



Minutes

Planning Decisions Committee

6.30pm, Tuesday 28 February 2023

Richmond Town Hall

1. Appointment of Chair

Cr Nguyen nominated Cr Mohamud as chair.

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

Cr Mohamud 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

Daniel Herrmann (Co-ordinator Statutory Planning)

Chris Stathis (Acting Principal Planner)

Cindi Johnston (Governance Officer)

4. Declarations of conflict of interest

No declarations were made.

5. Confirmation of Minutes

RESOLUTION

Moved: Cr Nguyen **Seconded:** Cr O’Brien

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 31 January 2023 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - The use of the land as a sub-acute facility (Hospital), installation of a bicycle hoop and a reduction to the bicycle requirements of Clause 52.34 of the Scheme.	4	7
6.2	PLN21/0836 - 25-35 River Boulevard and 15 Christine Crescent, Richmond: Development Plan Approval Application No. PLN21/0836 - construction of six (6) buildings, to a maximum height of eight (8) storeys, to provide 473 dwellings and one level of basement car parking (201 car spaces). Planning Permit Application No. PLN22/0142 - Reduction of car parking spaces in association with a residential use pursuant to part 18 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development.	10	26
6.3	PLN21/0316 - 398 - 400 Johnston Street Abbotsford	42	51

6.1 **PLN22/0806 - 9 - 11 Old Heidelberg Road Alphington - The use of the land as a sub-acute facility (Hospital), installation of a bicycle hoop and a reduction to the bicycle requirements of Clause 52.34 of the Scheme.**

Reference	D23/37772
Author	Jessica Sutherland - Senior Statutory Planner
Authoriser	Acting Senior Coordinator

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN22/0807 be issued for the use of the land as a sub-acute facility (Hospital), installation of a bicycle hoop and a reduction to the bicycle requirements of Clause 52.34 of the Scheme at No. 9 – 11 Heidelberg Road Alphington generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions:

1. Before the use or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by HSPC, Drawings A000, A001, A005, A006, A010, A050, A400, A401, A402 and A403, dated 18 November 2022, but modified to show the following:
 - (a) An additional bicycle hoop on the land, installed and designed in accordance with Australian Standards.
 - (b) Any requirement of the Waste Management Plan (Condition 12).
2. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Except with the prior written consent of the Responsible Authority, no more than 30 in-patients are to reside on the land at any one time.
4. Except with the prior written consent of the Responsible Authority, there must be no more than eight (8) day patients per day and four (4) out-patient consults on-site at any one time, restricted to the hours of 9 am to 5pm Monday to Saturday.
5. Except with the prior written consent of the Responsible Authority, a maximum of 16 staff members are to be on-site at any time.
6. 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.

7. The use 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).
8. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
9. 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 building entry and car park must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,

to the satisfaction of the Responsible Authority.

Operational Management Plan

10. Before the use or development commences, an amended Operational Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Operational Management Plan will be endorsed and will form part of this permit. The amended Operational Management Plan must be generally in accordance with the Operational Management Plan prepared by Health Care Surgical and dated 15 November 2022, but modified to include (or show, or address):
 - (a) Further details on in-patient check-in, including that it will be by appointment and limited to day-time business hours (9am to 5pm). Check ins should be spread throughout the work day to avoid congestion.
 - (b) Details of day-leave arrangements, contained to the hours of 9am to 7pm, and how this will be documented and managed. This should include the commitment that pickup and drop off will be undertaken by the carer.
 - (c) Commitment that visiting hours will only be permitted between 1pm and 3pm, or 5pm and 7pm on weekdays to avoid conflict with school pick up times. Further details of visitor sign in / out and arrangements.
 - (d) Commitment that patients and visitors will be alerted of limited on-site parking prior to arrival and that details of public transport and car share options be provided.
 - (e) The external courtyards to be opened no earlier than 7am.
 - (f) Details of "House rules" with regards to recreation and noise, particularly during the sensitive evening and night-time hours.
 - (g) Details of smoking arrangements, with a designated area to be chosen away from sensitive interfaces and for receptacles to be provided and appropriately disposed of.
 - (h) Commitment to assist / organise appropriate transportation for patients on departure (i.e. assist in organising pick-up from family or friends, provide public transport timetabling, ordering car share or taxi services).
 - (i) Details of complaint procedures with a commitment that neighbours and Alphington Grammar School will be provided with a direct telephone number for contact and communication.
 - (j) That all day patients, out-patients and consultations will be on-site between 9am to 5pm only.
 - (k) Details of the exclusion criteria for patients admissions, including a commitment that the facility will not provide for acute de-toxification/addiction services.
 - (l) Further details of the security arrangement.
11. The provisions recommendation and requirements of the endorsed Resident Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

12. Before the development or use 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. The Waste Management Plan must be generally in accordance with the commitments an provisions of the Decision Plans.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
14. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Time expiry

15. 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;
- (c) the use is not commenced within two years from the date of this permit; or
- (d) the use 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

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

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.

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

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

The 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

Andrea Pagliaro, Urbis (for the applicant)

Kylie Moon

Manual Tsirmiris, Greek Orthodox Community of Melbourne and Victoria Limited

Vivianne Nikou, Alphington Grammar School

Lindus Conlan

Angela Tsoumanis

Martha Vazenios

Damian Kipouridis

James Baker

Luisa Di Giovine

Calvin Farmer

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Nguyen

That a Notice of Decision to Grant a Planning Permit PLN22/0807 be issued for the use of the land as a sub-acute facility (Hospital), installation of a bicycle hoop, construction of a fence and a reduction to the bicycle requirements of Clause 52.34 of the Scheme at No. 9 – 11 Heidelberg Road Alphington generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions:

1. Before the use or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by HSPC, Drawings A000, A001, A005, A006, A010, A050, A400, A401, A402 and A403, dated 18 November 2022, but modified to show the following:
 - (a) An additional bicycle hoop on the land, installed and designed in accordance with Australian Standards.
 - (b) Minimum 1.8m-high fencing along the boundary shared with the north-westernmost parcel of No. 12 – 18 Old Heidelberg Road (i.e. Lot 7 on Plan LP7221);
 - (c) Any requirement of the Waste Management Plan (Condition 12).
2. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Except with the prior written consent of the Responsible Authority, no more than 30 in-patients are to reside on the land at any one time.
4. Except with the prior written consent of the Responsible Authority, there must be no more than eight (8) day patients and four (4) out-patient consults on-site at any one time, restricted to the hours of 9 am to 5pm Monday to Saturday.
5. Except with the prior written consent of the Responsible Authority, a maximum of 16 staff members are to be on-site at any time.
6. 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.

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8. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
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 - (b) Details of day-leave arrangements, contained to the hours of 9am to 7pm, and how this will be documented and managed. This should include the commitment that pickup and drop off will be undertaken by the carer.
 - (c) Commitment that visiting hours will only be permitted between 1pm and 3pm, or 5pm and 7pm on weekdays to avoid conflict with school pick up times. Further details of visitor sign in / out and arrangements.
 - (d) Commitment that patients and visitors will be alerted of limited on-site parking prior to arrival and that details of public transport and car share options be provided.
 - (e) The external courtyards to be opened no earlier than 7am.
 - (f) Details of "House rules" with regards to recreation and noise, particularly during the sensitive evening and night-time hours.
 - (g) Details of smoking arrangements, with a designated area to be chosen away from sensitive interfaces and for receptacles to be provided and appropriately disposed of.
 - (h) Commitment to assist / organise appropriate transportation for patients on departure (i.e. assist in organising pick-up from family or friends, provide public transport timetabling, ordering car share or taxi services).
 - (i) Details of complaint procedures with a commitment that neighbours and Alphington Grammar School will be provided with a direct telephone number for contact and communication.
 - (j) That all day patients, out-patients and consultations will be on-site between 9am to 5pm only.

- (k) Details of the exclusion criteria for patients admissions, including a commitment that the facility will not provide for acute de-toxification/addiction services.
 - (l) Further details of the security arrangement.
11. The provisions recommendation and requirements of the endorsed Resident Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
14. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Time expiry

15. This permit will expire if:
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 - (b) the development is not completed within four years of the date of this permit;
 - (c) the use is not commenced within two years from the date of this permit; or
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The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes

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

A 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.

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

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

The 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.

CARRIED

6.2 PLN21/0836 - 25-35 River Boulevard and 15 Christine Crescent, Richmond:

Development Plan Approval Application No. PLN21/0836 - construction of six (6) buildings, to a maximum height of eight (8) storeys, to provide 473 dwellings and one level of basement car parking (201 car spaces).

