



Minutes

Planning Decisions Committee

6.30pm, Tuesday 24 October 2023

Richmond Town Hall

1. Appointment of Chair

Councillor Wade nominated Councillor Landes as chair.

There being no other nominations, Councillor Landes was elected chair.

Councillor Landes 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 Herschel Landes Councillor
- Cr Sophie Wade Councillor

Council officers

- Ally Huynh Senior Coordinator Statutory Planning
- Joe Byrne Senior Statutory Planner
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

4. Declarations of conflict of interest

No declarations were made.

5. Confirmation of Minutes

RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Landes

1. That the minutes of the meeting of the Planning Decisions Committee held on Tuesday 26 September 2023 be confirmed.

CARRIED

6. PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN22/0941 - 93 & 95-97 Sackville Street, Collingwood	4	12

Reference	D23/345384
Author	Erryn Megennis - Statutory Planner
Authoriser	Acting Co-ordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN22/0941 for the construction of seven townhouses and an associated reduction in the car parking requirements of the Yarra Planning Scheme at 93 and 95-97 Sackville Street, Collingwood VIC 3066 subject to the following conditions:

1. Before the use and 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 must be generally in accordance with the decision plans prepared by Edition Office, Revision B and dated March 2023 but modified to show:
 - (a) The 'hiatus land' (land shown as the subject site but not formally part of Lot 1 on TP235956J and Lot 1 on TP414169M) must form part of the subject site. Title documents demonstrating this must be submitted to and be approved by the Responsible Authority;
 - (b) The front setback to Sackville Street at ground level dimensioned on the proposed floor plans;
 - (c) the proposed south elevation to show provision of expressed joints;
 - (d) The maximum height of the front fencing to Sackville Street dimensioned from NGL;
 - (e) Front fences and gates to all dwellings to demonstrate a minimum 50% transparency;
 - (f) The percentage transparency of the fences adjacent the communal garden notated on internal north and south elevations;
 - (g) Incorporation of cut-outs alongside the western boundary wall to accommodate creeping plants;
 - (h) Notation confirming the use of graffiti-proof paint on the western façade of the building;
 - (i) Notation confirming rainwater tanks will be used for sanitary purposes;
 - (j) Diagrams to demonstrate compliance with the objectives of Clause 55.04-7 (Internal Views) in relation to the southern garden fences to Dwellings TH01 – TH03;
 - (k) The heights of the northern roof terrace balustrades of Dwelling TH04 – TH07 corrected to 1.1m on the proposed roof terrace plans;
 - (l) Reinstatement of the crossover along Sackville Street;
 - (m) Provision of four streams of waste to each dwelling;
 - (n) Headroom clearances of individual garage doors dimensioned;
 - (o) Provision of one on-site visitor bicycle parking space, to the satisfaction of the Responsible Authority;

- (p) Finished floor levels set no lower than 20.0 metres to Australian Height Datum (AHD) with no increase in height to the overall building form or on boundary walls, that car parking grades remain satisfactory and that the ground floor interface to Sackville Street remains of high architectural quality;
 - (q) The garages must be constructed with finished floor levels set no lower than 19.70m to AHD with no increase in height to the overall building form or on boundary walls, that car parking grades remain satisfactory and that the ground floor interface to Sackville Street remains of high architectural quality;
 - (r) Any changes required of the Landscape Plan (Condition 13);
 - (s) Any changes required of the amended Sustainable Design Assessment (Condition 15);
 - (t) Any changes required of the amended Acoustic Report (Condition 17); and
 - (u) Any changes required of the Waste Management Plan (Condition 20).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
 4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 5. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
 6. 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.
 7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the communal accessway, communal garden, pedestrian walkway, laneway and dwelling entrances 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.

Melbourne Water Conditions (Conditions 8 to 12)

8. Prior to the endorsement of plans, amended plans must be submitted to Melbourne Water for approval addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified showing the following:
 - (a) The dwellings must be constructed with finished floor levels set no lower than 20.0m to AHD, which is 300mm above the applicable flood level of 19.70m to AHD; and
 - (b) The garages must be constructed with finished floor levels set no lower than 19.7m to AHD.
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10. The garages must be constructed with finished floor levels set no lower than 19.7m to AHD.
11. All open space within the property (including all setbacks) must be set/maintained at existing natural surface level so as to not obstruct the passage of overland flows.
12. Any new fencing/gates (internal and front) must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.

