boundaries at the rear laneway vehicle entrance to improve visibility;
- (l) cross section drawing (ground clearance check) of the basement car parking vehicle entrance using the B99 design vehicle. The ground clearance check must provide (or show) the following:
  - (i) spot levels of the northern and southern edges of the laneway, the centre line / invert level of the laneway, a 40mm lip / bullnose along the northern edge of the internal concrete slab and the finished floor level 2m inside the internal concrete slab;
  - (ii) no vehicle scraping or 'bottoming out' of a B99 vehicle as it accesses the subject site via the rear laneway
  - (iii) any floor level changes associated with condition 1(h);
- (m) a notation to confirm that access to the ground floor visitor bicycle spaces will be via the Howard Street entrance;
- (n) details of visitor bicycle wayfinding signage to be located at the Howard Street entrance;
- (o) dimensions of all bicycle spaces, aisle widths, lift and all doors required to access the bicycle parking, demonstrating compliance with Australian Standard AS 2890.3 or otherwise to the satisfaction of the Responsible Authority;
- (p) details of electrical circuits installed to car parking and bicycle parking to demonstrate 'electric vehicle readiness';
- (q) the ground floor front glazing set back a minimum of 0.85m from the southern boundary with no wall on boundary within the setback area and landscaping incorporated where possible;
- (r) clarify surface materials proposed within the ground floor setback area, with this material to be distinguished from the material treatment of the Howard Street footpath;

- (s) any requirement of the endorsed Façade Strategy (condition 3) (where relevant to show on plans);
- (t) any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
- (u) any requirement of the endorsed Waste Management Plan (condition 7) (where relevant to show on plans);
- (v) any requirement of the endorsed Landscape Plan (condition 9) (where relevant to show on plans).
- (w) any requirement of the endorsed Acoustic Report (condition 11) (where relevant to show on plans);
- (x) any requirement of the endorsed Wind Tunnel Modelling Report (condition 14) (where relevant to show on plans);
- (y) The stairwell to be redesigned to be unenclosed and / or all walls and doors to be glazed to common areas, as well as incorporate natural light access and ventilation where possible;
- (z) Temper the façade treatments, utilising the same materiality across floors ensuring that the development presents more uniformly.

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. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
  - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) detailed drawings to demonstrate a minimum 50mm depression between each 'peak' and each 'base' of the fluted concrete forms proposed along the eastern boundary wall at level 01 – level 03;
  - (d) information about how the façade will be maintained, including any vegetation; and
  - (e) a detailed materials schedule and coloured drawings outlining colours, materials and finishes, including a commitment that the east-facing metal cladding will have a low level of light reflectivity and an increase in the level of articulation for the east-facing metal cladding;
4. As part of the ongoing consultant team, Kavellaris Urban Design 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.

### **Sustainable Management Plan**

5. In conjunction with the endorsed plans under condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources, dated 21 February 2022, but modified to include or show:
  - (a) correctly identify that the development does not meet the definition for the natural ventilation and CO2 concentration credit, with the BESS report credits updated accordingly;

- (b) Provide revised daylight modelling that uses an 80% internal wall reflectance level;
- (c) provide an amended JV3 assessment that includes lighting and hot water demand and the benefits from the solar PV system (within the existing table format) to gauge overall improvements;
- (d) include overall greenhouse gas emission reductions (lighting, hot water and solar PV) in revised JV3 assessment;
- (e) Confirm hot water system and include within JV3 assessment with a commitment that the building will be gas-free;
- (f) Clarify the peak energy demand reduction in heating and cooling associated with the building design and services;
- (g) Clarify the external shading strategy for north facing glazing on levels 2-3;
- (h) Discuss the reduced depth of the external shading devices across the northern façade as required by condition 1;
- (i) Remove ambiguous language with regard to the use of motion sensors and confirm this strategy;
- (j) Provide more details for project-specific response to reducing testing water in fire systems;
- (k) Confirm that post-development stormwater flows will not exceed pre-development levels;
- (l) Confirm exactly which uses the single rainwater tank is servicing, and amend SMP accordingly;
- (m) Confirmation of the final stormwater treatment strategy;
- (n) Clarify whether any recycled materials (i.e. reclaimed bricks) or products with post-consumer content (i.e. insulation) will be specified for the building;
- (o) Confirm a reduction in the use of Portland cement by at least 20% (by weight) will be made through the use of Supplementary Cementing Materials or other alternatives (fly ash, manufactured sand etc);
- (p) Clarify strategy around best-practice PVC use;
- (q) Provide a statement as to how the building design has responded to and mitigates the urban heat island effect and provide an increase in the provision of vegetation and/or confirm a lighter external material for the roof of the building;
- (r) remove the innovation claim for Ultra low PVC pain from the BESS credit, whilst maintaining this commitment within the body of the SMP;
- (s) Confirm EV charging is provided to 100% of the car spaces (i.e. the 5 car spaces proposed).
- (t) Confirm building tuning and commissioning strategy.
- (u) Confirm provision of a site-specific Environmental Management Plan.

6. 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**

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 Ratio, dated 18 February 2022, but modified to include or show:
- (a) Correct the revision date to refer to the year 2022;
  - (b) A clause to confirm that a review of the waste management will be undertaken if the operational requirements change;
  - (c) The revised waste storage area as referenced in condition 1(c)(vi);
- To the satisfaction of the Responsible Authority.

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

#### **Landscape Plan**

9. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must include (or show):
  - (a) The planter boxes and green walls shown by the plans referenced at condition 1;
  - (b) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (c) indicate the location of all areas to be covered by lawn or other surface materials; and
  - (d) provide a specification of works to be undertaken prior to planting,to the satisfaction of the Responsible Authority.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,all to the satisfaction of the Responsible Authority.

#### **Acoustic Report**

11. 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 Renzo Tonin & Associates, dated 30 November 2021, but modified to include or show:
  - (a) A commitment that the future detailed assessment of mechanical plant noise be conducted by a suitably qualified acoustic consultant.To the satisfaction of the Responsible Authority.
12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
13. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

#### **Wind Tunnel Modelling Report**

14. Before the development commences, a Wind Tunnel Modelling Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Report will be endorsed and will form part of this permit. The Wind Tunnel Modelling Report must be generally in accordance with the Wind Impact Statement prepared by Global Wind Technology Services and dated 01 December 2021, but modified to include (or show):
  - (a) An assess of the plans referenced at condition 1;

- (b) at least parts of the level 04 terrace and level 06 southern terrace (level 05 when accounting for condition 1(a)) achieve the standing comfort criterion;

to the satisfaction of the Responsible Authority.