Planning Permit Application No. PLN22/0142 - Reduction of car parking spaces in association with a residential use pursuant to part 18 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development.

Reference	D23/26157
Author	Daniel Herrmann - Coordinator Statutory Planning
Authoriser	Acting General Manager - City Sustainability and Strategy

RECOMMENDATION

Recommendation 1: Development Plan

That having considered all submissions and relevant planning documents, the Committee resolves that it approve the Development Plan for the staged construction of six (6) buildings, to a maximum height of eight (8) storeys containing dwellings and one level of basement car parking, subject to the following conditions:

Amended Development Plan

1. Prior to the commencement of the development, an amended Development Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Development Plan will be endorsed and will then form part of this approval. The Development Plan must be drawn to scale with dimensions, and three copies must be provided. The Development Plan must be generally in accordance with the decision plans but modified to show:

Sketch plans

- (a) The changes as depicted on the "Sketch" plans (revised southern elevation and Level 02 plan) prepared by Bates Smart, with plot dates of 15 and 16 November 2023, including:
 - (i) Southern facade of Building 4 further articulated with the introduction of Juliet balconies;
 - (ii) Additional screening to internal corner balcony/window junctions of the buildings to reduce internal overlooking;
 - (iii) Note added regarding 'maintenance access only' doors to vertical garden areas adjacent building connecting corridor areas; and
 - (iv) Modified bedroom/bathroom and living/dining internal areas for various apartments on Level 02).

Built form

- (b) A survey plan prepared showing:
 - (i) Building 01 to have a parapet/roof structure height of no greater than 31m AHD;
 - (ii) Building 04 to have a parapet/roof structure height of no greater than 37m AHD;
- (c) Any changes required by Melbourne Water conditions (Conditions 2 – 8);
- (d) Elevations of the proposed substation detailing all external finishes to a high quality appearance;
- (e) Show the outline of south facing balconies of adjoining apartment building at 15 River Boulevard on floor plans to depict accurate building separation;
- (f) Details and sections of all privacy screen treatments throughout the development, particularly at internal corner junction areas;

Site layout and connectivity

- (g) An additional plan that clearly shows areas/locations for public access;
- (h) Remove hatching and reference to 'proposed stormwater easement';
- (i) The central plaza path pinch adjacent the northeast corner of Building 04 to be increased to a minimum path width of 2m and combined path and landscaping width of 4m;
- (j) Removal of the alcove/rebate to the northern ground level entry of Building 01;
- (k) Removal of pinch point at the northwest corner of Building 01 for the ground level walk/cycle way running parallel with the basement vehicle entry;
- (l) The northern ground floor entry to Building 01 re-designed to remove the rebate;
- (m) An annotation on the ground floor plan stating that Public Land Manager Consent is required for the proposed path and ramp connections to the Main Yarra Trail, where works extend beyond title boundaries;
- (n) Redesign of the switch back ramp on the Yarra River embankment, so that no works extend beyond the title boundaries;

Traffic engineering and sustainable transport

- (o) Relocation of basement columns so that they do not encroach the parking space envelopes as required by *Diagram 1 Clearance to car parking spaces* in Clause 52.06-9;
- (p) Vehicle crossing ground clearance cross sectional drawing (1:20 scale) to demonstrate a B99 design vehicle accessing and exiting the site at the River Boulevard vehicle entrance without scraping or 'bottoming out' and to show the follow spot levels:
 - (i) the reduced level 2.0 metres inside the property;
 - (ii) the property boundary level;
 - (iii) the bottom of kerb (invert) level;
 - (iv) the edge of the channel level; and
 - (v) a few levels on the road pavement.
- (q) The allocation of four (4) car share car parking spaces within the basement level;
- (r) Four (4) additional horizontal bicycle parking spaces to be provided in the central courtyard area;
- (s) The provision of an additional 20 visitor bicycle spaces throughout the Site (an associated reduction of resident bicycle spaces can be made);
- (t) Dimensions of all relevant doors, ramps and access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (u) Amendment of access to Bicycle Storage Zone 5 to ensure a clear width of at least two metres in the access corridor at all times, and:
 - (i) provision included in the carpark design to allow people on bicycles to safely utilise the general carpark accessways;
- (v) Reference to a minimum 40A single phase electrical sub circuit to be installed throughout the basement car parking areas for 'EV readiness';

- (w) The location of electric bicycle charging adjacent to spaces suitable for electric bicycles to use (i.e horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – ‘cargo bicycle’ and Section 2.2.8);

Apartment Design

- (x) Replicate modified bedroom/bathroom and living/dining internal areas for various apartments shown on the Level 02 sketch plan (referred to in part (a)(iv) above), replicated in comparable apartment typologies throughout other levels of the proposed buildings;
- (y) Typology plans for all apartment types, including detail consistent with the typology plans included with the urban context report;
- (z) Compliance with Standard D18 of Clause 58.05-1 (Accessibility);
- (aa) Compliance with Standard D21 of Clause 58.05-4 (Storage);
- (bb) All secondary bedrooms for each 2 bed apartment to have a minimum internal dimension of 3 metres;
- (cc) Provision of a window to the east facing bedroom of apartment no. 4.00.002;
- (dd) Setback the balcony area of 3.00.010 and 6.00.005 at least 2 metres from the top of the embankment;
- (ee) Apartment 1.01.009 northern walls and balcony edge to be setback a minimum of 5.085 metres (in line with the external wall of Levels 2-5), excluding column detail;
- (ff) Incorporate a south facing window to the bedrooms of apartments 4.06.003 and 4.07.003;

Management plans

- (gg) Layout of landscaping areas, consistent with the amended Landscape Plans (internal to title boundaries) required by Condition 24;
- (hh) any changes required by the amended Sustainable Management Plan (Condition 14);
- (ii) any changes required by the amended Wind Report (Condition 17);
- (jj) any changes required by the amended Acoustic Report (Condition 22);
- (kk) any changes required by the Tree Management Plan required by Condition 30.

2. The development as shown on the endorsed Development Plan must not be altered without the prior written consent of the Responsible Authority.

Melbourne Water (Conditions 3-9)

3. Prior to the endorsement of the Development Plan, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
 - (a) The top of the eastern wall/bunding of the Lower Ground Courtyard set no lower than 11.15 metres to AHD.
4. The Building 03 & Building 06 must be constructed with finished floor levels set no lower than 600mm above the applicable graded flood level, which ranges from 10.60 metres to Australian Height Datum (AHD) at the northern property boundary down to 10.40 metres to AHD at the southern property boundary.
5. Any openings into the basement from Building 03 and Building 06 (including doors, windows, vents etc.) must be set no lower than 600mm above the applicable graded flood level.
6. Any entrances and openings to the Lower Ground Courtyard must be set no lower than 600mm above the applicable graded flood level of 10.55 metres to AHD.

7. Prior to the issue of an Occupancy Permit for any stage of the approved development, a certified survey plan for that stage must be prepared showing ground floor finished floor levels of Building 03 & Building 06 (as constructed) reduced to the AHD, and must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
8. The open space within the flood extent of the Yarra River must be maintained at natural surface level or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.
9. Any new fencing within the flood extent of the Yarra River must be open style (minimum 50% open) or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.

Staging

10. In conjunction with the submission of the amended plans under Condition 1 a staging plan must be submitted to and approved to the satisfaction of the Responsible Authority. The staging plan as necessary must include plans and written details of staging of the development. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed in writing by the Responsible Authority.

Building Height

11. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying the following:
 - (a) Building 01 does not exceed 31 metres AHD; and
 - (b) Building 04 does not exceed 37 metres AHD.

This must be provided at the completion of the parapet structure and at final inspection.

