



# Minutes

## Planning Decisions Committee

6.33pm, Tuesday 19 December 2023

Richmond Town Hall

## 1. Appointment of Chair

Councillor Glynatsis nominated Councillor Crossland as chair.

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

Councillor Crossland assumed the chair.

## 2. Statement of recognition of Wurundjeri Woi-wurrung Land

*“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.*

*We acknowledge their creator spirit Bunjil, their ancestors and their Elders.*

*We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.*

*We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.*

*We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”*

## 3. Attendance and apologies

Attendance

### Councillors

- Cr Edward Crossland Councillor
- Cr Michael Glynatsis Councillor
- Cr Amanda Stone Councillor

### Council officers

- Kathryn Pound Manager Statutory Planning
- Michelle King Coordinator Statutory Planning
- Laura Condon Senior Planning
- Rhys Thomas Senior Governance Officer
- Mel Nikou Governance Officer

## 4. Declarations of conflict of interest

No declarations were made.

*Councillor Landes arrived at the meeting as an observer at 6.40pm and also declared no conflict of interest.*

## 5. Confirmation of Minutes

### **RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Glynatsis

1. That the minutes of the meeting of the Planning Decisions Committee held on Tuesday 24 October 2023 be confirmed.

**CARRIED UNANIMOUSLY**

## 6. PLANNING DECISIONS COMMITTEE

<b>Item</b>		<b>Page</b>	<b>Res. Page</b>
6.1	PLN23/0129 - 450 Gore Street, Fitzroy	4	14
6.2	PLN22/0994 - 245, 245A & 247 Stawell Street, Burnley	25	31
6.3	PLN16/1134.01 - 171 Smith Street, Fitzroy	38	41

<b>Reference</b>	D23/428869
<b>Author</b>	Laura Condon - Senior Statutory Planner
<b>Authoriser</b>	Acting Senior Coordinator
<b>Disclosure</b>	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 Council advise the Victorian Civil and Administrative Tribunal (VCAT) that had it been in a position to make a decision, it would have issued a notice of decision to grant to a planning permit subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Edition Office Architects plan numbers, TP0.103, 1.100, 1.101, 1.102, 1.103, 1.104, 1.105, 1.106, 1.107, 1.108, 2.100, 2.101, 2.102, 2.103, 3.100, 3.103, 3.105, 8.100.1- 8.100.24, ASK01.1, 01.2, 01.3 & 01.19 all Revision 2 and dated 16<sup>th</sup> May 2023 and Pg 27- 56 of 69 of the Town Planning Design report by Neometro / Edition Office dated 15<sup>th</sup> May 2023 and further modified as following:
  - (a) Notes confirming all windows will be double glazed;
  - (b) All parts of stair/lift roof access to not exceed a maximum height of 3.2m, apart from the minimum area above the lift shaft required to accommodate the lift overrun to be a maximum of 4.8m above the FFL of the roof terrace;
  - (c) Notes confirming the use of the light colour material palette for the dwelling interiors as described in the daylight modelling assessment;
  - (d) The pedestrian access gates to the Gore Street and Leicester Street frontages to be replaced with visually transparent metal dowel gates;
  - (e) Provide smooth sawn bluestone pitchers to create an accessible entrance to all pedestrian entrances from the rear lane in accordance with the City of Yarra Road Materials Policy;
  - (f) Detail the provision of one (1) bluestone single pitcher outstand to the existing street tree on Gore Street site frontage and four (4) further bluestone single pitcher outstands to accommodate four (4) new street trees to the Leicester Street site frontage;
  - (g) Note overhead power wires to the Gore Street and Leicester Street site frontages will be bundled to facilitate tree growth;
  - (h) Confirm the canvas shading awnings will not extend past the outside face of the masonry balcony balustrades to the Gore Street podium;
  - (i) The Gore Street Façade to show at a scale of 1:50 or 1:100 (as appropriate) the changes detailed in the "Amended" façade on pg. 4 of 15 of the letter provided by Contour consultants and dated 27<sup>th</sup> September 2023 as follows:
    - (i) Use of ribbed concrete with the podium level to provide increased texture, depth and shadow-play within the façade;
    - (ii) Provide a visible sleeve to the central podium voids where it intersects with floor/ceiling levels;