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

### **Road Infrastructure**

- 16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Howard Street road frontage must be reconstructed to Council's satisfaction and at the permit holders cost.
- 17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Howard Street road frontage must be stripped and re-sheeted:
  - (a) at no cost to the Responsible Authority;
  - (b) with a cross-fall of 1 in 40 or unless otherwise approved in writing by the Responsible Authority;
  - (c) to the satisfaction of the Responsible Authority.
- 18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works (including trenching and excavation for utility service connections) must be reinstated:
  - (a) at no cost to the Responsible Authority;
  - (b) to the satisfaction of the Responsible Authority.

### **Car Parking**

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

### **Green Travel Plan**

- 20. Before the development is occupied, 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, the following:
  - (a) a description of the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) details of bicycle parking and bicycle routes;
  - (e) details of GTP funding and management responsibilities;
  - (f) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;

- (g) security arrangements to access the employee bicycle storage spaces; and
- (h) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (i) Reference to a minimum 40A single phase electrical sub circuit should be installed to the basement levels for 'EV readiness'; and
- (j) provisions for the Green Travel Plan to be updated not less than every 5 years.

21. 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**

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

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

all to the satisfaction of the Responsible Authority.

### **General**

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

24. The amenity of the area must not be detrimentally affected by the construction, 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.

25. 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.

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

27. 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.

### **Development Contributions**

28. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) 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 amount of the levy within a time specified in the agreement.

### **Construction Management**

29. 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.

30. 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 9am or after 3pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

**Time expiry**

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

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

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

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.

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.

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.

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.

**CARRIED UNANIMOUSLY**

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- 6.3 Section 72 Amendment to Planning Permit PLN18/0812 to;
- Increase the red line area to allow for the sale and consumption of liquor at 281 and 283-285 Wellington Street and include as part of the subject site
  - Increase the on premises licensed hours to 1am for internal areas Thursday - Saturday, Sunday- Wednesday to remain at 11pm (External areas to close at 10pm)
  - Increase the maximum number of patrons to 256
  - Reduction to the statutory car parking rate
  - Associated buildings and works
  - Construct and display of signage
- 

**Reference** D22/169969  
**Author** Robert Galpin - Statutory Planner  
**Authoriser** Senior Coordinator Statutory Planning

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## RECOMMENDATION

That a Notice of Decision to Grant an Amended Planning Permit to Planning Permit PLN18/0812 be issued to:

- Include 281 and 283-285 Wellington Street as part of the subject site;
- allow for an increase the licensed area to allow for the sale and consumption of liquor at 281 and 283-285 Wellington Street,
- increase the on premises licensed hours to 1am for internal areas Thursday – Saturday (External areas to close at 10pm),
- Increase the maximum number of patrons to 243,
- a reduction to the statutory car parking rate,
- associated buildings and works; and
- to construct and display signage

generally, in accordance with the plans and reports noted previously as the “decision plans”, subject to the following change to the address of the land referenced in the permit and permit conditions.

\*\*New conditions shown in **bold** and amended conditions underlined.

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. The plans must be generally in accordance with the advertised plans, prepared by Mitchell and Eades (dated 24.04.2022 and 16.12.2021) but modified to show:**
  - (a) **The rear gates to 279 Wellington Street opening inward;**
  - (b) **The kitchen clearly annotated on the plans;**
  - (c) **The type and dimensions of the bicycle parking demonstrating compliance with the requirements of AS2890.3;**
  - (d) **The north orientation correctly shown on all plans;**
  - (e) **the elevations to be labelled with site orientations;**

- (f) **The existing signage to the roller door of 279 Wellington Street (as approved under Planning Permit PLN18/0812) shown on the elevations; and**
- (g) **Any requirements of Melbourne Water detailed within conditions 29 - 33**

- 2. The use, sale and consumption of liquor, development and display of signage 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.

#### Use/Sale and Consumption of Liquor

- 3. No more than 243 patrons are permitted on the land at any time, with this number reduced to no more than 161 patrons after 10pm.
- 4. **No more than 82 patrons are permitted within the courtyard of 283-285 Wellington Street.**
- 5. **No more than 14 staff are permitted on the land at any one time.**
- 6. The use may only occur between the following hours:
  - (a) 10am – 11pm Sunday – Wednesday, and
  - (b) 10am – 1am Thursday – Saturday for the bar
  - (c) 10am – 11pm 7 days per week for the ancillary brewery and bottle shop.
- 7. The sale and consumption of liquor on site may only occur between the following hours:
  - (a) 10am – 11pm Sunday – Wednesday, and
  - (b) 10am – 1am Thursday – Saturday
- 8. **The sale and consumption of liquor off site may only occur between the following hours:**
  - (a) **10am – 11pm 7 days per week**
- 9. **The courtyard at 283-285 Wellington Street must close from 10pm.**
- 10. The Wellington Street doors, windows and roller door must be closed from 10pm until the following day except for patron ingress and egress.
- 11. 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.
- 12. 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.
- 13. The use must comply at all times with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

14. Prior to the commencement of the use and sale and consumption of liquor in accordance with the amended permit (PLN18/0812.01) or at a later date as agreed in writing by the responsible authority, 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 previously supplied Acoustic Report prepared by Renzo Tonin and Associated and dated 24 June 2021, and the supplied addendum reports dated 27 April 2022 and 30 May 2022 but amended to;
- (a) Confirm a maximum of 243 patrons
  - (b) Demonstrate that the noise limiter is calibrated to ensure that music within all areas of the venue complies with Part II of the Victorian EPA *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, Publication 1826 (the Noise Protocol).
  - (c) Compliance of Condition 14(b) is to be confirmed via measurements undertaken at all sensitive receiver locations.
  - (d) Include the following details of the noise limiter:
    - (i) Description of the noise limiter, including make and model
    - (ii) Description of the means by which the system is locked to prevent access from unauthorised parties
    - (iii) Noise limits for music at sensitive receiver locations
    - (iv) Detail of the noise limiter settings
    - (v) Octave band levels of music at representative/reference location/s within the venue conducted with the limiter set to achieve compliance with Part II of the Noise Protocol.
    - (vi) A statement that the noise limiter has been set to ensure compliance with Part II of the Noise Protocol.
15. Prior to the commencement of the use and sale and consumption of liquor in accordance with the amended permit (PLN18/0812.01) or at a later date as agreed in writing by the responsible authority, a Noise Limiter must be installed on the land. The Noise Limiter must:
- (a) Incorporate a frequency discriminating sound analyser and be able to be set to control octave band music levels.
  - (b) installed in a tamperproof box or have a software lock, not accessible to personnel other than the venue's acoustic consultant.
  - (c) Control all audio amplification equipment (inclusive of any DJ equipment) and associated loudspeakers.
  - (d) calibrated by the acoustical consultant to ensure that music within all areas of the venue complies with Part II of the Victorian EPA *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, Publication 1826 (the Noise Protocol).
  - (e) The device is to be recalibrated as necessary to maintain compliance when any changes are made to the audio equipment or to the layout, which have the potential to affect the compliance status of the venue.

to the satisfaction of the Responsible Authority.