Façade Strategy

12. In conjunction with the submission of the amended development plan 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 Development Plan. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical entries and doors, and utilities and typical facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) details of all services, to be integrated with into the design of the proposed buildings;
 - (d) information about how the façade will be maintained, including any vegetation; and
 - (e) a detailed materials schedule with digital samples of proposed materials and coloured drawings outlining colours, renders, materials and finishes graffiti proofing of walls.
13. As part of the ongoing consultant team, Bates Smart 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

14. Before the development commences, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this Development Plan. The amended SMP must be generally in accordance with the Sustainable Management Plan dated 28 September 2022, prepared by Stantec, but updated to include the following (unless otherwise agreed):
 - (a) Reference to the revised plans required by Condition 1;
 - (b) Amend shading strategy for the West facing windows to include vertical fins (like the North facing windows) or alternative external shading option as agreed.
 - (c) Provide details of the proposed HVAC system (and consider 3 pipe VRF or heat pump alternative).
 - (d) Clarify ventilation strategy for the basement carpark
 - (e) Update rooftop plans to indicate location, size and number of panels per PV system (i.e. 2x 20kW systems as per SMP)
 - (f) Provide a copy of the Green Star Water Use Calculator to support claims of reducing water use by 40%.
 - (g) Provide more information on the OceanGuard and Jellyfish filtration devices included within the MUSIC model (or similar), noting that over reliance on proprietary devices is not acceptable to the City of Yarra.
 - (h) Clarify the inclusion of recycled materials (i.e. bricks) or products with post-consumer content (i.e. insulation) and/or commit to the 'Responsible Structure' credit and have 80% of structural components (by cost) meet a Responsible Products Value score or at least 10.
 - (i) Provide a copy of the Green Star Buildings Upfront Carbon Emissions Calculator to support claim.
 - (j) Clarify extent (by cost or weight) of recycled and certified timber (FSC / PEFC) strategy.
 - (k) Confirm whether PVC will be included in hazardous materials survey, and if not consider best-practice strategies to reducing or replacing PVC components.
 - (l) Clarify misalignment between bicycle parking numbers and amend documentation accordingly.
 - (m) Confirm that the Sustainable Transport Plan will include details of surrounding car share locations.
 - (n) Prior to development, provide a copy of the Sustainable Transport Plan (Green Travel Plan).
 - (o) Amend material schedule within architectural pack to include SRI specifications for external elements (paving and roofing) that makes up the 75% relied upon for GS credit.
15. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
16. Prior to the occupation of any stage of the development approved, a report from the author of the sustainable management plan, approved pursuant to this development plan, 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 for that stage.

Wind

17. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Development Plan. The amended Wind Assessment Report must be generally in accordance with the Wind Impact Statement prepared by MEL Consultants and dated 28 September 2022, but modified to include or show (unless otherwise agreed):
 - (a) Assessment of the amended plans referenced at condition 1;
 - (b) Balconies to achieve a minimum of the standing comfort criterion;
 - (c) The centrally located public open space seating and roof terrace seating areas on Building 03 and 06 to achieve the sitting comfort criterion;

to the satisfaction of the Responsible Authority.

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

Waste Management Plan

19. Before the development commences, the Waste Management Plan prepared by WSP and dated September 2022 must be submitted to Council. When approved, the Waste Management Plan will be endorsed and form part of this Development Plan.
20. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
21. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic Report

22. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this Development Plan. The Report must be generally in accordance the acoustic report prepared by Acoustic Logic, dated 3 August 2022, but modified to include:
 - (a) Reference to the revised plans required by Condition 1;
 - (b) A statement from Salta Properties/land owner about rooftop plant at the nearby BAE building (40 River Boulevard) and the Victoria Gardens Shopping Centre and recommended acoustic mitigation measures as required.
 - (c) The internal design targets for commercial/industrial noise be calculated using the SEPP N-1 indoor noise limits (i.e. the external limits minus 15 dB). The criteria should be met for any 30 minute period, taking into consideration any relevant corrections for noise character, as per SEPP N-1 and Noise Protocol guidance.
 - (d) The acoustic assessment (for all aspects of the development) to reference the amended building design referred to in Condition 1;
 - (e) State the maximum source level for the carpark gate in Section 11.2 of the acoustic report.
 - (f) Remove reference to car stackers.

Once endorsed, the Report must not be modified except with the written consent of the Responsible Authority.

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

Landscape Plan (internal to title boundaries)

24. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this Development Plan. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia and dated 06 February 2023, but modified to include or show (unless otherwise agreed by Council):
- (a) Reference to the revised plans required by Condition 1;
 - (b) Tree retention/removal plan updated to show the retention of Trees 54 (River Sheoak) and 39 (Spotted Gum);
 - (c) Tree protection plan, showing tree protection zones, consistent with the Tree Management Plan required at Condition 30;
 - (d) Detailed way finding strategy, including sign locations, details and sign content of signs within title boundaries;
 - (e) Details of shade structures and furniture within publicly accessible or communal open spaces;
 - (f) Demonstrate that plantings along the River Boulevard front setback at ground level have been selected to adequately soften the appearance of private open space palisade fencing;
 - (g) Provide elevations and detail drawings of all fencing types that is consistent with the requirements of Condition 8;
 - (h) Provide plant schedules with the following information – the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers;
 - (i) 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity. The Yarra River embankment plant species need to consider sourcing local provenance plants, the relevant Victorian Bioregion EVC guidelines, bank stabilisation and weed management;
 - (j) Provide a planting plans showing the location of proposed planting and plant numbers and species, as well as a legend containing key features, materials and surfaces;
 - (k) Provide detail drawings for raised planters – showing dimensions, drainage, lining, materiality and growing media type. Volumes of growing media need to be adequate for the plant species proposed, particularly for trees;
 - (l) Show clearly on the planting plan the location of the basement and areas of planting into natural soils;
 - (m) Sections/ Elevations need to show dimensions for soil depth where raised planters are included – particularly for trees;
 - (n) Provide engineering certified drawings for the ramp on the embankment.
 - (o) Provide notes on proposed irrigation;
 - (p) Provide a maintenance schedule, including task details and frequency; the means of maintenance access will need to be shown/ notated;

- (q) Supply Landscape Technical Specifications including site preparation, plant procurement, furniture materials, soils, planting and establishment and maintenance specifications.

25. 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.

Public Realm Plan

26. Before the development commences (excluding bulk excavation and early works), or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan suitable for construction and prepared by a qualified Landscape Architect (or other suitable profession) for the development must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the River Boulevard Streetscape Plans (p. 27 and 28 of the landscape plans prepared by Arcadia, dated 6 February 2023) and modified to show the following (or otherwise agreed):

- (a) Changes to plan:
 - (i) Layout plan indicating all existing and proposed features and surface levels
 - (ii) The 2m wide footpaths notated as '2m unobstructed clear access'.
 - (iii) Relocate the small garden bed at the southern end of the service road (east side) so that it is consolidated with the garden beds along the property boundary.
 - (iv) Ensure that the existing desire line from the River Street link to the west side of the service road are accommodated.
 - (v) Provide traffic calming measures to the service road to facilitate safe access for people on bikes, including speed reduction and reducing the width of the existing speed bumps.
 - (vi) Ensure the new kerb ramp providing access from the service road to the shared path (linking to River Street) matches the width of the shared path plus tapers of 300mm either side to provide a consistent travel path. a 1:15 gradient for the ramp, subject to review and to the satisfaction of the Responsible Authority.
 - (vii) Investigate the conversion of the existing zebra crossing of the Vickers Drive vehicle entry from River Boulevard into a raised pedestrian-priority crossing.
 - (viii) Notations stating that car parking spaces are not to be reinstated along the River Boulevard frontage at the completion of the development.
 - (ix) Depict indicative future protected bicycle lanes on River Boulevard.
- (b) Plans to show (including but not limited to):
 - (i) Incorporate details/sections as required.
 - (ii) Extent of proposed and existing pavements and any other proposed infrastructure improvements and changes.
 - (iii) All existing and proposed streetscape infrastructure on all relevant plans including but not limited to light poles, drains and street signs.
 - (iv) Any proposed external street furniture including seats and bike parking.
 - (v) Materials including any surface treatments, edges, landscaping and drainage.
 - (vi) Clearly dimensioned elements including pedestrian paths and parking bays;
 - (vii) Property boundaries to clearly show private and Council land.

- (viii) All existing and proposed levels and surface grades.
 - (ix) All existing and proposed and required drainage infrastructure improvements to responsible authority satisfaction.
 - (x) Trees and other plantings.
 - (xi) References to standard details and provision of typical details where required.
- (c) Plans must be consistent with the civil work and landscape detailed plans required at Condition 28.

All to the satisfaction of the Responsible Authority.

27. Before any stage of the buildings are occupied or at a later date as agreed in writing by the Responsible Authority, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 26) must be fully constructed and completed by the Development Plan holder, with all costs borne by the Development Plan holder, to the satisfaction of the Responsible Authority.