- (iii) Strengthening of window framing elements within podium levels;
- (iv) Show greater differentiation between the podium and two levels above by a reduction in the extent of masonry above windows/increased window heights to the upper two floors and the insertion of four new concrete columns to the front of windows to the upper two floors;
- (j) Provide a break or similar treatment in the centre of concrete balcony balustrades to the Gore Street podium to reveal more of the sleeved oval void behind and to break up the horizontality of the masonry balustrades;
- (k) Updated annotation to rainwater tank to also specify reuse connection for irrigation;
- (l) The second floor northern balcony balustrades to be set back a minimum 3m from the northern boundary;
- (m) The third and fourth floor rearranged as follows:
  - (i) the setback of the northern glazing line and overhanging eaves/columns for the third floor to be increased to align to a minimum with the corresponding setbacks of the northern glazing and overhanging eaves/columns on the fourth floor;
  - (ii) the deletion of the northern terraces at the fourth floor or repositioned to include increased setbacks/insetting to protrude no further forward than the third and fourth floor overhanging eaves/columns setback outlined at condition 1mi); and
  - (iii) the subsequent internal rearrangement of floors three and four with each dwelling to be provided with a balcony compliant with Clause 58.05-3 – (Private open space);
- (n) The detail of the northern overlooking screens to correspond between elevations and floor plans, with downward view line sections provided where necessary to demonstrate compliance with the objectives of clause 55.04-5 (Overlooking Objective) of the Yarra Planning Scheme;
- (o) Detail the level of transparency of the privacy screens separating the proposed terraces and to demonstrate compliance with the objectives of clause 58.04-2 (Internal Views Objective) of the Yarra Planning Scheme;
- (p) Notations confirming the void above the Gore Street pedestrian entry will be illuminated after dark from ground floor though to the second floor;
- (q) Detail of the material and finishes of the service doors to the Gore Street frontage demonstrating an integrated and high quality appearance;
- (r) Floor plans and elevations to demonstrate all habitable rooms are provided with operable windows;
- (s) Engineering/car parking related details updated as follows:
  - (i) Label and line mark the on-site vehicle passing/loading bay adjacent to the eastern laneway;
  - (ii) Note all car parking areas to be electrically wired to be 'EV ready' with minimum 40A single phase electrical sub circuit to be installed;
  - (iii) Appropriately position a convex mirror on the north side of the development entrance to allow motorists to view traffic conditions in the laneway to north of the site;
  - (iv) The minimum vehicle ramp headroom clearance to be detailed and must be depicted as being perpendicular to the ramp grade;
  - (v) Either relocate the columns adjacent to car spaces 3 & 4 and 6 & 7 such that they satisfy Diagram 1 Clearance to car parking spaces in Clause 52.06-9, or designate them as Small Car Spaces;
  - (vi) Designate car space 9 as Small Car Space;