16. **Prior to the commencement of the use and sale and consumption of liquor in accordance with the amended permit (PLN18/0812.01) or at a later date as agreed in writing by the responsible authority, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Tract and dated October 2021, but modified to include (or show, or address):**
  - (a) **Details of food offering for the duration of proposed licensed hours;**
  - (b) **Responsible Service of Alcohol (RSA) training for bar staff;**
  - (c) **Measures to prevent loitering within toilet area after 10pm; and**
  - (d) **Patron management practices to reduce patron numbers after 10pm.**
  
17. **Before the commencement of the use or development in accordance with the amended permit (PLN18/0812.01) or at a later date as agreed in writing by the responsible authority, 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 15 September 2021 but modified to include:**
  - (a) **Reduced waste pick up schedule limited to a maximum of 3 times per week per stream.**
  - (b) **The location of the bin store consistent with the plans prepared by Mitchell and Eades dated 24.04.2022**
  
18. **The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**
  
19. **The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**
  
20. **Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.**
  
21. **Except with the prior written consent of the Responsible Authority, delivery and collection of goods or waste to and from the land may only occur between 7.00am and 10.00pm and Sunday (and public holidays) between 9.00am and 10.00pm,**

#### Signage Conditions

22. **The signage identified as being non-illuminated must not be illuminated by external or internal light.**
  
23. **The illuminated sign must not include any flashing or intermittent light.**
  
24. **The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.**
  
25. **The signage component of this permit expires 15 years from the date of the permit.**

- 26. On expiry of this permit, the approved signs and structures built specially to support and illuminate signage must be removed**

Buildings and works

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

Melbourne Water Conditions (29 – 33)

- 29. Any new buildings must be constructed with finished floor levels set no lower than 20.74 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 20.44 m to AHD.**
- 30. Any new garage/s must be constructed with finished floor levels set no lower than 20.44 metres to AHD.**
- 31. Any new veranda's /decking must be constructed with unenclosed foundations to allow for the passage of overland flows.**
- 32. All open space within the property (including all setbacks) must be set/maintained at existing natural surface level so as not to obstruct the passage of overland flows.**
- 33. Any new fencing/gates must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.**

Expiry Condition

34. This permit will expire if:
- (a) the development associated with the amended permit (PLN18/0812.1) is not commenced within two years of the date of this permit;
  - (b) the signage associated with the amended permit (PLN18/0812.01) is not displayed within two years of the date of this permit;
  - (c) the development associated with the amended permit (PLN18/0812.01) is not completed within four years of the date of this permit; or
  - (d) the use and sale and consumption of liquor associated with the amended permit (PLN18/0812.01) is not commenced within two years of the date of this permit.
  - (e) The use or sale and consumption of liquor is discontinued for a period of two years.

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.

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

**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.**

### Submissions

Nicholas Sandery, Molly Rose Brewing (for the applicant)  
Andrew Clarke  
Beverley Hurley  
Kate Wisdom

## **PLANNING DECISIONS COMMITTEE RECOMMENDATION**

That a Notice of Decision to Grant an Amended Planning Permit to Planning Permit PLN18/0812 be issued to:

- Include 281 and 283-285 Wellington Street as part of the subject site;
- allow for an increase the licensed area to allow for the sale and consumption of liquor at 281 and 283-285 Wellington Street,
- increase the on premises licensed hours to 1am for internal areas Thursday – Saturday (External areas to close at 10pm),
- Increase the maximum number of patrons to 243,
- a reduction to the statutory car parking rate,
- associated buildings and works; and
- to construct and display signage

generally, in accordance with the plans and reports noted previously as the “decision plans”, subject to the following change to the address of the land referenced in the permit and permit conditions.

\*\*New conditions shown in **bold** and amended conditions underlined.

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. The plans must be generally in accordance with the advertised plans, prepared by Mitchell and Eades (dated 24.04.2022 and 16.12.2021) but modified to show:**
  - (a) **The rear gates to 279 Wellington Street opening inward;**
  - (b) **The kitchen clearly annotated on the plans;**
  - (c) **The type and dimensions of the bicycle parking demonstrating compliance with the requirements of AS2890.3;**
  - (d) **The north orientation correctly shown on all plans;**
  - (e) **the elevations to be labelled with site orientations;**

- (f) **The existing signage to the roller door of 279 Wellington Street (as approved under Planning Permit PLN18/0812) shown on the elevations; and**
- (g) **Any requirements of Melbourne Water detailed within conditions 29 - 33**

- 2. The use, sale and consumption of liquor, development and display of signage 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.

Use/Sale and Consumption of Liquor

- 3. No more than 243 patrons are permitted on the land at any time, with this number reduced to no more than 161 patrons after 10pm.
- 4. **No more than 82 patrons are permitted within the courtyard of 283-285 Wellington Street.**
- 5. **No more than 14 staff are permitted on the land at any one time.**
- 6. The use may only occur between the following hours:
  - (a) 10am – 11pm Sunday – Wednesday, and
  - (b) 10am – 1am Thursday – Saturday for the bar
  - (c) 10am – 11pm 7 days per week for the ancillary brewery and bottle shop.
- 7. The sale and consumption of liquor on site may only occur between the following hours:
  - (a) 10am – 11pm Sunday – Wednesday, and
  - (b) 10am – 1am Thursday – Saturday
- 8. **The sale and consumption of liquor off site may only occur between the following hours:**
  - (a) **10am – 11pm 7 days per week**
- 9. **The courtyard at 283-285 Wellington Street must close from 10pm.**
- 10. The Wellington Street doors, windows and roller door must be closed from 10pm until the following day except for patron ingress and egress.
- 11. 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.
- 12. 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.
- 13. The use must comply at all times with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4,

Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

14. Prior to the commencement of the use and sale and consumption of liquor in accordance with the amended permit (PLN18/0812.01) or at a later date as agreed in writing by the responsible authority, 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 previously supplied Acoustic Report prepared by Renzo Tonin and Associated and dated 24 June 2021, and the supplied addendum reports dated 27 April 2022 and 30 May 2022 but amended to;
- (a) Confirm a maximum of 243 patrons
  - (b) Demonstrate that the noise limiter is calibrated to ensure that music within all areas of the venue complies with Part II of the Victorian EPA *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, Publication 1826 (the Noise Protocol).
  - (c) Compliance of Condition 14(b) is to be confirmed via measurements undertaken at all sensitive receiver locations.
  - (d) Include the following details of the noise limiter:
    - (i) Description of the noise limiter, including make and model
    - (ii) Description of the means by which the system is locked to prevent access from unauthorised parties
    - (iii) Noise limits for music at sensitive receiver locations
    - (iv) Detail of the noise limiter settings
    - (v) Octave band levels of music at representative/reference location/s within the venue conducted with the limiter set to achieve compliance with Part II of the Noise Protocol.
    - (vi) A statement that the noise limiter has been set to ensure compliance with Part II of the Noise Protocol.
15. Prior to the commencement of the use and sale and consumption of liquor in accordance with the amended permit (PLN18/0812.01) or at a later date as agreed in writing by the responsible authority, a Noise Limiter must be installed on the land. The Noise Limiter must:
- (a) Incorporate a frequency discriminating sound analyser and be able to be set to control octave band music levels.
  - (b) installed in a tamperproof box or have a software lock, not accessible to personnel other than the venue's acoustic consultant.
  - (c) Control all audio amplification equipment (inclusive of any DJ equipment) and associated loudspeakers.
  - (d) calibrated by the acoustical consultant to ensure that music within all areas of the venue complies with Part II of the Victorian EPA *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, Publication 1826 (the Noise Protocol).
  - (e) The device is to be recalibrated as necessary to maintain compliance when any changes are made to the audio equipment or to the layout, which have the potential to affect the compliance status of the venue.

to the satisfaction of the Responsible Authority.