Civil and landscape detailed design

28. Prior to the commencement of construction of the development or by such later date as is approved by the Responsible Authority (Council), detailed design plans (Civil and Landscape) for the proposed public realm areas shown on the public realm plans required at Condition 26 must be prepared, submitted and approved by the Responsible Authority (Council). When approved, the plan will be endorsed and will then form part of the Development Plan. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels
 - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel
 - (c) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade.
 - (d) Stormwater drainage in accordance with the Council approved stormwater strategy, including design computations, longitudinal sections, pit schedule and details.
 - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type.
 - (f) Public lighting plan, including proposals for any temporary lighting.
 - (g) Signage & line marking plans indicating the existing and proposed changes.
 - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council.
 - (i) All surfaces must be designed in accordance with DDA requirements.
 - (j) Distinct delineation between public and private land along all interfaces.
 - (k) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve.
 - (l) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
29. Before any stage of the buildings are occupied or by such later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Civil and Landscape Detailed Designs Plans must be fully constructed and completed by the Development Plan holder, all to the satisfaction of the Responsible Authority. The public realm areas must be delivered in accordance with Council's document '*General Requirements for the Delivery of Public Realm Works*'.

Tree Protection

30. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this Development Plan. The Tree Management Plan must make recommendations for:
- (a) the protection of all trees to be retained on Site, all street trees along River Boulevard frontage to be retained and all trees within 10 metres of the title boundaries on adjoining land:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
31. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Car Parking

32. 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.
33. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this Development Plan. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces, including DDA spaces;
 - (b) the management of car parking spaces and security arrangements for employees of the development;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) policing arrangements and formal agreements;
 - (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (f) details regarding the management of loading and unloading of goods and materials; and
 - (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.
34. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

Green Travel Plan

36. Before the occupation of any stage of the development, 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 Development Plan. The amended Green Travel Plan must include (or show):
- (a) Green Travel plan initiatives detailed in Table 5.1 of the Traffic Impact Assessment, prepared by Stantec, dated 30 September 2022;
 - (b) Operation details of the proposed car share car parking space within the basement level;
 - (c) security arrangements to access the employee and visitor bicycle storage spaces;
 - (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (e) provisions for the GTP to be updated not less than every five years;
- to the satisfaction of the Responsible Authority.
37. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Road Infrastructure

38. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as standard (asphalt) footpath and kerb and channel:
- (a) at no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required)); and
 - (b) to the satisfaction of the Responsible Authority.
39. Before any stage of the buildings are 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 Development Plan holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
40. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the Development Plan holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Public Lighting

41. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the insert street name or lane number and the entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this Development Plan. The Public Lighting Plan must provide for:

- (a) all pedestrian access to the proposed residential/multipurpose development at 25 River Boulevard must be lit by public lighting installations as specified in the *Australian Standard AS 1158.3.1:2020 Lighting for roads and public spaces*.
- (b) new poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
- (c) consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
- (d) light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of *Australian Standard AS 4282 - 2019 Control of the obtrusive effects of outdoor lighting*;
- (e) the locations of any new light poles must not obstruct vehicular access into private properties; and
- (f) the provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Section 173 Agreement (public access)

42. Within six months of the commencement of works the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, by which the owner covenants that, in addition to the usual section 173 agreement acknowledgements and covenants, it shall:
 - (a) keep those parts of the Site and 40 River Boulevard depicted as publicly accessible in the endorsed landscape and/or public realm plans (as the case may be) (the publicly accessible areas) permanently available for the public to use;
 - (b) at the owner's cost, be responsible for maintaining the publicly accessible areas to the satisfaction of the Responsible Authority;
 - (c) at the owner's cost, obtain and maintain public liability and professional indemnity insurance over the publicly accessible areas in an amount and subject to such conditions as approved by the City of Yarra;
 - (d) pay the responsible Authority's reasonable costs in the preparation, execution and recording of the agreement
43. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Annettes Place playground redevelopment

44. Before any stage of the buildings are occupied, or such other event or date that the Responsible Authority may agree to in writing, the sum of \$200,000 (said sum) must be paid to the Responsible Authority, for the Responsible Authority to hold and either:
 - (a) apply to the upgrade, relocation and/or replacement of the Annettes Place Reserve playground (playground) within 5 year(s) (said period) of the payment being made, or
 - (b) return such part of the said sum that the Responsible Authority has not spent on the upgrade, relocation and or replacement of the playground within the said period, or
 - (c) return the whole of the said sum if the Responsible Authority has not upgraded, relocated and/or replaced the playground within the said period.

General

45. Before any stage of 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 for that stage 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.
46. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
47. 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.
48. 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.
49. 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.

Loading and Unloading

50. 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.

Construction management

51. 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 Development Plan. 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;
 - (j) materials and waste;
 - (k) dust;
 - (l) stormwater contamination from run-off and wash-waters;
 - (m) sediment from the land on roads;

- (n) washing of concrete trucks and other vehicles and machinery; and
- (o) spillage from refuelling cranes and other vehicles and machinery;
- (p) the construction program;
- (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (r) parking facilities for construction workers;
- (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (u) 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;
- (v) 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;
- (w) 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.
- (x) 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;

During the construction:

- (y) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (z) 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;
- (aa) vehicle borne material must not accumulate on the roads abutting the land;
- (bb) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (cc) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

- 52. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 53. 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.

NOTES

The subject land is subject to an approved development contributions plan and a Development Contributions Plan Overlay. The development and community contributions levies payable in respect of the development is to be paid in accordance with section 46N(2) and 46O(1) of the *Planning and Environment Act 1987*.

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.

Where works extend beyond title boundaries, Public Land Manager Consent is required for the proposed path and ramp connections to the Main Yarra Trail pursuant to the *Crown Land (Reserves) Act 1978*.

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

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

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

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

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

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

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.

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.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easements.

Recommendation 2: Planning Permit (PLN22/0142)

That having considered all objections and relevant planning documents, the Committee resolves that it issue a Notice of Decision to Grant a Planning Permit for a reduction of car parking spaces in association with a residential use associated with Precinct 2 (pursuant to clause 37.02 of the Yarra Planning Scheme - part 18 of the Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development) at 25-35 River Boulevard and 15 Christine Crescent, subject to the following conditions:

1. The development plan must be endorsed by Council prior to the development starting and upon endorsement will form part of this permit.
2. All development and use must accord with the endorsed development plans. Any alterations must be approved by the Responsible Authority.
3. The car parking rate for the residential uses must be a minimum 0.42 car spaces per dwelling.
4. This permit will expire if the use is not commenced within three (3) years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within six (6) months of expiry.

Notes:

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

Submissions

Johan Moylan, Planning and Property Partners Pty Ltd (for the applicant)
Ann Burne
Tanya Robertson
Phillipa Robinson
Peter Kennedy
Tony Otley
Julie Otley
Anthony Dean
Geoff Dean, EME Design
William Siggins, Courtyard Apartments Owner's Corporation
Rick Knowles
Janet Bolitho, Yarra Riverkeeper Association
Mark Metelmann, 6 Christine Crescent Owners Committee Member
Trevor Fuller, MBCM Strata Specialists Richmond North (speaking for Denis O'Dwyer)
Barry Clarke, Boulevard Apartments

Adjournment

The meeting adjourned at 9.16pm.

The meeting resumed at 9.21pm.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Mohamud

Recommendation 1: Development Plan

That having considered all submissions and relevant planning documents, the Committee resolves that it approve the Development Plan for the staged construction of six (6) buildings, to a maximum height of eight (8) storeys containing dwellings and one level of basement car parking, subject to the following conditions:

Amended Development Plan

1. Prior to the commencement of the development, an amended Development Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Development Plan will be endorsed and will then form part of this approval. The Development Plan must be drawn to scale with dimensions, and three copies must be provided. The Development Plan must be generally in accordance with the decision plans but modified to show:

Sketch plans

- (a) The changes as depicted on the "Sketch" plans (revised southern elevation and Level 02 plan) prepared by Bates Smart, with plot dates of 15 and 16 November 2023, including:
 - (i) Southern facade of Building 4 further articulated with the introduction of Juliet balconies;
 - (ii) Additional screening to internal corner balcony/window junctions of the buildings to reduce internal overlooking;
 - (iii) Note added regarding 'maintenance access only' doors to vertical garden areas adjacent building connecting corridor areas; and
 - (iv) Modified bedroom/bathroom and living/dining internal areas for various apartments on Level 02).

