



Minutes

Planning Decisions Committee

6.30pm, Tuesday 31 January 2023

Richmond Town Hall

1. Appointment of Chair

Cr Nguyen nominated Cr O'Brien as chair.

There being no other nominations, Cr O'Brien was elected chair.

Cr O'Brien 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 Anab Mohamud

Cr Claudia Nguyen

Cr Bridgid O'Brien

Council officers

Julian Larkins (Senior Co-ordinator Statutory Planning)

Jessica Sutherland (Senior Statutory Planner)

Cindi Johnston (Governance Officer)

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 Tuesday 20 December 2022 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN21/0569 - 69 Smith Street, Fitzroy	4	11

Reference	D22/347199
Author	Laura Condon - Senior Statutory Planner
Authoriser	Coordinator Statutory Planning

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN21/0569 be issued for partial demolition, alterations, construction of a multi storey building and a reduction in the statutory car parking requirement of the Yarra Planning Scheme at 69 Smith Street, Fitzroy, generally in accordance with the “decision plans” and subject to the following conditions:

Development Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Context Design Group, dated 14.10.2021 (TP101 (Rev B), 201 (Rev F), 202 (Rev F), 203 (Rev F), 204 (Rev F), 205 (Rev F), 206 (Rev F), 301 (Rev F) and 302 (Rev but modified to show the following:
 - (a) Notations stating the following:
 - (i) All external glazed doors and windows will be double glazed,
 - (ii) External lights will be provided to the dwelling pedestrian entries,
 - (iii) All windows to be clear glazed,
 - (iv) Clarify the materials and finish of the balustrades, office entry gate, entry doors and garage doors,
 - (v) The splayed entrance tilling to the shop to be retained,
 - (vi) Low southern balustrades to be provided to the office stair including the southern walls abutting the stair at first and second floor and along with the office stair risers to be open,
 - (vii) All habitable rooms will be provided with operable windows, and
 - (viii) The dwellings and offices to be provided with a letter box and intercom.
 - (b) Details at a scale of 1:20 of the proposed reconstruction works to the front window demonstrating materials and details will be appropriate to the period of the building,
 - (c) Provision of a compliant STORM report with detail of stormwater treatment systems noted on plans,
 - (d) Vehicle crossing profiles to demonstrate that a B85 design vehicle as identified in Australian Standard AS/NZS2890.1-2004 can enter and leave the property without bottoming-out, with vehicle traverse lines shown on the vehicle crossing cross-sections, in accordance with condition 10b);
 - (e) Any changes required by the amended Sustainable Development Assessment at Condition 3,
 - (f) Details of the type of hook proposed for the bicycle spaces, and
 - (g) Any changes as required by the Waste Management Plan at Condition 8.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Design Assessment

3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by prepared by Green Rate, dated 26 October 2021, but modified to include or show:
 - (a) a 7-star NatHERS rating for both dwellings,
 - (b) Include a Food and Garden Organics management/composting strategy,
 - (c) Low VOC and formaldehyde specifications to be removed from the innovation section of the BESS report,
 - (d) The provision of vegetation (2% of site area),
 - (e) Clarify extent of 'no gas connection' in the BESS report to confirm all electric for all building services (cooking, heating, HWS etc.),
 - (f) Confirm the depth of window shade 'hoods',
 - (g) Amend rooftop plan with annotations to confirm rooftop solar PV system size (per dwelling) and number of panels,
 - (h) Provide a statement as to how the development will respond to and mitigate the urban heat island effects, and
 - (i) Consideration of designing for disassembly to reduce end-of-life or renovation waste.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Contamination

5. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
6. If the assessment required by condition 5 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

7. If the assessment required by condition 5 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
 - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
- and the Certificate or Statement must be provided to the Responsible Authority.

If, pursuant to condition 3, a Statement is issued:

- (c) 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;
- (d) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
- (e) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (f) 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; and
- (g) 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).

Waste Management

8. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Road Infrastructure

10. Before the development completed, 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 B85 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.
11. 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 frontages must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
12. 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) 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.
13. 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.
14. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
15. 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.
16. 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.

General

17. 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.
18. 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.

19. The floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
20. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
21. 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, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
22. 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.
23. 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.
24. 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.

Development Infrastructure Levy

25. 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

26. 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

27. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;

- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

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

- (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.

28. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
29. 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.
30. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

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

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

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.