- (vii) The stacker envelopes to be dimensioned on the drawings;
- (viii) Further details of the grades of the accessway for a distance of 5m from the property line and each ramp grade section and transition grade must be fully dimensioned;
- (ix) A swept path for the waste collection vehicle showing vehicle turning left into the laneway from Leicester Street and exiting the laneway via Westgarth Street;
- (x) Note the finished floor level of the front edge of the setback area (at the property line) must be set 40 mm higher than the edge of the laneway;
- (xi) Demonstrate satisfactory access into and out of the site with a 1:20 vehicle ground clearance check using the B85 design vehicle, and to be fully dimensioned with reduced level (to three decimal points) as per Council's Vehicle Crossing Information sheet with the drawing to accurately depict the laneway profile, the setback area (including a 40mm lip at the property line) and the basement ramp;
- (xii) Detail all on-road line markings, stormwater drainage discharge points, traffic management treatments, and traffic and parking signs (existing and proposed) adjacent to the site;
- (xiii) The 1 in 8 transition grade at the base of the 1 in 4 ramp section must be dimensioned on the floor plan and be no less than 2.5 metres in length;
- (t) Bicycle parking details updated as follows:
  - (i) The existing bicycle hoops to the Gore Street footpath to be retained,
  - (ii) Note that wayfinding signs directing visitor's to on-site bicycling parking will be provided;
  - (iii) Dimensions of all entrances and corridors for bicycle access must be shown on the plans and demonstrate compliance with AS2890.3;
  - (iv) The B1, B2 and B3 bicycle allocation tags noted on the ground floor plans to be also detailed within the bicycle store to clarify where specific rack types are proposed;
  - (v) The bicycle store to nominate the bicycle space allocation for residential and office users (not including the 4 spaces already allocated to visitors);
  - (vi) At least 1 resident electric bicycle charging point to be provided 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);
- (u) Any relevant changes required by the amended Sustainable Management Plan at Condition 11;
- (v) Any relevant changes required by the Acoustic report at Condition 9;
- (w) Any relevant changes required by the amended Landscape Plan at Condition 14; and
- (x) Any relevant changes required by the Wind Report at Condition 19.

### Use

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. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, 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;
  - (d) The presence of vermin.
4. 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).
  5. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
  6. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

#### Façade Strategy

7. 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, crossed' intersection of slab edges, entries and doors, and utilities and typical tower facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the high quality appearance of the façade will be maintained; and
  - (d) a sample board and coloured drawings outlining colours, materials and finishes.
8. As part of the ongoing progress and development of the site, Edition- Office Architects, or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### Acoustic report

9. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must address the following:
  - (a) Provide an assessment to demonstrating the car sacker will be designed and constructed to achieve the following noise levels for dwelling G5 and G6 with windows closed:
    - (i) Not greater than 40dB(A) for bedrooms, assessed as an Lmax level;
    - (ii) Not greater than 45dB(A) for living areas, assessed as an Lmax level;
  - (b) Provide an assessment to demonstrating the lifts will be designed to and constructed to achieve the following noise levels for the proposed dwellings where it abuts bedrooms and living areas with windows closed:
    - (i) Not greater than 40dB(A) for bedrooms, assessed as an Lmax level;
    - (ii) Not greater than 45dB(A) for living areas, assessed as an Lmax level;

- (c) Provide an assessment to demonstrate the basement garage door will be designed to and constructed to achieve the following noise levels for proposed dwelling immediately above the door and the dwelling at No 458 Gore Street:
    - (i) Not greater than 65 dBA outside openable windows, assessed as an Lmax level;
  - (d) Additionally, for the dwelling immediately above the basement garage door, levels are not to exceed the following inside the apartment, with windows closed:
    - (i) Not greater than 40dB(A) in bedrooms, assessed as an Lmax level; and
    - (ii) Not greater than 45dB(A) in living areas, assessed as an Lmax level; and
  - (e) Confirm the proposed mechanical plant, the lift, the basement garage door and the car stackers will comply 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 make recommendations (where necessary) to limit the noise impacts to achieve compliance.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Sustainability Management Plan