Built form

- (a) Removal of the roof terraces for Building 03 and 06;
- (b) A survey plan prepared showing:
 - (i) Building 01 to have a parapet/roof structure height of no greater than 31m AHD;
 - (ii) Building 04 to have a parapet/roof structure height of no greater than 37m AHD;
- (c) Any changes required by Melbourne Water conditions (Conditions 2 – 8);
- (d) Elevations of the proposed substation detailing all external finishes to a high quality appearance;
- (e) Show the outline of south facing balconies of adjoining apartment building at 15 River Boulevard on floor plans to depict accurate building separation;
- (f) Details and sections of all privacy screen treatments throughout the development, particularly at internal corner junction areas;

Site layout and connectivity

- (g) An additional plan that clearly shows areas/locations for public access;
- (h) Remove hatching and reference to 'proposed stormwater easement';
- (i) The central plaza path pinch adjacent the northeast corner of Building 04 to be increased to a minimum path width of 2m and combined path and landscaping width of 4m;
- (j) Removal of the alcove/rebate to the northern ground level entry of Building 01;

- (k) Removal of pinch point at the northwest corner of Building 01 for the ground level walk/cycle way running parallel with the basement vehicle entry;
- (l) The northern ground floor entry to Building 01 re-designed to remove the rebate;
- (m) An annotation on the ground floor plan stating that Public Land Manager Consent is required for the proposed path and ramp connections to the Main Yarra Trail, where works extend beyond title boundaries;
- (n) Redesign of the switch back ramp on the Yarra River embankment, so that no works extend beyond the title boundaries;

Traffic engineering and sustainable transport

- (o) Relocation of basement columns so that they do not encroach the parking space envelopes as required by *Diagram 1 Clearance to car parking spaces* in Clause 52.06-9;
- (p) Vehicle crossing ground clearance cross sectional drawing (1:20 scale) to demonstrate a B99 design vehicle accessing and exiting the site at the River Boulevard vehicle entrance without scraping or 'bottoming out' and to show the follow spot levels:
 - (i) the reduced level 2.0 metres inside the property;
 - (ii) the property boundary level;
 - (iii) the bottom of kerb (invert) level;
 - (iv) the edge of the channel level; and
 - (v) a few levels on the road pavement.
- (q) The allocation of four (4) car share car parking spaces within the basement level;
- (r) Four (4) additional horizontal bicycle parking spaces to be provided in the central courtyard area;
- (s) The provision of an additional 20 visitor bicycle spaces throughout the Site (an associated reduction of resident bicycle spaces can be made);
- (t) Dimensions of all relevant doors, ramps and access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (u) Amendment of access to Bicycle Storage Zone 5 to ensure a clear width of at least two metres in the access corridor at all times, and:
 - (i) provision included in the carpark design to allow people on bicycles to safely utilise the general carpark accessways;
- (v) Reference to a minimum 40A single phase electrical sub circuit to be installed throughout the basement car parking areas for 'EV readiness';
- (w) The location of electric bicycle charging adjacent to spaces suitable for electric bicycles to use (i.e horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – 'cargo bicycle' and Section 2.2.8);

Apartment Design

- (x) Replicate modified bedroom/bathroom and living/dining internal areas for various apartments shown on the Level 02 sketch plan (referred to in part (a)(iv) above), replicated in comparable apartment typologies throughout other levels of the proposed buildings;
- (y) Typology plans for all apartment types, including detail consistent with the typology plans included with the urban context report;
- (z) Compliance with Standard D18 of Clause 58.05-1 (Accessibility);
- (aa) Compliance with Standard D21 of Clause 58.05-4 (Storage);
- (bb) All secondary bedrooms for each 2 bed apartment to have a minimum internal dimension of 3 metres;
- (cc) Provision of a window to the east facing bedroom of apartment no. 4.00.002;
- (dd) Setback the balcony area of 3.00.010 and 6.00.005 at least 2 metres from the top of the embankment;
- (ee) Apartment 1.01.009 northern walls and balcony edge to be setback a minimum of 5.085 metres (in line with the external wall of Levels 2-5), excluding column detail;

- (ff) Incorporate a south facing window to the bedrooms of apartments 4.06.003 and 4.07.003;

Management plans

- (gg) Layout of landscaping areas, consistent with the amended Landscape Plans (internal to title boundaries) required by Condition 24;
 - (hh) any changes required by the amended Sustainable Management Plan (Condition 14);
 - (ii) any changes required by the amended Wind Report (Condition 17);
 - (jj) any changes required by the amended Acoustic Report (Condition 22);
 - (kk) any changes required by the Tree Management Plan required by Condition 30.
2. The development as shown on the endorsed Development Plan must not be altered without the prior written consent of the Responsible Authority.

Melbourne Water (Conditions 3-9)

3. Prior to the endorsement of the Development Plan, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
- (a) The top of the eastern wall/bunding of the Lower Ground Courtyard set no lower than 11.15 metres to AHD.
4. The Building 03 & Building 06 must be constructed with finished floor levels set no lower than 600mm above the applicable graded flood level, which ranges from 10.60 metres to Australian Height Datum (AHD) at the northern property boundary down to 10.40 metres to AHD at the southern property boundary.
5. Any openings into the basement from Building 03 and Building 06 (including doors, windows, vents etc.) must be set no lower than 600mm above the applicable graded flood level.
6. Any entrances and openings to the Lower Ground Courtyard must be set no lower than 600mm above the applicable graded flood level of 10.55 metres to AHD.
7. Prior to the issue of an Occupancy Permit for any stage of the approved development, a certified survey plan for that stage must be prepared showing ground floor finished floor levels of Building 03 & Building 06 (as constructed) reduced to the AHD, and must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
8. The open space within the flood extent of the Yarra River must be maintained at natural surface level or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.
9. Any new fencing within the flood extent of the Yarra River must be open style (minimum 50% open) or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.

Staging

10. In conjunction with the submission of the amended plans under Condition 1 a staging plan must be submitted to and approved to the satisfaction of the Responsible Authority. The staging plan as necessary must include plans and written details of staging of the development. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed in writing by the Responsible Authority.

Building Height

11. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying the following:
 - (a) Building 01 does not exceed 31 metres AHD; and
 - (b) Building 04 does not exceed 37 metres AHD.

This must be provided at the completion of the parapet structure and at final inspection.

Façade Strategy

12. In conjunction with the submission of the amended development plan 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 Development Plan. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical entries and doors, and utilities and typical facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) details of all services, to be integrated with into the design of the proposed buildings;
 - (d) information about how the façade will be maintained, including any vegetation; and
 - (e) a detailed materials schedule with digital samples of proposed materials and coloured drawings outlining colours, renders, materials and finishes graffiti proofing of walls.
13. As part of the ongoing consultant team, Bates Smart 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

14. Before the development commences, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this Development Plan. The amended SMP must be generally in accordance with the Sustainable Management Plan dated 28 September 2022, prepared by Stantec, but updated to include the following (unless otherwise agreed):
 - (a) Reference to the revised plans required by Condition 1;
 - (b) Amend shading strategy for the West facing windows to include vertical fins (like the North facing windows) or alternative external shading option as agreed.
 - (c) Provide details of the proposed HVAC system (and consider 3 pipe VRF or heat pump alternative).
 - (d) Clarify ventilation strategy for the basement carpark
 - (e) Update rooftop plans to indicate location, size and number of panels per PV system (i.e. 2x 20kW systems as per SMP)
 - (f) Provide a copy of the Green Star Water Use Calculator to support claims of reducing water use by 40%.
 - (g) Provide more information on the OceanGuard and Jellyfish filtration devices included within the MUSIC model (or similar), noting that over reliance on proprietary devices is not acceptable to the City of Yarra.

- (h) Clarify the inclusion of recycled materials (i.e. bricks) or products with post-consumer content (i.e. insulation) and/or commit to the 'Responsible Structure' credit and have 80% of structural components (by cost) meet a Responsible Products Value score or at least 10.
 - (i) Provide a copy of the Green Star Buildings Upfront Carbon Emissions Calculator to support claim.
 - (j) Clarify extent (by cost or weight) of recycled and certified timber (FSC / PEFC) strategy.
 - (k) Confirm whether PVC will be included in hazardous materials survey, and if not consider best-practice strategies to reducing or replacing PVC components.
 - (l) Clarify misalignment between bicycle parking numbers and amend documentation accordingly.
 - (m) Confirm that the Sustainable Transport Plan will include details of surrounding car share locations.
 - (n) Prior to development, provide a copy of the Sustainable Transport Plan (Green Travel Plan).
 - (o) Amend material schedule within architectural pack to include SRI specifications for external elements (paving and roofing) that makes up the 75% relied upon for GS credit.
15. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
16. Prior to the occupation of any stage of the development approved, a report from the author of the sustainable management plan, approved pursuant to this development plan, 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 for that stage.