Landscape Plan

13. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
 - (a) Show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) Indicate the location of all areas to be covered by lawn or other surface materials;
 - (c) A detailed maintenance schedule;
 - (d) Ensure adequate soil volumes and planter sizes are provided to support the type and spread of vegetation proposed;
 - (e) Provide a specification of works to be undertaken prior to planting;
 - (f) Incorporation of cut-outs alongside the western boundary wall to accommodate creeping plants; and
 - (g) Location and incorporation of lighting within the communal terrace,
To the satisfaction of the Responsible Authority.
14. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) Replacing any dead, diseased, dying or damaged plants,
To the satisfaction of the Responsible Authority.

Sustainable Design Assessment

15. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by SUHO and dated November 2022 but modified to include or show:
 - (a) EV charging points shown on the development plans and BESS inputs updated accordingly;
 - (b) Percentage of vegetation coverage throughout the development increased;
 - (c) Executive summary corrected to refer to a minimum score to pass BESS of 50%;
 - (d) SDA, BESS and STORM updated to reflect the development plans dated March 2023 and any changes required of Condition 1 above;
 - (e) Development plans to show provision of baths and washing machines in accordance with the BESS report;

- (f) Confirmation that rainwater tanks will be used for sanitary purposes and garden irrigation;
 - (g) Clarify whether rainwater tanks will be used for garden irrigation and update Water Efficient Landscaping claims in BESS accordingly (if all vegetation is in irrigation areas connected to rainwater or an alternative water source, this credit cannot be claimed);
 - (h) BESS Dwelling Energy Profile inputs for exposed sides corrected for Dwellings TH1, TH4 and TH7;
 - (i) Clarify and update BESS accordingly proposed system types for heating and cooling;
 - (j) "Retractable fly screen" notations removed from proposed roof plans and corrected to "clothesline";
 - (k) IEQ Credit 3.2 (Thermal Comfort) - Clarify the use of effective external shading and clearly show on the development plans, including the elevations for north and west-facing glazing;
 - (l) Notation on development plans confirming the skylights above the kitchens to Dwellings TH5 – TH7 are operable;
 - (m) For bedroom 2 of Dwellings TH5 – TH7, confirm and notate accordingly on development plans if skylights are operable;
 - (n) Clarify if the 'swing panels' as annotated on the development plans are a wall or glazing element;
 - (o) Consistent daylight report and daylight modelling for TH4 and TH6;
 - (p) VLT values in daylight modelling consistent with the values used in the NatHERS assessment;
 - (q) Daylight modelling to show full extent of internal rooms modelled, including plan imagery in modelling report with screenshots of numerical results achieved;
 - (r) Assessment results of daylight modelling presented in line with BESS standards for IEQ Credits 1.1 and 1.2, rather than as an 'average daylight factor' for the room;
 - (s) References to visitor bicycle parking spaces removed from the SDA report and BESS inputs updated accordingly;
 - (t) Development plans updated to show location of residents' bicycle parking;
 - (u) Clarify (and update SDA and development plans accordingly) use of CLT structures in the development; and
 - (v) Renewable energy initiatives to commit to a minimum 10-year agreement for the purchase of accredited GreenPower supplied to all townhouses.
16. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Reports

17. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by DDEG Acoustics and dated April 2023, but modified to include (or show, or address):
- (a) Confirmation that the adopted music source levels from Nighthawks Bar are indicative of typical worst-case live performances or otherwise, the report to assess and make recommendations for the management of music noise based on worst-case noise levels of live performances;

- (b) Clarification on whether the spectra shown on pages 20-23 are A-weighted or unweighted and to address any consequential issues with internal noise levels or the recommended mitigations as a result;
 - (c) Clarification on which of the measurements in Table 8 have been used to determine the music noise source level; and
 - (d) An assessment of commercial industrial noise conducted at a time when worst-case noise levels are expected (e.g. 10am to 3pm on a Monday to a Thursday) as well as any nearby industries operating during the more sensitive evening or night periods.
18. In the event of the amended planning permit PLN14/0441.04 for Nos. 134-138 Johnston Street, Collingwood (Nighthawks Bar) being issued, before the use and development commences an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess and make recommendations for the following:
- (a) Music and patron noise associated with the expanded operations of Nighthawks Bar approved under amended planning permit PLN14/0441.04. Compliance with clause 53.06 based on worst case impacts from this live music venue is to be made with façade upgrade recommendations made without a reliance on noise masking.; and
 - (b) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
19. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

20. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit. The Waste Management plan is to outline how waste will be collected from the site with particular focus on the four townhouses at the rear of the site, which do not have street frontage.
21. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Street Trees

22. Before the development commences, the permit holder must make a one-off contribution of \$3,324 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for new street tree plantings, surface treatments and tree maintenance that are required as a result of the development.
23. Before the development commences, the permit holder must provide an Asset Protection Bond of \$1500 (ex GST) for the tree in Sackville Street adjacent the frontage of the development to the Responsible Authority. The security bond:
- (a) Must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) May be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) In accordance with the requirements of this permit; or
 - (d) Otherwise to the satisfaction of the Responsible Authority.