11. Before the development commences or otherwise agreed by the Responsible Authority, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the advertised Sustainable Management Plan by GIW Environmental Solutions dated 27 February 2023 Report number GIW22026 Rev B, but updated to include the following:
- (a) Any changes necessary as a result of condition 1 requirements;
  - (b) The daylight modelling updated to confirm compliance with relevant benchmarks and including:
    - (i) confirm the current building design has been used;
    - (ii) include an additional assessment of dwelling G6 and dwelling 102; and
    - (iii) include the depth of all balcony overhangs;
  - (c) Confirm all habitable rooms have an operable window that is clearly marked on elevations;
  - (d) Confirm all single aspect habitable rooms deeper than 5m from the window line, or 7m with inset balcony have a fresh air supply and extraction with fresh air rates at least 50% above AS1668 fresh air delivery rates;
  - (e) Clarify proposed energy efficiency ratings of residential heating and cooling systems and updating documentation for consistency;
  - (f) Update metering commitment to specifically mention meters;
  - (g) Update annotation of rainwater tank on plans to also specify reuse connection for irrigation;
  - (h) Confirm irrigation is connected to potable water source in addition to rainwater tank;
  - (i) Confirm that the parking space with dedicated electric vehicle charging station has shared access between occupants;
  - (j) Confirm a commitment that all car parking spaces will have enabled infrastructure (e.g. conduits etc) installed which will allow for the future installation of electric vehicle charging stations; and
  - (k) Clarify the colours of materials proposed for the roof and terraces, ensuring they align with the proposed SRI values to minimise localised urban heat impacts.

12. 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

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.

#### Landscape Plan

14. 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 Pages 1-7 prepared by Mud - Office (dated 16 May 2023) but modified to include:
  - (a) any changes necessary as a result of any relevant condition 1 requirements including the 5 bluestone outstands and 4 new street trees to the Leicester Street frontage as required by condition 1f); and
  - (b) the planter for the Lisbon Lemon tree to the roof terrace to demonstrate a minimum soil depth of 0.8m, with a minimum of 12 cubic metre of soil and minimum planter dimension of 2.5m (or similar).
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,  
to the satisfaction of the Responsible Authority.
16. Before the development commences, the permit holder must make a one off contribution of \$8007 to the Responsible Authority to be used for five (5) new street tree plantings with four (4) of these trees to be provide of the Leicester Street site frontage and the remaining tree to be provided elsewhere on Gore Street.
17. 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 permit. The Tree Management Plan must be generally in accordance with Arborist report by Tree Response dated 11 May 2023 but amended to make recommendations for the protection and preservation of the street tree on the Gore Street footpath in accordance with AS4970, as well as a robust TPZ fencing with appropriate signage, including:
  - (a) pre-construction;
  - (b) during construction;
  - (c) post construction;
  - (d) the provision of any barriers;
  - (e) any pruning necessary; and
  - (f) watering and maintenance regimes,  
to the satisfaction of the Responsible Authority.

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

#### Wind Report

19. Before the development commences, a Wind Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Report will be endorsed and will form part of this permit. The Wind Report must provide an assessment of the following:
  - (a) Demonstrate the proposal will achieve the comfortable window conditions specified in Table D6 of clause 58.04-4 (Wind Impacts Objectives) of the Yarra Planning Scheme for the following:
    - (i) any public land adjoining the subject site, including adjoining footpaths and laneway;
    - (ii) any publicly accessible areas on the subject site including the roof terrace, the residential and office entrances and the communal corridors on ground, first and second floor (if the western voids are open to the corridors), and
    - (iii) the private open space and southern external accessway at No. 458 Gore Street; and
  - (b) Provide any details of any additional wind mitigation treatments required to satisfy the relevant safety and comfort criteria.
20. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Development Infrastructure Levy

21. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.
22. 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.

#### General

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity to the satisfaction of the Responsible Authority.
24. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
26. 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.
27. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

28. 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; and
  - (c) Line-marked or provided with some adequate means of showing the car parking spaces. to the satisfaction of the Responsible Authority.

#### Civil Works

29. Within 6 months of the commencement of the development, or by such later date as approved in writing by the Responsible Authority (Engineering unit), the applicant must submit detailed engineering design drawings of all infrastructure works (including stormwater drainage discharge points) associated with the development to Council Civil Engineering unit for assessment and approval:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the manager of Council's Civil Engineering Unit.
30. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing and drain outlets must be demolished and re-instated as standard asphalt footpath and concrete kerb and channel:
- (a) In accordance with the requirements of condition 32a);
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Gore Street and Leicester Street footpath for the width of the property frontage):
- (a) with asphalt footpath and concrete kerb and channel reinstatement along Leicester Street as per Yarra Standard YSD301 – Concrete Kerb & Channel Sections;
  - (b) with asphalt footpath and bluestone kerb and channel reinstatement along Gore Street as per Yarra Standard YSD316 – Dressed Kerb with Two Pitcher Channel and YSD1104 Re-Instatement Works Pitcher Kerb and Channel;
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
33. The car stacker devices must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements. No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices.