Wind

17. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Development Plan. The amended Wind Assessment Report must be generally in accordance with the Wind Impact Statement prepared by MEL Consultants and dated 28 September 2022, but modified to include or show (unless otherwise agreed):
- (a) Assessment of the amended plans referenced at condition 1;
 - (b) Balconies to achieve a minimum of the standing comfort criterion;
 - (c) The centrally located public open space seating and roof terrace seating areas on Building 03 and 06 to achieve the sitting comfort criterion;
- to the satisfaction of the Responsible Authority.
18. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

19. Before the development commences, the Waste Management Plan prepared by WSP and dated September 2022 must be submitted to Council. When approved, the Waste Management Plan will be endorsed and form part of this Development Plan.

20. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
21. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic Report

22. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this Development Plan. The Report must be generally in accordance the acoustic report prepared by Acoustic Logic, dated 3 August 2022, but modified to include:
 - (a) Reference to the revised plans required by Condition 1;
 - (b) A statement from Salta Properties/land owner about rooftop plant at the nearby BAE building (40 River Boulevard) and the Victoria Gardens Shopping Centre and recommended acoustic mitigation measures as required.
 - (c) The internal design targets for commercial/industrial noise be calculated using the SEPP N-1 indoor noise limits (i.e. the external limits minus 15 dB). The criteria should be met for any 30 minute period, taking into consideration any relevant corrections for noise character, as per SEPP N-1 and Noise Protocol guidance.
 - (d) Address potential acoustic impacts of the above ground substation.
 - (e) State the maximum source level for the carpark gate in Section 11.2 of the acoustic report.
 - (f) Remove reference to car stackers.

Once endorsed, the Report must not be modified except with the written consent of the Responsible Authority.

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

Landscape Plan (internal to title boundaries)

24. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this Development Plan. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia and dated 06 February 2023, but modified to include or show (unless otherwise agreed by Council):
 - (a) Reference to the revised plans required by Condition 1;
 - (b) Tree retention/removal plan updated to show the retention of the following trees:
 - (i) Trees 54 (River Sheoak) and 39 (Spotted Gum) along the River Embankment;
 - (ii) 6 x Tree 30 (Callery Pear) located north of the basement structure, within the northern pocket park area;
 - (iii) Trees 30A (Silver Birch), 30B and 32 (Michelia) within the northern pocket park area; and
 - (iv) Investigate the retention of Tree 41 (Prickly Leaved Paperbark), Tree 159 (Magenta Lilly Pilly) and Tree 86 (River Sheoak).

- (c) Tree protection plan, showing tree protection zones, consistent with the Tree Management Plan required at Condition 30;
- (d) Detailed way finding strategy, including sign locations, details and sign content of signs within title boundaries;
- (e) Details of shade structures and furniture within publicly accessible or communal open spaces;
- (f) Demonstrate that plantings along the River Boulevard front setback at ground level have been selected to adequately soften the appearance of private open space palisade fencing;
- (g) Provide elevations and detail drawings of all fencing types that is consistent with the requirements of Condition 8;
- (h) Provide plant schedules with the following information – the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers;
- (i) All proposed trees to be nominated with a 2 metre minimum height (40-50L stock) at the time of planting;
- (j) Measures to address riverbank stabilization, as recommended by a suitably qualified professional;
- (k) 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity. The Yarra River embankment plant species need to consider sourcing local provenance plants, the relevant Victorian Bioregion EVC guidelines, bank stabilisation and weed management;
- (l) Provide a planting plans showing the location of proposed planting and plant numbers and species, as well as a legend containing key features, materials and surfaces;
- (m) Provide detail drawings for raised planters – showing dimensions, drainage, lining, materiality and growing media type. Volumes of growing media need to be adequate for the plant species proposed, particularly for trees;
- (n) Show clearly on the planting plan the location of the basement and areas of planting into natural soils;
- (o) Sections/ Elevations need to show dimensions for soil depth where raised planters are included – particularly for trees;
- (p) Provide engineering certified drawings for the ramp on the embankment.
- (q) Provide notes on proposed irrigation;
- (r) Provide a maintenance schedule, including task details and frequency; the means of maintenance access will need to be shown/ notated;
- (s) Supply Landscape Technical Specifications including site preparation, plant procurement, furniture materials, soils, planting and establishment and maintenance specifications.

25. 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.

Public Realm Plan

26. Before the development commences (excluding bulk excavation and early works), or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan suitable for construction and prepared by a qualified Landscape Architect (or other suitable profession) for the development must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the River Boulevard Streetscape Plans (p. 27 and 28 of the landscape plans prepared by Arcadia, dated 6 February 2023) and modified to show the following (or otherwise agreed):

(a) Changes to plan:

- (i) Layout plan indicating all existing and proposed features and surface levels
- (ii) The 2m wide footpaths notated as '2m unobstructed clear access'.
- (iii) Relocate the small garden bed at the southern end of the service road (east side) so that it is consolidated with the garden beds along the property boundary.
- (iv) Ensure that the existing desire line from the River Street link to the west side of the service road are accommodated.
- (v) Provide traffic calming measures to the service road to facilitate safe access for people on bikes, including speed reduction and reducing the width of the existing speed bumps.
- (vi) Ensure the new kerb ramp providing access from the service road to the shared path (linking to River Street) matches the width of the shared path plus tapers of 300mm either side to provide a consistent travel path. a 1:15 gradient for the ramp, subject to review and to the satisfaction of the Responsible Authority.
- (vii) Investigate the conversion of the existing zebra crossing of the Vickers Drive vehicle entry from River Boulevard into a raised pedestrian-priority crossing.
- (viii) Notations stating that car parking spaces are not to be reinstated along the River Boulevard frontage at the completion of the development.
- (ix) Depict indicative future protected bicycle lanes on River Boulevard.

(b) Plans to show (including but not limited to):

- (i) Incorporate details/sections as required.
- (ii) Extent of proposed and existing pavements and any other proposed infrastructure improvements and changes.
- (iii) All existing and proposed streetscape infrastructure on all relevant plans including but not limited to light poles, drains and street signs.
- (iv) Any proposed external street furniture including seats and bike parking.
- (v) Materials including any surface treatments, edges, landscaping and drainage.
- (vi) Clearly dimensioned elements including pedestrian paths and parking bays;
- (vii) Property boundaries to clearly show private and Council land.
- (viii) All existing and proposed levels and surface grades.
- (ix) All existing and proposed and required drainage infrastructure improvements to responsible authority satisfaction.
- (x) Trees and other plantings.
- (xi) References to standard details and provision of typical details where required.

- (c) Plans must be consistent with the civil work and landscape detailed plans required at Condition 28.

All to the satisfaction of the Responsible Authority.

27. Before any stage of the buildings are occupied or at a later date as agreed in writing by the Responsible Authority, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 26) must be fully constructed and completed by the Development Plan holder, with all costs borne by the Development Plan holder, to the satisfaction of the Responsible Authority.

Civil and landscape detailed design

28. Prior to the commencement of construction of the development or by such later date as is approved by the Responsible Authority (Council), detailed design plans (Civil and Landscape) for the proposed public realm areas shown on the public realm plans required at Condition 26 must be prepared, submitted and approved by the Responsible Authority (Council). When approved, the plan will be endorsed and will then form part of the Development Plan. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels
 - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel
 - (c) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade.
 - (d) Stormwater drainage in accordance with the Council approved stormwater strategy, including design computations, longitudinal sections, pit schedule and details.
 - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type.
 - (f) Public lighting plan, including proposals for any temporary lighting.
 - (g) Signage & line marking plans indicating the existing and proposed changes.
 - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council.
 - (i) All surfaces must be designed in accordance with DDA requirements.
 - (j) Distinct delineation between public and private land along all interfaces.
 - (k) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve.
 - (l) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
29. Before any stage of the buildings are occupied or by such later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Civil and Landscape Detailed Designs Plans must be fully constructed and completed by the Development Plan holder, all to the satisfaction of the Responsible Authority. The public realm areas must be delivered in accordance with Council's document '*General Requirements for the Delivery of Public Realm Works*'.

Tree Protection

30. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this Development Plan. The Tree Management Plan must make recommendations for:
- (a) the protection of all trees to be retained on Site, all street trees along River Boulevard frontage to be retained and all trees within 10 metres of the title boundaries on adjoining land:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction

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

to the satisfaction of the Responsible Authority.

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

Car Parking

32. 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.
33. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this Development Plan. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces, including DDA spaces;
 - (b) the management of car parking spaces and security arrangements for employees of the development;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) policing arrangements and formal agreements;
 - (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (f) details regarding the management of loading and unloading of goods and materials; and
 - (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.
34. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
35. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Green Travel Plan

36. Before the occupation of any stage of the development, 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 Development Plan. The amended Green Travel Plan must include (or show):

- (a) Green Travel plan initiatives detailed in Table 5.1 of the Traffic Impact Assessment, prepared by Stantec, dated 30 September 2022;
- (b) Operation details of the proposed car share car parking space within the basement level;
- (c) security arrangements to access the employee and visitor bicycle storage spaces;
- (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (e) provisions for the GTP to be updated not less than every five years;

to the satisfaction of the Responsible Authority.