16. **Prior to the commencement of the use and sale and consumption of liquor in accordance with the amended permit (PLN18/0812.01) or at a later date as agreed in writing by the responsible authority, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Tract and dated October 2021, but modified to include (or show, or address):**
  - (a) **Details of food offering for the duration of proposed licensed hours;**
  - (b) **Responsible Service of Alcohol (RSA) training for bar staff;**
  - (c) **Measures to prevent loitering within toilet area after 10pm; and**
  - (d) **Patron management practices to reduce patron numbers after 10pm.**
  
17. **Before the commencement of the use or development in accordance with the amended permit (PLN18/0812.01) or at a later date as agreed in writing by the responsible authority, 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 15 September 2021 but modified to include:**
  - (a) **Reduced waste pick up schedule limited to a maximum of 3 times per week per stream.**
  - (b) **The location of the bin store consistent with the plans prepared by Mitchell and Eades dated 24.04.2022.**
  - (c) **Requirements to ensure the rear laneway is clear of waste bins except at bin waste collection times.**
  
18. **The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**
  
19. **The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**
  
20. **Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.**
  
21. **Except with the prior written consent of the Responsible Authority, delivery and collection of goods or waste to and from the land may only occur between 7.00am and 10.00pm and Sunday (and public holidays) between 9.00am and 10.00pm,**

#### Signage Conditions

22. **The signage identified as being non-illuminated must not be illuminated by external or internal light.**
  
23. **The illuminated sign must not include any flashing or intermittent light.**
  
24. **The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.**

- 25. The signage component of this permit expires 15 years from the date of the permit.**
- 26. On expiry of this permit, the approved signs and structures built specially to support and illuminate signage must be removed**

#### Buildings and works

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

#### Construction Management Plan

29. Before the commencement of the use or development in accordance with the amended permit (PLN18/0812.01) a Construction Management Plan shall be prepared to the satisfaction of the responsible authority that provides for:
  - (a) Notification to local occupiers in advance of closure of the rear laneway for a period longer than 10 minutes;
  - (b) Ensuring the rear laneway is not used for the storage of construction materials or the parking of construction vehicles at any time.

#### Melbourne Water Conditions (30 – 34)

- 30. Any new buildings must be constructed with finished floor levels set no lower than 20.74 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 20.44 m to AHD.**
- 31. Any new garage/s must be constructed with finished floor levels set no lower than 20.44 metres to AHD.**
- 32. Any new veranda's /decking must be constructed with unenclosed foundations to allow for the passage of overland flows.**
- 33. All open space within the property (including all setbacks) must be set/maintained at existing natural surface level so as not to obstruct the passage of overland flows.**
- 34. Any new fencing/gates must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.**

#### Expiry Condition

35. This permit will expire if:
  - (a) the development associated with the amended permit (PLN18/0812.1) is not commenced within two years of the date of this permit;
  - (b) the signage associated with the amended permit (PLN18/0812.01) is not displayed within two years of the date of this permit;
  - (c) the development associated with the amended permit (PLN18/0812.01) is not completed within four years of the date of this permit; or

- (d) the use and sale and consumption of liquor associated with the amended permit (PLN18/0812.01) is not commenced within two years of the date of this permit.
- (e) The use or sale and consumption of liquor is discontinued for a period of two years.

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.

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

**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.**

**CARRIED UNANIMOUSLY**

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<b>Reference</b>	D22/161097
<b>Author</b>	Julian Larkins - Coordinator Statutory Planning
<b>Authoriser</b>	Manager Statutory Planning

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## 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 demolition of existing building and construction of a six-storey mixed use building (60 dwellings and retail) including two basement levels and a rooftop terrace with pergola, use of the land as Dwellings, reduction in car parking requirements and alteration to access to a road in a Transport Zone, Category 2 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 Cera Stribley, dated 29/09/21, but modified to show:

### Built form / plan detail

- (a) The changes shown in sketch plans prepared by Cera Stribley, dated 12/05/2022, which include the following key changes:
  - (i) The southern elevation articulated through staggered planters and greater mix of materials;
  - (ii) The removal of the rooftop pergola;
  - (iii) Fire pump room relocated from Basement 01 to Basement 02;
  - (iv) End of trip facility added to ground floor;
  - (v) Changes in response to ESD advice such as removal of gas meter, size and location of PV system shown to rooftop, shading shrouds added to north-west facing bedroom windows, EV charging spaces indicated;
- (b) The BR1 (light grey brick) materiality of the Queens Parade street wall to be wrapped fully around the east and west façades to the height of the street wall;
- (c) With the exception of the building entry, a continuous solid awning across the length of the Queens Parade frontage in lieu of the canvas awnings;
- (d) 117sqm of landscaping shown to the rooftop consistent with the rooftop landscape plan prepared by Eckersley Garden Architecture dated 23 July 2021;
- (e) Services to Queens Parade be more integrated into the design by way of glazing above or other material changes such as a similar treatment to the rest of the street wall;
- (f) Internal elevations / sections of the courtyard and lightcourt facing façades including any screening to prevent internal overlooking;

- (g) Additional spot level RLs along the natural ground level and top of building to both the elevations and floor plans along the slope of the land to clearly demonstrate the maximum building height at various points;
- (h) Demolition plans to clearly show the retention of the rear brick fence;
- (i) The elevations to include all relevant upper level setbacks;
- (j) The headroom clearance along the ramped accessways and basement parking levels to be dimensioned;
- (k) Dimension the visibility splay;
- (l) A minimum of 61 resident bicycle spaces within a secure facility;
- (m) At minimum 20% of resident bicycle spaces must be provided as a horizontal at-grade bicycle rail;
- (n) Notations indicating the 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.
- (o) Electrical infrastructure to ensure all car parking areas are 'electric vehicle ready', including:
  - (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
  - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.
- (p) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note – 3D Digital Modelling;

### Reports and Plans

- (q) Any changes required by the amended Sustainable Management Plan at Condition 7;
  - (r) Any changes required by the amended Acoustic Report at Condition 9;
  - (s) Any changes required by the amended Landscape Plan at Condition 13;
  - (t) Any changes required by the amended Wind Report at Condition 15;
  - (u) Any changes required by the amended Waste Management Plan at Condition 17; and
  - (v) Any changes required by the Green Travel Plan at Condition 25.
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.
  3. 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.