#### Construction Management Plan

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

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

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

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.

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

#### Construction hours & noise

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

#### Permit Expiry

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

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

#### Notes:

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.

The site is subject to a Heritage Overlay. A planning permit may be required of external works.

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.

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

Provision must be made for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act 1989 and Regulation 133*. Please contact Council's building services on 9205 5555 for further information.

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

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

### Public Submissions

*The following people addressed Council on the matter:*

*Patrick Brennan, Contour Consultants and Lochlan Sinclair, Neometro (for the applicant); and Fiona Patterson.*

## **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Stone

That Council advise the Victorian Civil and Administrative Tribunal (VCAT) that had it been in a position to make a decision, it would have issued a notice of decision to grant to a planning permit subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Edition Office Architects plan numbers, TP0.103, 1.100, 1.101, 1.102, 1.103, 1.104, 1.105, 1.106, 1.107, 1.108, 2.100, 2.101, 2.102, 2.103, 3.100, 3.103, 3.105, 8.100.1- 8.100.24, ASK01.1, 01.2, 01.3 & 01.19 all Revision 2 and dated 16<sup>th</sup> May 2023 and Pg 27- 56 of 69 of the Town Planning Design report by Neometro / Edition Office dated 15<sup>th</sup> May 2023 and further modified as following:
  - (a) **A minimum of 40% of employee/resident bicycle parking to be provided as a ground level (horizontal) hoops and comply with Australian Standard AS2890.3;**
  - (b) **A minimum of 1m x 1m chamfers provided to the proposed 1.5m high masonry ground floor boundary fences adjacent to both the Gore Street and Leicester Street intersection and the Leicester Street and lane intersection;**
  - (c) **The common stairwell to be open or have a glazed wall (or similar) where it interfaces with the communal corridors;**
  - (d) **The balustrades to the top of the Gore Street and Leicester Street podium/street walls to incorporate planters to allow for visible landscaping when viewed from street level;**
  - (e) Notes confirming all windows will be double glazed;
  - (f) All parts of stair/lift roof access to not exceed a maximum height of 3.2m, apart from the minimum area above the lift shaft required to accommodate the lift overrun to be a maximum of 4.8m above the FFL of the roof terrace;
  - (g) Notes confirming the use of the light colour material palette for the dwelling interiors as described in the daylight modelling assessment;
  - (h) The pedestrian access gates to the Gore Street and Leicester Street frontages to be replaced with visually transparent metal dowel gates;