Submissions

Troy Gration, Context Design Group and Jim Clarke-Sullivan, Glaseden Property (for the applicant)
Lucia Clarke
Anna Radonic
Helen McDonald

PROPOSED PLANNING DECISIONS COMMITTEE RECOMMENDATION

Moved: Councillor O'Brien

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Refusal to Grant a Permit (PLN21/0569) for the for partial demolition, alterations, construction of a multi storey building and a reduction in the statutory car parking requirement of the Yarra Planning Scheme at No 69 Smith Street, Fitzroy on the following grounds:

1. The overall building height and setbacks to Little Smith Street fail to adequately respond to the character of the surrounding heritage context, as set out in objectives at Clause 21.05-1 (Heritage), Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay), Clause 43.01 (Heritage Overlay) of the Yarra Planning Scheme, and
2. The proposal fails to adequately respond to the preferred 2.4 Side Set Backs Requirements, 2.5 Overall Building Height Requirements (Precinct 2 Map) and 2.8 Common Boundary Separation Requirements at Clause 43.02-2 (Design and Development Overlay- Schedule 30) of the Yarra Planning Scheme.

The motion lapsed for want of a seconder.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Mohamud

Seconded: Councillor O'Brien

That a Notice of Decision to Grant a Planning Permit PLN21/0569 be issued for partial demolition, alterations, construction of a multi storey building and a reduction in the statutory car parking requirement of the Yarra Planning Scheme at 69 smith Street, Fitzroy, generally in accordance with the "decision plans" and subject to the following conditions:

Development Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Context Design Group, dated 14.10.2021 (TP101 (Rev B), 201 (Rev F), 202 (Rev F), 203 (Rev F), 204 (Rev F), 205 (Rev F), 206 (Rev F), 301 (Rev F) and 302 (Rev but modified to show the following:
 - (a) The third floor western living/dining room wall of dwelling 2 to be setback a minimum of 6m to Little Smith Street,
 - (b) The chamfer provided at the ground floor north-west corner of the addition to be replicated immediately above on the first, second and third floor,
 - (c) Notations stating the following:

- (i) All external glazed doors and windows will be double glazed,
 - (ii) External lights will be provided to the dwelling pedestrian entries,
 - (iii) All windows to be clear glazed,
 - (iv) Clarify the materials and finish of the balustrades, office entry gate, entry doors and garage doors,
 - (v) The splayed entrance tilling to the shop to be retained,
 - (vi) Low southern balustrades to be provided to the office stair including the southern walls abutting the stair at first and second floor and along with the office stair risers to be open,
 - (vii) All habitable rooms will be provided with operable windows, and
 - (viii) The dwellings and offices to be provided with a letter box and intercom.
- (d) Details at a scale of 1:20 of the proposed reconstruction works to the front window demonstrating materials and details will be appropriate to the period of the building,
 - (e) Provision of a compliant STORM report with detail of stormwater treatment systems noted on plans,
 - (f) Vehicle crossing profiles to demonstrate that a B85 design vehicle as identified in Australian Standard AS/NZS2890.1-2004 can enter and leave the property without bottoming-out, with vehicle traverse lines shown on the vehicle crossing cross-sections, in accordance with condition 10b);
 - (g) Any changes required by the amended Sustainable Development Assessment at Condition 3,
 - (h) Details of the type of hook proposed for the bicycle spaces, and
 - (i) Any changes as required by the Waste Management Plan at Condition 8.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Design Assessment

3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by prepared by Green Rate, dated 26 October 2021, but modified to include or show:
- (a) a 7-star NatHERS rating for both dwellings,
 - (b) Include a Food and Garden Organics management/composting strategy,
 - (c) Low VOC and formaldehyde specifications to be removed from the innovation section of the BESS report,
 - (d) The provision of vegetation (2% of site area),
 - (e) Clarify extent of 'no gas connection' in the BESS report to confirm all electric for all building services (cooking, heating, HWS etc.),
 - (f) Confirm the depth of window shade 'hoods',
 - (g) Amend rooftop plan with annotations to confirm rooftop solar PV system size (per dwelling) and number of panels,

- (h) Provide a statement as to how the development will respond to and mitigate the urban heat island effects, and
 - (i) Consideration of designing for disassembly to reduce end-of-life or renovation waste.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Contamination

5. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
6. If the assessment required by condition 5 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. If the assessment required by condition 5 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
 - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
- and the Certificate or Statement must be provided to the Responsible Authority.
- If, pursuant to condition 3, a Statement is issued:
- (c) 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;
 - (d) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
 - (e) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.

- (f) 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; and
- (g) 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).

Waste Management

- 8. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit.
- 9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Road Infrastructure

- 10. Before the development completed, 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 B85 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.
- 11. 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 frontages must be reconstructed (including kerb and channel):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 12. 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) 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.
- 13. 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.
- 14. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
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 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
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- 16. 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.

General

- 17. 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.
- 18. 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.
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 - (d) the presence of vermin.
- 22. 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.
- 23. 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.
- 24. 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.

Development Infrastructure Levy

25. 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

26. 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

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

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

- (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.
28. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
29. 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.
30. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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

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

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

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.

CARRIED

The meeting closed at 7.22pm.

Confirmed at the meeting held on Tuesday 28 February 2023

Chair