4. 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.
5. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
  - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level 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 schedule and coloured drawings outlining colours, materials and finishes including:
    - (i) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface.
6. As part of the ongoing consultant team, Cera Stribley 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.

#### 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 Ark resources and dated 27 July 2021, but modified to include or show
  - (a) Revise daylight modelling with internal reflectance levels reduced to 70-80% instead of the 94% currently used for ceiling and wall reflectance.
  - (b) Consider a target of 7-stars NatHERS should be set to ensure the apartments are future-proofed for climate change AND pending NCC improvements. Preliminary NatHERS modelling should be provided to support.
  - (c) Confirm post-development stormwater flows will not exceed pre-development levels.
  - (d) Confirm the inclusion of key products and materials (extent by weight or cost) which contain post-consumer content (i.e. bulk insulation) or are recycled (i.e. bricks).
  - (e) Confirm strategy to reduce embodied carbon impacts associated with steel and concrete. These are often linked to procurement from sustainable producer and incorporating recycled aggregates where possible.
  - (f) Confirm best-practice approach to PVC materials and products.
  - (g) Clarify location of surrounding car-share facilities, and include within Green Travel Plan / Building Users Guide.
  - (h) Provide a Green Travel Plan to support sustainable transport for the commercial component, or ensure information around transport/EV/car share is included within the BUG and made available to all building occupants.
  - (i) Amend plans of bin store rooms in WMP to indicate bin-type and provision.
  - (j) Amend the landscape plan to include cross-sections, or annotations confirming soil volumes and depths in line with the requirements from the updated Better Apartment Design Standards (BADs). Consider provision of Green Factor Tool submission.

- (k) Provide a statement as to how the design mitigates urban heat island effect, and consider increasing ground level climbing vegetation and opting for lighter external colours to assist.
  - (l) Confirm all building services will be tuned and commissioned as per manufacturers requirements
  - (m) Confirm provision of a Building Users Guide detailing sustainable design and operation of the building.
8. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic Report

9. Before the use and/or development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 27 September 2021, but modified to include or show:
- (a) Glazing be reviewed, and upgraded if necessary, to ensure that internal noise criteria nominated in the City of Yarra document 'Guidelines – managing noising impacts in urban development', October 2019 are met. These are:
    - (i) Average traffic noise levels not to exceed 40 dBA Leq,16h in all habitable rooms and 35 dBA Leq,8h in bedrooms and
    - (ii) Loudest hour of road traffic noise is not to exceed 45 dBA Leq,1h in habitable rooms from 7 am to 10 pm, and 40 dBA Leq,1h in bedrooms from 10 pm to 7 am the following morning (as currently provided).
  - (b) Review of all acoustically significant mechanical plant and equipment be conducted during the detailed design phase, including plant serving communal and commercial areas, and balcony mounted condenser units, to ensure that the equipment complies with the Victorian EPA Noise Protocol and Noise Control Guidelines. If equipment has potential to impact sensitive receivers in the south side of the development, or existing dwellings to the south, additional background noise measurements should be undertaken to determine noise limits for these locations.
  - (c) Advice be provided in the report for managing airborne and structureborne noise (e.g. from patrons, music operation of the commercial kitchen and movement of furniture) to ground and first floor apartments in proximity to the café.
  - (d) Advice be provided in the report for addressing impact generated noise from the proposed roof terrace to Level 5 apartments below and the ground floor communal area to adjoining bedrooms, with the glazing to be reviewed and/or upgraded.
  - (e) To control airborne noise to the apartments below, it is also suggested that the terrace is not used after 10pm Sunday to Thursday and 11pm Friday and Saturday.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Following completion of the development, and prior to its occupation and commencement of use, a post development Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The post development Acoustic Report must be prepared by a suitably qualified acoustic engineer and must review all mechanical plant associated including car park entry with the proposal for compliance with the endorsed Acoustic Report. When approved, the post development Acoustic Report will be endorsed and will then form part of this permit.

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

#### Landscape Plan

13. Concurrent with the submission of plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Eckersley Garden Architecture and dated 23 July 2021, but modified to include or show:
  - (a) Plant schedule must include, installation pot size, width x height of species at maturity, and plant numbers for each species. Plant species selection needs to consider the relevant overlays (SLO or ESO), the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity.
  - (b) The planting plan(s) must show the plant numbers for each species for each location, including labelling of the trees. The legend is missing a deciduous tree symbol despite more than one deciduous species being proposed in the plan, and there is no symbol for the type of container or planter box.
  - (c) Detail drawings for elements such as furniture and planters are required – showing dimensions, drainage, lining, materials and growing media. Volumes of growing media need to be adequate for the plant species proposed and for trees this needs to meet the requirements noted above for adequate soil volume.
  - (d) Provide notes on proposed irrigation, including source of water and location of irrigation control units or reference other drawings.
  - (e) Provide a maintenance schedule, including task details and frequency; for multi-storey developments and planting, maintenance access will need to be provided for.
  - (f) Additional vertical greening, in particular to the Queens Parade façade.
  - (g) Loading bearing weights for the building structure also need to be checked by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

#### Wind

15. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by MEL Consultants and dated 17 September 2020, but modified to include or show:

- (a) assess the wind conditions at the communal terrace and private courtyards.
16. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste

17. 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 25 October June 2021, but modified to include or show:
- (a) More information on how hard waste is to be managed. Council hard waste collections are based on Kerbside placement of hard waste, collections from within private property must be provided by a private contractor.
18. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
20. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
21. 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.

#### Design and Detail Plan

22. Within six (6) months of the development commencing, detailed engineering and landscaping plans showing adjacent streetscape and public realm to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and at the full cost of the owner showing, including but not limited to, the following:
- (a) the location of all existing and proposed infrastructure on footpath like drainage pits, electricity poles, street signs, parking metres, parking numbers, outstands, trees etc. If any of this infrastructure is proposed to be relocated show the proposed new locations.
  - (b) All existing and proposed levels and surface gradsign.
  - (c) the location of existing power poles/lights to ensure complete coordination with the location and number of new street trees.

#### Streetscape and Public Realm Improvement Plan

23. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape and Public Realm Improvement plan for the development to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, including, but not limited to, the following streetscape improvements:
- (a) Landscaping, seating and bike hoops.