Engineering Conditions

24. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Engineering Department for approval, and include:
 - (a) A section drawing of the internal accessway and the laneway must be provided, showing the 40 mm lip at the front edge of the slab where it abuts the laneway. The finished level of the accessway must be labelled, together with the existing east edge of laneway level and the existing level of the laneway's invert.
25. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
26. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) Treated with an all-weather seal or some other durable surface; and
 - (d) Line-marked or provided with some adequate means of showing the car parking spaces,
To the satisfaction of the Responsible Authority.
27. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
28. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath, kerb and channel along the Sackville Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
30. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
31. Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.
32. The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
33. Before the building is occupied, all redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

General

34. All provisions, recommendations and requirements of the Preliminary Risk Screen Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
36. Prior to the commencement of the development a Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
37. 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.

Construction Management Plan

38. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) Works necessary to protect road and other infrastructure;
 - (c) Remediation of any damage to road and other infrastructure;
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) Facilities for vehicle washing, which must be located on the land;
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) Site security;
 - (h) Management of any environmental hazards including, but not limited to, :
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
 - (iv) Stormwater contamination from run-off and wash-waters;
 - (v) Sediment from the land on roads;
 - (vi) Washing of concrete trucks and other vehicles and machinery; and
 - (vii) Spillage from refuelling cranes and other vehicles and machinery;
 - (i) The construction program;
 - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) Parking facilities for construction workers;
 - (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

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

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

Expiry

40. This permit will expire if:

- (a) The development is not commenced within two years of the date of this permit; or
- (b) The development is not completed within four years of the date of this permit; or
- (c) The use 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 local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

All future property owners or residents within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

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.

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

A 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.

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

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

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

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

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

Load bearing weights for the building need to be checked and confirmed by suitably qualified structural engineers against the saturated bulk density of soil media, planter box and plant mass proposed.

Public Submissions

The following people addressed the committee:

Cameron Elliott (Applicant);

Robert Jackson;

Renee Jackson;

Leah Henry; and

Ellen Yuling Hong.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Landes

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN22/0941 for the construction of seven townhouses and an associated reduction in the car parking requirements of the Yarra Planning Scheme at 93 and 95-97 Sackville Street, Collingwood VIC 3066 subject to the following conditions:

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 - (a) Located;
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 - (c) Executive summary corrected to refer to a minimum score to pass BESS of 50%;
 - (d) SDA, BESS and STORM updated to reflect the development plans dated March 2023 and any changes required of Condition 1 above;
 - (e) Development plans to show provision of baths and washing machines in accordance with the BESS report;
 - (f) Confirmation that rainwater tanks will be used for sanitary purposes and garden irrigation;
 - (g) Clarify whether rainwater tanks will be used for garden irrigation and update Water Efficient Landscaping claims in BESS accordingly (if all vegetation is in irrigation areas connected to rainwater or an alternative water source, this credit cannot be claimed);
 - (h) BESS Dwelling Energy Profile inputs for exposed sides corrected for Dwellings TH1, TH4 and TH7;
 - (i) Clarify and update BESS accordingly proposed system types for heating and cooling;
 - (j) "Retractable fly screen" notations removed from proposed roof plans and corrected to "clothesline";
 - (k) IEQ Credit 3.2 (Thermal Comfort) - Clarify the use of effective external shading and clearly show on the development plans, including the elevations for north and west-facing glazing;
 - (l) Notation on development plans confirming the skylights above the kitchens to Dwellings TH5 – TH7 are operable;
 - (m) For bedroom 2 of Dwellings TH5 – TH7, confirm and notate accordingly on development plans if skylights are operable;
 - (n) Clarify if the 'swing panels' as annotated on the development plans are a wall or glazing element;
 - (o) Consistent daylight report and daylight modelling for TH4 and TH6;
 - (p) VLT values in daylight modelling consistent with the values used in the NatHERS assessment;
 - (q) Daylight modelling to show full extent of internal rooms modelled, including plan imagery in modelling report with screenshots of numerical results achieved;
 - (r) Assessment results of daylight modelling presented in line with BESS standards for IEQ Credits 1.1 and 1.2, rather than as an 'average daylight factor' for the room;
 - (s) References to visitor bicycle parking spaces removed from the SDA report and BESS inputs updated accordingly;
 - (t) Development plans updated to show location of residents' bicycle parking;
 - (u) Clarify (and update SDA and development plans accordingly) use of CLT structures in the development; and