- (i) Provide smooth sawn bluestone pitchers to create an accessible entrance to all pedestrian entrances from the rear lane in accordance with the City of Yarra Road Materials Policy;
- (j) Detail the provision of one (1) bluestone single pitcher outstand to the existing street tree on Gore Street site frontage and four (4) further bluestone single pitcher outstands to accommodate four (4) new street trees to the Leicester Street site frontage;
- (k) Note overhead power wires to the Gore Street and Leicester Street site frontages will be bundled to facilitate tree growth;
- (l) Confirm the canvas shading awnings will not extend past the outside face of the masonry balcony balustrades to the Gore Street podium;
- (m) The Gore Street Façade to show at a scale of 1:50 or 1:100 (as appropriate) the changes detailed in the "Amended" façade on pg. 4 of 15 of the letter provided by Contour consultants and dated 27<sup>th</sup> September 2023 as follows:
  - (i) Use of ribbed concrete with the podium level to provide increased texture, depth and shadow-play within the façade;
  - (ii) Provide a visible sleeve to the central podium voids where it intersects with floor/ceiling levels;
  - (iii) Strengthening of window framing elements within podium levels;
  - (iv) Show greater differentiation between the podium and two levels above by a reduction in the extent of masonry above windows/increased window heights to the upper two floors and the insertion of four new concrete columns to the front of windows to the upper two floors;
- (n) Provide a break or similar treatment in the centre of concrete balcony balustrades to the Gore Street podium to reveal more of the sleeved oval void behind and to break up the horizontality of the masonry balustrades;
- (o) Updated annotation to rainwater tank to also specify reuse connection for irrigation;
- (p) The second floor northern balcony balustrades to be set back a minimum 3m from the northern boundary;
- (q) The third and fourth floor rearranged as follows:
  - (i) the setback of the northern glazing line and overhanging eaves/columns for the third floor to be increased to align to a minimum with the corresponding setbacks of the northern glazing and overhanging eaves/columns on the fourth floor;
  - (ii) the deletion of the northern terraces at the fourth floor or repositioned to include increased setbacks/insetting to protrude no further forward than the third and fourth floor overhanging eaves/columns setback outlined at condition 1mi); and
  - (iii) the subsequent internal rearrangement of floors three and four with each dwelling to be provided with a balcony compliant with Clause 58.05-3 – (Private open space);
- (r) The detail of the northern overlooking screens to correspond between elevations and floor plans, with downward view line sections provided where necessary to demonstrate compliance with the objectives of clause 55.04-5 (Overlooking Objective) of the Yarra Planning Scheme;
- (s) Detail the level of transparency of the privacy screens separating the proposed terraces and to demonstrate compliance with the objectives of clause 58.04-2 (Internal Views Objective) of the Yarra Planning Scheme;
- (t) Notations confirming the void above the Gore Street pedestrian entry will be illuminated after dark from ground floor though to the second floor;

- (u) Detail of the material and finishes of the service doors to the Gore Street frontage demonstrating an integrated and high quality appearance;
- (v) Floor plans and elevations to demonstrate all habitable rooms are provided with operable windows;
- (w) Engineering/car parking related details updated as follows:
  - (i) Label and line mark the on-site vehicle passing/loading bay adjacent to the eastern laneway;
  - (ii) Note all car parking areas to be electrically wired to be 'EV ready' with minimum 40A single phase electrical sub circuit to be installed;
  - (iii) Appropriately position a convex mirror on the north side of the development entrance to allow motorists to view traffic conditions in the laneway to north of the site;
  - (iv) The minimum vehicle ramp headroom clearance to be detailed and must be depicted as being perpendicular to the ramp grade;
  - (v) Either relocate the columns adjacent to car spaces 3 & 4 and 6 & 7 such that they satisfy Diagram 1 Clearance to car parking spaces in Clause 52.06-9, or designate them as Small Car Spaces;
  - (vi) Designate car space 9 as Small Car Space;
  - (vii) The stacker envelopes to be dimensioned on the drawings;
  - (viii) Further details of the grades of the accessway for a distance of 5m from the property line and each ramp grade section and transition grade must be fully dimensioned;
  - (ix) A swept path for the waste collection vehicle showing vehicle turning left into the laneway from Leicester Street and exiting the laneway via Westgarth Street;
  - (x) Note the finished floor level of the front edge of the setback area (at the property line) must be set 40 mm higher than the edge of the laneway;
  - (xi) Demonstrate satisfactory access into and out of the site with a 1:20 vehicle ground clearance check using the B85 design vehicle, and to be fully dimensioned with reduced level (to three decimal points) as per Council's Vehicle Crossing Information sheet with the drawing to accurately depict the laneway profile, the setback area (including a 40mm lip at the property line) and the basement ramp;
  - (xii) Detail all on-road line markings, stormwater drainage discharge points, traffic management treatments, and traffic and parking signs (existing and proposed) adjacent to the site;
  - (xiii) The 1 in 8 transition grade at the base of the 1 in 4 ramp section must be dimensioned on the floor plan and be no less than 2.5 metres in length;
- (x) Bicycle parking details updated as follows:
  - (i) The existing bicycle hoops to the Gore Street footpath to be retained;
  - (ii) Note that wayfinding signs directing visitor's to on-site bicycling parking will be provided;
  - (iii) Dimensions of all entrances and corridors for bicycle access must be shown on the plans and demonstrate compliance with AS2890.3;
  - (iv) The B1, B2 and B3 bicycle allocation tags noted on the ground floor plans to be also detailed within the bicycle store to clarify where specific rack types are proposed;