- (b) All pavements reinstated as asphalt footpaths with bluestone kerb and channels to match existing for the full length of the site as *per City of Yarra's Infrastructure – Road Materials Policy*.
  - (c) All paving must be compliant with Australian Standards for slip resistance and DDA.
  - (d) Details of any re-located street infrastructure.
  - (e) Details of pedestrian kerb crossing.
  - (f) Details of the materiality of outstands including permeable surface finishes, drainage, and landscaping.
  - (g) Before the development is commenced, or by such later date as approved in writing by the Responsible Authority, the owner is to amend levels to ensure the grade of the footpath is gradual and DDA compliant.
  - (h) Internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary.
  - (i) Footpaths and any paving adjacent to the site may need to be reinstated to ensure the grade of the footpath and the paving are gradual and DDA compliant at the full cost of the owner.
24. Before the building is occupied, all works (including landscaping) to the public realm as shown in the plans approved under conditions 22 and 23, must be fully constructed and completed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority

#### Green Travel Plan

25. Before the development is occupied, 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 or show:
- (a) Description of the location in the context of alternative modes of transport;
  - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (e) Details of bicycle parking and bicycle routes;
  - (f) Details of Green Travel funding and management responsibilities;
  - (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
  - (h) Security arrangements to access the employee bicycle storage spaces;
  - (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (j) Electric Vehicle (EV) charging facilities for 5% of the developments car parking spaces.
  - (k) Provision for the remainder of car parking spaces to be made EV ready. The following must be installed for this purpose:
    - (i) One or more distribution boards within each car parking basement level, with capacity for the future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;

- (ii) A scalable load management system, to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand. Building electrical peak demand calculations can therefore be undertaken using the assessment methodology (AS/NZS3000:2018, clause 2.2.2.b.i), thus not increasing building electrical peak demand requirements beyond business as usual;
  - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers;
  - (iv) Electric vehicle bays located in highly visible, priority locations, to ensure tenants are aware, encouraged and have an incentive to shift to an EV. Bays are marked as 'EV Ready' even where no chargers are yet installed to communicate the users that they are able to relatively easily able to transition to an EV.
- (l) Provisions for the Green Travel Plan to be updated not less than every five years.

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

### Car Parking

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the
- (c) endorsed plans;
- (d) treated with an all-weather seal or some other durable surface; and line-marked or provided with some adequate means of showing the car parking spaces; 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, external lighting capable of illuminating the pedestrian, bicycle and vehicular entrances provided within the property boundary. Lighting must be:

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

to the satisfaction of the Responsible Authority.

### General

29. The amenity of the area must not be detrimentally affected by the 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,
- (d) ash, dust, waste water, waste products, grit or oil, or
- (e) the presence of vermin.

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

31. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
34. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).

#### Road Infrastructure

35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the 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.
36. 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 street frontage must be reconstructed (including kerb and channel):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath and kerb and channel to all street frontages must be reconstructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpaths along both the Gore Street and Argyle frontages:
  - (a) in accordance with Council's Road Materials Policy;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development (including trenching and excavation for utility service connections) must be reinstated:
  - (a) at the permit holder's cost;
  - (b) to the satisfaction of the Responsible Authority.
40. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing / the existing kerb extension along the property's street frontages 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.
42. 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;
  - (b) to the satisfaction of the Responsible Authority.
43. 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.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed bench seating on the Gore Street frontage is to be installed:
  - (a) at the permit holder's cost;
  - (b) to the satisfaction of the Responsible Authority.

#### Development Infrastructure Levy

45. 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.

#### Community Infrastructure Levy

46. Prior to the issue of a building permit, the Community 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 Community Infrastructure Levy within a time specified in the agreement.

#### Construction Management Plan

47. 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) 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:
  - (viii) using lower noise work practice and equipment;
  - (ix) the suitability of the land for the use of an electric crane;
  - (x) silencing all mechanical plant by the best practical means using current technology;
  - (xi) fitting pneumatic tools with an effective silencer;
  - (xii) 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.

48. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
49. 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.

#### Tree Protection

50. Before the use and/or 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 report prepared by Liam Costello and dated 28 May 2021, but modified to include (or show):
  - (a) Any additional detail as may be required subject to changes required by condition 1;
  - (b) the protection of trees on adjoining land to the south:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction
  - (c) the provision of any barriers;
  - (d) any pruning necessary; and
  - (e) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

#### S173 Agreement

51. Prior to the occupation of the building, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138A (11) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Queens Parade street boundary (i.e. the main entry canopy with landscaping), to indemnify the Crown in relation to any claim or liability arising from projections within the respective road reserves. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
52. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

#### Expiry

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

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

## Notes

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

A building permit 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. Drainage infrastructure in Queens Parade is the responsibility of VicRoads, and their approval is required for the Legal Point of Discharge connection from the site.

In relation to the Legal Point of Discharge of the site, the applicant should avoid discharge into laneway at south west corner of development if possible.

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.

All future residents/staff within the development approved under this permit will not be permitted to obtain 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.

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.

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.

An overland flow flood risk assessment should be undertaken by the applicant to determine if property entry points will be impacted by flooding due to severe (1 in 100) storm events. This area has a history of localised flooding.

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

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.

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.

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.

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>

1.

### Submissions

Andrew Thornton, Tract and Domenic Cerantonio (for the applicant)  
Allan Thompson  
Glen McCallum  
Duncan Hamilton  
Terence Nott  
Alice Grant  
Ian Brown

## **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor O'Brien

**Seconded:** Councillor Crossland

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for Demolition of existing building and construction of a multi-storey mixed use building (dwellings and ground floor retail) including two basement levels and a rooftop terrace, use of the land as Dwellings, reduction in car parking requirements and alteration to access to a road in a Transport Zone, Category 2, 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 Cera Stribley, dated 29/09/21, but modified to show:

### Built form / plan detail

- (a) The changes shown in sketch plans prepared by Cera Stribley, dated 12/05/2022, which include the following key changes:

- (i) The southern elevation articulated through staggered planters and greater mix of materials;
- (ii) The removal of the rooftop pergola;
- (iii) Fire pump room relocated from Basement 01 to Basement 02;
- (iv) End of trip facility added to ground floor;
- (v) Changes in response to ESD advice such as removal of gas meter, size and location of PV system shown to rooftop, shading shrouds added to north-west facing bedroom windows, EV charging spaces indicated;
- (b) Reduction in overall height of the building by 2m with a maximum of five storeys and resultant increase to ground floor to ceiling height;
- (c) Deletion of material BR1 and BR2 (Light grey brick) and replaced with a brick colour reflective of the heritage fabric found in the area;
- (d) The brick materiality of the Queens Parade street wall to be wrapped fully around the east and west façades to the height of the street wall;
- (e) Rearrange apartments 108 and 208 to locate terrace area to the north east corner and an associated reduction in the on boundary wall by way of balcony cut-outs to enhance visual interest.
- (f) Confirmation that the stairwells are not fully enclosed;
- (g) Stairwells and lifts not to open on to the basement driveways;
- (h) With the exception of the building entry, a continuous solid awning across the length of the Queens Parade frontage in lieu of the canvas awnings;
- (i) 117sqm of landscaping shown to the rooftop consistent with the rooftop landscape plan prepared by Eckersley Garden Architecture dated 23 July 2021;
- (i) Services to Queens Parade be more integrated into the design by way of glazing above or other material changes such as a similar treatment to the rest of the street wall;
- (k) Provision of 1.7m screening to all first and second floor south facing balconies;
- (l) Internal elevations / sections of the courtyard and lightcourt facing façades including any screening to prevent internal overlooking;
- (m) Additional spot level RLs along the natural ground level and top of building to both the elevations and floor plans along the slope of the land to clearly demonstrate the maximum building height at various points;
- (n) Demolition plans to clearly show the retention of the rear brick fence;
- (o) The elevations to include all relevant upper level setbacks;
- (p) The headroom clearance along the ramped accessways and basement parking levels to be dimensioned;
- (q) Dimension the visibility splay;
- (r) A minimum of 61 resident bicycle spaces within a secure facility. A minimum of 50% of these spaces to be provided at the ground floor;

- (s) At minimum 20% of resident bicycle spaces must be provided as a horizontal at-grade bicycle rail;
- (t) Notations indicating the 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.
- (u) Electrical infrastructure to ensure all car parking areas are 'electric vehicle ready', including:
  - (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
  - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.
- (v) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note – 3D Digital Modelling;

#### Reports and Plans

- (w) Any changes required by the amended Sustainable Management Plan at Condition 7;
  - (x) Any changes required by the amended Acoustic Report at Condition 9;
  - (y) Any changes required by the amended Landscape Plan at Condition 13;
  - (z) Any changes required by the amended Wind Report at Condition 15;
  - (aa) Any changes required by the amended Waste Management Plan at Condition 17; and
  - (bb) Any changes required by the Green Travel Plan at Condition 25.
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.
  3. 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.
  4. 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.
  5. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:

- (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level 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 schedule and coloured drawings outlining colours, materials and finishes including:
  - (i) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface.

6. As part of the ongoing consultant team, Cera Stribley 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.

#### 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 Ark resources and dated 27 July 2021, but modified to include or show
- (a) Revise daylight modelling with internal reflectance levels reduced to 70-80% instead of the 94% currently used for ceiling and wall reflectance.
  - (b) Consider a target of 7-stars NatHERS should be set to ensure the apartments are future-proofed for climate change AND pending NCC improvements. Preliminary NatHERS modelling should be provided to support.
  - (c) Confirm post-development stormwater flows will not exceed pre-development levels.
  - (d) Confirm the inclusion of key products and materials (extent by weight or cost) which contain post-consumer content (i.e. bulk insulation) or are recycled (i.e. bricks).
  - (e) Confirm strategy to reduce embodied carbon impacts associated with steel and concrete. These are often linked to procurement from sustainable producer and incorporating recycled aggregates where possible.
  - (f) Confirm best-practice approach to PVC materials and products.
  - (g) Clarify location of surrounding car-share facilities, and include within Green Travel Plan / Building Users Guide.
  - (h) Provide a Green Travel Plan to support sustainable transport for the commercial component, or ensure information around transport/EV/car share is included within the BUG and made available to all building occupants.
  - (i) Amend plans of bin store rooms in WMP to indicate bin-type and provision.
  - (j) Amend the landscape plan to include cross-sections, or annotations confirming soil volumes and depths in line with the requirements from the updated Better Apartment Design Standards (BADs). Consider provision of Green Factor Tool submission.
  - (k) Provide a statement as to how the design mitigates urban heat island effect, and consider increasing ground level climbing vegetation and opting for lighter external colours to assist.
  - (l) Confirm all building services will be tuned and commissioned as per manufacturers requirements
  - (m) Confirm provision of a Building Users Guide detailing sustainable design and operation of the building.

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

#### Acoustic Report

9. Before the use and/or development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 27 September 2021, but modified to include or show:
  - (a) Glazing be reviewed, and upgraded if necessary, to ensure that internal noise criteria nominated in the City of Yarra document 'Guidelines – managing noising impacts in urban development', October 2019 are met. These are:
    - (i) Average traffic noise levels not to exceed 40 dBA Leq,16h in all habitable rooms and 35 dBA Leq,8h in bedrooms and
    - (ii) Loudest hour of road traffic noise is not to exceed 45 dBA Leq,1h in habitable rooms from 7 am to 10 pm, and 40 dBA Leq,1h in bedrooms from 10 pm to 7 am the following morning (as currently provided).
    - (iii) Review of all acoustically significant mechanical plant and equipment be conducted during the detailed design phase, including plant serving communal and commercial areas, and balcony mounted condenser units, to ensure that the equipment complies with the Victorian EPA Noise Protocol and Noise Control Guidelines. If equipment has potential to impact sensitive receivers in the south side of the development, or existing dwellings to the south, additional background noise measurements should be undertaken to determine noise limits for these locations.
  - (b) Advice be provided in the report for managing airborne and structureborne noise (e.g. from patrons, music operation of the commercial kitchen and movement of furniture) to ground and first floor apartments in proximity to the café.
  - (c) Advice be provided in the report for addressing impact generated noise from the proposed roof terrace to Level 5 apartments below and the ground floor communal area to adjoining bedrooms, with the glazing to be reviewed and/or upgraded.
  - (d) To control airborne noise to the apartments below, it is also suggested that the terrace is not used after 10pm Sunday to Thursday and 11pm Friday and Saturday.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Following completion of the development, and prior to its occupation and commencement of use, a post development Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The post development Acoustic Report must be prepared by a suitably qualified acoustic engineer and must review all mechanical plant associated including car park entry with the proposal for compliance with the endorsed Acoustic Report. When approved, the post development Acoustic Report will be endorsed and will then form part of this permit.
12. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

## Landscape Plan

13. Concurrent with the submission of plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Eckersley Garden Architecture and dated 23 July 2021, but modified to include or show:
  - (a) Plant schedule must include, installation pot size, width x height of species at maturity, and plant numbers for each species. Plant species selection needs to consider the relevant overlays (SLO or ESO), the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity.
  - (b) The planting plan(s) must show the plant numbers for each species for each location, including labelling of the trees. The legend is missing a deciduous tree symbol despite more than one deciduous species being proposed in the plan, and there is no symbol for the type of container or planter box.
  - (c) Detail drawings for elements such as furniture and planters are required – showing dimensions, drainage, lining, materials and growing media. Volumes of growing media need to be adequate for the plant species proposed and for trees this needs to meet the requirements noted above for adequate soil volume.
  - (d) Provide notes on proposed irrigation, including source of water and location of irrigation control units or reference other drawings.
  - (e) Provide a maintenance schedule, including task details and frequency; for multi-storey developments and planting, maintenance access will need to be provided for.
  - (f) Additional vertical greening, in particular to the Queens Parade façade.
  - (g) Loading bearing weights for the building structure also need to be checked by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed.
  