- (v) Renewable energy initiatives to commit to a minimum 10-year agreement for the purchase of accredited GreenPower supplied to all townhouses.
16. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Reports

17. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by DDEG Acoustics and dated April 2023, but modified to include (or show, or address):
- (a) Confirmation that the adopted music source levels from Nighthawks Bar are indicative of typical worst-case live performances or otherwise, the report to assess and make recommendations for the management of music noise based on worst-case noise levels of live performances;
 - (b) Clarification on whether the spectra shown on pages 20-23 are A-weighted or unweighted and to address any consequential issues with internal noise levels or the recommended mitigations as a result;
 - (c) Clarification on which of the measurements in Table 8 have been used to determine the music noise source level; and
 - (d) An assessment of commercial industrial noise conducted at a time when worst-case noise levels are expected (e.g. 10am to 3pm on a Monday to a Thursday) as well as any nearby industries operating during the more sensitive evening or night periods.
18. In the event of the amended planning permit PLN14/0441.04 for Nos. 134-138 Johnston Street, Collingwood (Nighthawks Bar) being issued, before the use and development commences an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess and make recommendations for the following:
- (a) Music and patron noise associated with the expanded operations of Nighthawks Bar approved under amended planning permit PLN14/0441.04. Compliance with clause 53.06 based on worst case impacts from this live music venue is to be made with façade upgrade recommendations made without a reliance on noise masking; and
 - (b) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
19. **Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the development with the recommendations of the Acoustic Reports as endorsed under Condition 17 and/or 18 of this Permit. When approved, the Acoustic Report will be endorsed and will then form part of this permit.**
20. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

21. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit. The Waste Management plan is to outline how waste will be collected from the site with particular focus on the four townhouses at the rear of the site, which do not have street frontage.
22. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Street Trees

23. Before the development commences, the permit holder must make a one-off contribution of \$3,324 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for new street tree plantings, surface treatments and tree maintenance that are required as a result of the development.
24. Before the development commences, the permit holder must provide an Asset Protection Bond of \$1500 (ex GST) for the tree in Sackville Street adjacent the frontage of the development to the Responsible Authority. The security bond:
 - (a) Must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) May be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) In accordance with the requirements of this permit; or
 - (d) Otherwise to the satisfaction of the Responsible Authority.

Engineering Conditions

25. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Engineering Department for approval, and include:
 - (a) A section drawing of the internal accessway and the laneway must be provided, showing the 40 mm lip at the front edge of the slab where it abuts the laneway. The finished level of the accessway must be labelled, together with the existing east edge of laneway level and the existing level of the laneway's invert.
26. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
27. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) Treated with an all-weather seal or some other durable surface; and
 - (d) Line-marked or provided with some adequate means of showing the car parking spaces,To the satisfaction of the Responsible Authority.

28. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
29. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath, kerb and channel along the Sackville Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
31. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
32. Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.
33. The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
34. Before the building is occupied, all redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

General

35. All provisions, recommendations and requirements of the Preliminary Risk Screen Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
36. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
37. Prior to the commencement of the development a Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
38. 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.

Construction Management Plan

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

- (c) Remediation of any damage to road and other infrastructure;
- (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) Facilities for vehicle washing, which must be located on the land;
- (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) Site security;
- (h) Management of any environmental hazards including, but not limited to,:
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
 - (iv) Stormwater contamination from run-off and wash-waters;
 - (v) Sediment from the land on roads;
 - (vi) Washing of concrete trucks and other vehicles and machinery; and
 - (vii) Spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

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

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

Expiry

41. This permit will expire if:
- (a) The development is not commenced within two years of the date of this permit; or
 - (b) The development is not completed within four years of the date of this permit; or
 - (c) The use 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 local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

All future property owners or residents within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

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.

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

A 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.

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

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

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

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

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

Load bearing weights for the building need to be checked and confirmed by suitably qualified structural engineers against the saturated bulk density of soil media, planter box and plant mass proposed.

CARRIED

The meeting closed at 7.20pm

Confirmed at the meeting held on Tuesday 28 November 2023

Chair