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

Road Infrastructure

38. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as standard (asphalt) footpath and kerb and channel:
- (a) at no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required)); and
 - (b) to the satisfaction of the Responsible Authority.
39. Before any stage of the buildings are 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 Development Plan holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
40. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the Development Plan holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Public Lighting

41. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the insert street name or lane number and the entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this Development Plan. The Public Lighting Plan must provide for:
- (a) all pedestrian access to the proposed residential/multipurpose development at 25 River Boulevard must be lit by public lighting installations as specified in the *Australian Standard AS 1158.3.1:2020 Lighting for roads and public spaces*.
 - (b) new poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
 - (c) consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
 - (d) light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of *Australian Standard AS 4282 - 2019 Control of the obtrusive effects of outdoor lighting*;
 - (e) the locations of any new light poles must not obstruct vehicular access into private properties; and

- (f) the provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Section 173 Agreement (public access)

- 42. Within six months of the commencement of works the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, by which the owner covenants that, in addition to the usual section 173 agreement acknowledgements and covenants, it shall:
 - (a) keep those parts of the Site and 40 River Boulevard depicted as publicly accessible in the endorsed landscape and/or public realm plans (as the case may be) (the publicly accessible areas) permanently available for the public to use;
 - (b) at the owner's cost, be responsible for maintaining the publicly accessible areas to the satisfaction of the Responsible Authority;
 - (c) at the owner's cost, obtain and maintain public liability and professional indemnity insurance over the publicly accessible areas in an amount and subject to such conditions as approved by the City of Yarra;
 - (d) pay the responsible Authority's reasonable costs in the preparation, execution and recording of the agreement
- 43. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Annettes Place playground redevelopment

- 44. Before any stage of the buildings are occupied, or such other event or date that the Responsible Authority may agree to in writing, the sum of \$200,000 (said sum) must be paid to the Responsible Authority, for the Responsible Authority to hold and either:
 - (a) apply to the upgrade, relocation and/or replacement of the Annettes Place Reserve playground (playground) within 5 year(s) (said period) of the payment being made, or
 - (b) return such part of the said sum that the Responsible Authority has not spent on the upgrade, relocation and or replacement of the playground within the said period, or
 - (c) return the whole of the said sum if the Responsible Authority has not upgraded, relocated and/or replaced the playground within the said period.

General

- 45. Before any stage of 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 for that stage 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.
- 46. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 47. 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.

48. 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.
49. 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.

Loading and Unloading

50. 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.

Construction management

51. 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 Development Plan. 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;
 - (j) materials and waste;
 - (k) dust;
 - (l) stormwater contamination from run-off and wash-waters;
 - (m) sediment from the land on roads;
 - (n) washing of concrete trucks and other vehicles and machinery; and
 - (o) spillage from refuelling cranes and other vehicles and machinery;
 - (p) the construction program;
 - (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (r) parking facilities for construction workers;
 - (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (u) 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;
 - (v) 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;

- (w) 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.
- (x) 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;

During the construction:

- (y) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (z) 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;
- (aa) vehicle borne material must not accumulate on the roads abutting the land;
- (bb) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (cc) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

- 52. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 53. 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.

Road Safety Audit

- 53. Before the development commences, a Road Safety Audit must be submitted to and approved by the Responsible Authority. When approved the Road Safety Audit will be endorsed and will form part of this permit. The Road Safety Audit must be prepared by a suitably qualified professional and address any potential future conflicts between pedestrians, cyclists and vehicles within River Boulevard as a consequence of the development approved by this permit and measures for mitigating any identified conflicts.
- 54. The requirements of the endorsed Road Safety Audit Report must be implemented and complied with to the satisfaction of the Responsible Authority.

NOTES

The subject land is subject to an approved development contributions plan and a Development Contributions Plan Overlay. The development and community contributions levies payable in respect of the development is to be paid in accordance with section 46N(2) and 46O(1) of the *Planning and Environment Act 1987*.

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.

Where works extend beyond title boundaries, Public Land Manager Consent is required for the proposed path and ramp connections to the Main Yarra Trail pursuant to the *Crown Land (Reserves) Act 1978*.

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

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

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

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

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

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

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.

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.

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easements.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Mohamud

Recommendation 2: Planning Permit (PLN22/0142)

That the Recommendation be adopted.

CARRIED

Reference	D23/15130
Author	Chris Stathis - Senior Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN21/0316 for the construction of a multi-storey building for office (medical centre), food and drink premises, shop and dwellings (permit required for the dwellings land use only), buildings and works within the Transport Zone 2, alteration of access to a road in Transport Zone 2 and a reduction in the car parking requirements.at 398 – 400 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 architectural plans prepared by MA Architects dated 30 June 2022 but modified to show:
 - (a) The following changes in accordance with the sketch plans received by Council on 07 February 2023:
 - (i) Level 08 balconies reduced in size so that these balconies (including inter-tenancy screening and balustrades) comply with the 45 degree setback controls of the Design and Development Overlay (Schedule 15);
 - (ii) Raking of the front section of the services screening to comply with the 45 degree setback control of the Design and Development Overlay (Schedule 15);
 - (iii) Provision of additional articulation to the Johnston Street podium through the application of brick snap cladding to the central section of the podium façade (at levels 01, 02, 04 and 05);
 - (iv) Provision of an additional gate and fencing to the northern edge of the resident terrace;
- But further modified to show:
- (b) Notate the westernmost ground floor tenancy facing Johnston Street as a Food and Drink Premises and notate the three remaining ground floor tenancies as Shop;
 - (c) Removal of thick black outline on east and west elevations (depicting adjacent development);
 - (d) The residential entrance gates at Johnston Street and at Little Turner Street provided with a minimum visual transparency of 50%;
 - (e) Dimension the height of the rear ground floor fencing and entrance gate at Little Turner Street;
 - (f) Details of lighting within the ground floor setback area along Little Turner Street ensuring some sensor lighting;
 - (g) Reconfigure the Johnston Street footpath canopy to provide openings within the canopy that have a minimum radial clearance of 3m from the trunks of the two street trees along the Johnston Street frontage, with these openings provided with a curved design where possible;
 - (h) Dimension the footpath clearance height, depth outside title boundaries and minimum 750mm setback from the street kerb of the Johnston Street footpath canopy;
 - (i) Clarify the ground surface material proposed for the ground floor setback area along the Johnston Street frontage;
 - (j) Reconfigure the ground floor Johnston Street fire booster cupboard so that the service doors can be pinned back 180 degrees to the building façade when in use;