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

## Wind

15. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by MEL Consultants and dated 17 September 2020, but modified to include or show:

- (a) assess the wind conditions at the communal terrace and private courtyards.
16. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste

17. 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 25 October June 2021, but modified to include or show:
- (a) More information on how hard waste is to be managed. Council hard waste collections are based on Kerbside placement of hard waste, collections from within private property must be provided by a private contractor.
18. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
20. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
21. 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.

#### Design and Detail Plan

22. Within six (6) months of the development commencing, detailed engineering and landscaping plans showing adjacent streetscape and public realm to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and at the full cost of the owner showing, including but not limited to, the following:
- (a) the location of all existing and proposed infrastructure on footpath like drainage pits, electricity poles, street signs, parking metres, parking numbers, outstands, trees etc. If any of this infrastructure is proposed to be relocated show the proposed new locations.
  - (b) All existing and proposed levels and surface gradsign.
  - (c) the location of existing power poles/lights to ensure complete coordination with the location and number of new street trees.

#### Streetscape and Public Realm Improvement Plan

23. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape and Public Realm Improvement plan for the development to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, including, but not limited to, the following streetscape improvements:
- (a) Landscaping, seating and bike hoops.

- (b) All pavements reinstated as asphalt footpaths with bluestone kerb and channels to match existing for the full length of the site as *per City of Yarra's Infrastructure – Road Materials Policy*.
- (c) All paving must be compliant with Australian Standards for slip resistance and DDA.
- (d) Details of any re-located street infrastructure.
- (e) Details of pedestrian kerb crossing.
- (f) Details of the materiality of outstands including permeable surface finishes, drainage, and landscaping.
- (g) Before the development is commenced, or by such later date as approved in writing by the Responsible Authority, the owner is to amend levels to ensure the grade of the footpath is gradual and DDA compliant.
- (h) Internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary.
- (i) Footpaths an any paving adjacent to the site may need to be reinstated to ensure the grade of the footpath and the paving are gradual and DDA compliant at the full cost of the owner.

24. Before the building is occupied, all works (including landscaping) to the public realm as shown in the plans approved under conditions 22 and 23, must be fully constructed and completed:

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

#### Green Travel Plan

25. Before the development is occupied, 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 or show:

- (a) Description of the location in the context of alternative modes of transport;
- (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
- (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (e) Details of bicycle parking and bicycle routes;
- (f) Details of Green Travel funding and management responsibilities;
- (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (h) Security arrangements to access the employee bicycle storage spaces;
- (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (j) Electric Vehicle (EV) charging facilities for 5% of the developments car parking spaces.
- (k) Provision for the remainder of car parking spaces to be made EV ready. The following must be installed for this purpose:

- (i) One or more distribution boards within each car parking basement level, with capacity for the future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
  - (ii) A scalable load management system, to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand. Building electrical peak demand calculations can therefore be undertaken using the assessment methodology (AS/NZS3000:2018, clause 2.2.2.b.i), thus not increasing building electrical peak demand requirements beyond business as usual;
  - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers;
  - (iv) Electric vehicle bays located in highly visible, priority locations, to ensure tenants are aware, encouraged and have an incentive to shift to an EV. Bays are marked as 'EV Ready' even where no chargers are yet installed to communicate the users that they are able to relatively easily able to transition to an EV.
- (l) Provisions for the Green Travel Plan to be updated not less than every five years.

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

#### Car Parking

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the
- (c) endorsed plans;
- (d) treated with an all-weather seal or some other durable surface; and line-marked or provided with some adequate means of showing the car parking spaces; 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, external lighting capable of illuminating the pedestrian, bicycle and vehicular entrances provided within the property boundary. Lighting must be:

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

to the satisfaction of the Responsible Authority.

#### General

29. The amenity of the area must not be detrimentally affected by the 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,
- (d) ash, dust, waste water, waste products, grit or oil, or
- (e) the presence of vermin.

30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
31. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
34. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).

#### Road Infrastructure

35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the 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.
36. 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 street frontage must be reconstructed (including kerb and channel):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath and kerb and channel to all street frontages must be reconstructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpaths along both the Gore Street and Argyle frontages:
  - (a) in accordance with Council's Road Materials Policy;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.

39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development (including trenching and excavation for utility service connections) must be reinstated:
  - (a) at the permit holder's cost;
  - (b) to the satisfaction of the Responsible Authority.
40. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing / the existing kerb extension along the property's street frontages 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.
42. 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;
  - (b) to the satisfaction of the Responsible Authority.
43. 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.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed bench seating on the Gore Street frontage is to be installed:
  - (a) at the permit holder's cost;
  - (b) to the satisfaction of the Responsible Authority.

#### Development Infrastructure Levy

45. 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.

#### Community Infrastructure Levy

46. Prior to the issue of a building permit, the Community 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 Community Infrastructure Levy within a time specified in the agreement.

#### Construction Management Plan

47. 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) 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.

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

49. 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.

#### Tree Protection

50. Before the use and/or 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 report prepared by Liam Costello and dated 28 May 2021, but modified to include (or show):

- (a) Any additional detail as may be required subject to changes required by condition 1;
- (b) the protection of trees on adjoining land to the south:
  - (i) pre-construction;
  - (ii) during construction; and
  - (iii) post construction
- (c) the provision of any barriers;
- (d) any pruning necessary; and
- (e) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

#### S173 Agreement

51. Prior to the occupation of the building, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138A (11) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Queens Parade street boundary (i.e. the main entry canopy with landscaping), to indemnify the Crown in relation to any claim or liability arising from projections within the respective road reserves. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

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

## Expiry

53. 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.

54. Where the developer has agreed to enter into a written agreement with "Home for Homes" that provides for a contribution of 0.1% of the sale price of every residential property to be provided to "Home for Homes" at the time of settlement, a copy of the agreement should be provided to the Responsible Authority

## Notes

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

A building permit 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. Drainage infrastructure in Queens Parade is the responsibility of VicRoads, and their approval is required for the Legal Point of Discharge connection from the site.

In relation to the Legal Point of Discharge of the site, the applicant should avoid discharge into laneway at south west corner of development if possible.

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.

All future residents/staff within the development approved under this permit will not be permitted to obtain 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.

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.

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.

An overland flow flood risk assessment should be undertaken by the applicant to determine if property entry points will be impacted by flooding due to severe (1 in 100) storm events. This area has a history of localised flooding.

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

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.

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.

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.

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>  
1.

If possible, all overhead power lines to be put underground

**CARRIED UNANIMOUSLY**

The meeting closed at 9.04pm.

**Confirmed at the meeting held on Tuesday 6 September 2022**

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**Chair**