- (k) Notation confirming that the rainwater tank has a minimum capacity of 20,000L and that it will be connected to toilets for flushing at ground floor, level 01 (apartments) and level 02 (Office Medical Centre);
- (l) Correct the Clause 58 plans to correctly identify that there are a total of two 'Type H' apartments;
- (m) Hit-and-miss brickwork screens to the north-facing windows of apartments 308, 310, 404, 406, 504 and 505 to be provided with a maximum visual transparency of 25%;
- (n) The north-facing windows and balconies of apartments 501 and 502 screened to comply with the internal views objective of clause 58.04-2 with respect to the balconies of apartments 401 and 402;
- (o) Notation on the ground floor plan to confirm that the southern entrance to the resident terrace is locked with a fob pass for occupants of the apartments only;
- (p) Update all Overlooking Diagrams and Sections A and C to provide the following dimensions for apartments 103, 104, 203, 204, 303 and 304:
 - (i) The height and depth of the solid balustrades;
 - (ii) Height and depth of the horizontal fin screening;
 - (iii) Size of the gaps between each of the horizontal fins;
- (q) The north-facing balconies and habitable room windows of apartments 103, 203 and 303 screened to comply with the overlooking objective of clause 55.04-6, with respect to views into the secluded private open space of No. 87 Turner Street;
- (r) The north-facing balconies and habitable room windows of apartments 303 and 304 screened to comply with the overlooking objective of clause 55.04-6, with respect to views into the secluded private open space of No. 97 Turner Street;
- (s) Provision of an additional overlooking diagram to demonstrate that the development complies with the overlooking objective of clause 55.04-6 with respect to the secluded private open space of No. 99 Turner Street;
- (t) A minimum of eight storage cages provided with notations confirming that these are allocated to all Type A, Type F and Type J apartments;
- (u) Clause 58 (BADS) plans updated to show:
 - (i) The Type A, Type C and Type F apartments provided with adaptable bathroom doors that are clear of the adaptable bathroom circulation area and provided with readily removable hinges;
 - (ii) The Type B apartments provided with notations to confirm that the adaptable bathroom doors have hinges that are readily removable;
 - (iii) The Type B and Type E apartments provided with notations to confirm that the adaptable bathrooms have shower screens that are removable;
 - (iv) The adaptable bathrooms of Type B and Type E apartments reconfigured to have the toilets located closest to the door opening;
- (v) A convex mirror mounted at the eastern edge of the development entrance;
- (w) The internal ramped accessway dimensioned;
- (x) Redesign or repositioning of the basement columns to comply with *Diagram 1 Clearance to car parking spaces* of clause 52.06-9;
- (y) Motorcycle spaces dimensioned;
- (z) Cross-section drawing (ground clearance check) of the vehicle entrance (for the first 7m inside the property) using the B99 design vehicle. The ground clearance check must provide (or show) the following:
 - (i) spot levels of the property boundary, the open invert, the edge of the channel and a number of different locations within the road pavement of Little Turner Street;
 - (ii) no vehicle scraping or 'bottoming out' of a B99 vehicle as it accesses the subject site via Little Turner Street.
- (aa) Dimension the visitor bicycle spaces, demonstrating compliance with AS 2890.3;
- (bb) With respect to the employee / resident bicycle spaces:
 - (i) Show dimensions of bicycle spaces, lifts doors and accessways to demonstrate compliance with the access requirements of AS 2890.3;
 - (ii) All spaces located within a secure, lockable compound;
 - (iii) A minimum of 20% of the spaces provided as horizontal rack spaces;

- (cc) Provision of a second shower / change room facility at ground floor by merging the two toilets;
 - (dd) A minimum of three electric vehicle car spaces;
 - (ee) any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
 - (ff) any requirement of the endorsed Waste Management Plan (condition 7) (where relevant to show on plans);
 - (gg) any requirement of the endorsed Landscape Plan (condition 10) (where relevant to show on plans);
 - (hh) any requirement of the endorsed Tree Management Plan (condition 12) (where relevant to show on plans)
 - (ii) any requirement of the endorsed Acoustic Report (condition 14) (where relevant to show on plans);
 - (jj) any requirement of the endorsed Wind Report (condition 15) (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.
 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, façade services and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation;
 - (d) details of the construction, durability and alignment of the snip brick cladding, and;
 - (e) a materials schedule (with example images) and coloured drawings outlining colours, materials and finishes and clarification of the exact produce type for the snap brick cladding;
 4. As part of the ongoing consultant team, MA Architects Pty Ltd 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. 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 Frater Consulting Services, dated 07 July 2022 (as well as the Daylight Modelling Report prepared by IGS and dated 28 June 2022) , but modified to include or show:
 - (a) Confirm whether gas is being used at all within the building (i.e. for cooking and discuss whether the development has potential to be 100% all electric;
 - (b) Remove all ambiguous language from the commitments within the material category;
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 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 One Mile Grid and dated 01 July 2022, but modified to include or show:
 - (a) Specify the maximum size of waste vehicles to be used for waste collection, with corresponding swept path diagrams to demonstrate that these vehicles can access and egress Little Turner Street;
 - (b) Clarify how hard waste and e-waste will be managed.

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

Landscape Plan

10. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Bradbury Culina and dated 16 June 2021, but modified to include (or show):
 - (a) Updated to align with the endorsed plans referenced at condition 1.
 - (b) Show climbing plants in the central ground floor landscaping strip (within the northern ground floor setback area) that are capable of growing up the hit-and-miss brick screening of the northern façade at ground floor, level 01 and level 02;
 - (c) The provision of:
 - (i) One Type A Tree provided in a planter (in accordance with the minimum specifications of Table D3 of Standard D10 of Clause 58) within the ground floor resident terrace;
 - (ii) A minimum of one Type A tree provided in a planter (in accordance with the minimum specifications of Table D3 of Standard D10 of Clause 58) at the roof garden at level 01;
 - (iii) The above-mentioned Type A trees to be of a species that can grow in low sunlight conditions;
 - (d) The soil mix used in planters above ground to be specified as lightweight media;
 - (e) Clarify depth of all planted areas, with a minimum soil depth of 0.8m for any tree plantings;
 - (f) Information on the proposed methods for irrigation and drainage;
 - (g) A plant and landscape maintenance schedule including details on tasks and frequency to maintain the landscaping, details on accessing landscaping areas above ground floor and details on how communal landscaped areas will be managed;

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, 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.

Tree Management Plan

12. Before the development commences, a Tree Management Plan regarding the street trees along Johnston Street to the satisfaction of the Responsible Authority and by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of the permit. The Tree Management Plan must include (or show):
- (a) All construction methods in accordance with AS4970-2009 (Protection of trees on development sites);
 - (b) Identify tree protection measures to ensure the long term viability of the street trees including:
 - (i) Show tree protection fencing to be solid hoarding fixed to the ground that extends along the footpath along the width of the tree canopy;
 - (ii) Identify tree protection measures that protect the canopy from any damage by machinery, vehicles or construction processes;
- all to the satisfaction of the Responsible Authority.
13. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented thereafter to the satisfaction of the Responsible Authority.

Acoustic Report

14. The provisions, recommendations and requirements of the endorsed Acoustic Report generally in accordance with the Acoustic Report prepared by Cogent Acoustics and dated 22 June 2022, must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment Report

15. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Wind Tech and dated 27 June 2022, but modified to include (or show):
- (a) Demonstrate the 'standing comfort' criterion being achieved at the rear pedestrian entrance (at the eastern end of the Little Turner Street frontage) without reliance on landscaping;
 - (b) Demonstrate that the 'walking comfort' criterion can be achieved along the Johnston Street footpath accounting for the reduced extent of canopy as required by condition 1(f);
 - (c) Demonstrate that the revised level 08 balconies (as required by condition 1(a) will meet the standing comfort criterion;
 - (d) Demonstrate that the building entrances along the Johnston Street frontage will achieve the standing comfort criterion;
 - (e) Demonstrate the wind outcomes stated throughout the report by undertaking wind modelling with a discussion of any additional attenuation measures that may be required as a result of the findings of the wind modelling.

all to the satisfaction of the Responsible Authority.

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

Road Infrastructure

17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on the property's Johnston Street frontage must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at no cost to the Responsible Authority, and;
 - (b) 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, the footpath along the property's Johnston Street frontage must be reconstructed and satisfy the following:
 - (a) Be reconstructed in asphalt in accordance with Council standards;
 - (b) The footpath must be constructed in compliance with DDA requirements i.e. – a maximum crossfall of 1 in 33 for asphalt;
 - (c) The internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary;
 - (d) The alignment and level of existing kerb and channel in Johnston Street is not to be altered unless agreed upon with Council in writing;
 - (e) The longitudinal grade of the footpath abutting the property (on either side) must not be altered unless agreed upon with Council in writing;
 - (f) Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades/surface; and
 - (g) The footpaths are to be reconstructed at the Permit Holder's cost,

to the satisfaction of the Responsible Authority;
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any 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; and
 - (b) to the satisfaction of the Responsible Authority.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all redundant drain outlets must be demolished and reinstated:
 - (a) at no cost to the Responsible Authority; and
 - (b) to the satisfaction of the Responsible Authority.

Car Parking

21. 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.

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

Green Travel Plan

23. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid and dated 4 July 2022, but modified to include (or show):
- (a) Update Table 3 by removing reference to Ashburton Shopping Centre, Watson Park and Solway Primary School;
 - (b) Discuss proposed end of trip facilities;
- all to the satisfaction of the Responsible Authority.
24. 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

25. 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

26. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
27. 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.
28. 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.
29. 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.
30. 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.
31. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

32. 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

33. 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.
34. 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

35. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 and adjoining private properties;
 - (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.

36. 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.

Transport for Victoria Condition (Condition 35)

37. Prior to commencement of use all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

Time expiry

38. This permit will expire if:

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

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

NOTES

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

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

All future employees and occupants 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.

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.

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.

Transport for Victoria Note

Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport Zone 2 (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.

Submission

Clare Field, Tract Consultants (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Mohamud

Seconded: Councillor Nguyen

That the Recommendation be adopted.

CARRIED

The meeting closed at 9.40pm.

Confirmed at the meeting held on Tuesday 28 March 2023

Chair