- (v) The bicycle store to nominate the bicycle space allocation for residential and office users (not including the 4 spaces already allocated to visitors);
- (vi) At least **2** resident electric bicycle charging point to be provided 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);
- (y) Any relevant changes required by the amended Sustainable Management Plan at Condition 11;
- (z) Any relevant changes required by the Acoustic report at Condition 9;
- (aa) Any relevant changes required by the amended Landscape Plan at Condition 14; and
- (bb) Any relevant changes required by the Wind Report at Condition 19.

### Use

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. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, 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;
  - (d) The presence of vermin.
4. 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).
5. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
6. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

### Façade Strategy

7. 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, crossed' intersection of slab edges, entries and doors, and utilities and typical tower facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the high quality appearance of the façade will be maintained; and
  - (d) a sample board and coloured drawings outlining colours, materials and finishes.
8. As part of the ongoing progress and development of the site, Edition- Office Architects, or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and

- (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### Acoustic report

9. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must address the following:
  - (a) Provide an assessment to demonstrating the car sacker will be designed and constructed to achieve the following noise levels for dwelling G5 and G6 with windows closed:
    - (i) Not greater than 40dB(A) for bedrooms, assessed as an Lmax level;
    - (ii) Not greater than 45dB(A) for living areas, assessed as an Lmax level;
  - (b) Provide an assessment to demonstrating the lifts will be designed to and constructed to achieve the following noise levels for the proposed dwellings where it abuts bedrooms and living areas with windows closed:
    - (i) Not greater than 40dB(A) for bedrooms, assessed as an Lmax level;
    - (ii) Not greater than 45dB(A) for living areas, assessed as an Lmax level;
  - (c) Provide an assessment to demonstrate the basement garage door will be designed to and constructed to achieve the following noise levels for proposed dwelling immediately above the door and the dwelling at No 458 Gore Street:
    - (i) Not greater than 65 dBA outside openable windows, assessed as an Lmax level;
  - (d) Additionally, for the dwelling immediately above the basement garage door, levels are not to exceed the following inside the apartment, with windows closed:
    - (i) Not greater than 40dB(A) in bedrooms, assessed as an Lmax level; and
    - (ii) Not greater than 45dB(A) in living areas, assessed as an Lmax level; and
  - (e) Confirm the proposed mechanical plant, the lift, the basement garage door and the car stackers will comply 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 make recommendations (where necessary) to limit the noise impacts to achieve compliance.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Sustainability Management Plan

11. Before the development commences or otherwise agreed by the Responsible Authority, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the advertised Sustainable Management Plan by GIW Environmental Solutions dated 27 February 2023 Report number GIW22026 Rev B, but updated to include the following:
  - (a) Any changes necessary as a result of condition 1 requirements;
  - (b) The daylight modelling updated to confirm compliance with relevant benchmarks and including:
    - (i) confirm the current building design has been used;
    - (ii) include an additional assessment of dwelling G6 and dwelling 102; and
    - (iii) include the depth of all balcony overhangs;

- (c) Confirm all habitable rooms have an operable window that is clearly marked on elevations;
  - (d) Confirm all single aspect habitable rooms deeper than 5m from the window line, or 7m with inset balcony have a fresh air supply and extraction with fresh air rates at least 50% above AS1668 fresh air delivery rates;
  - (e) Clarify proposed energy efficiency ratings of residential heating and cooling systems and updating documentation for consistency;
  - (f) Update metering commitment to specifically mention meters;
  - (g) Update annotation of rainwater tank on plans to also specify reuse connection for irrigation;
  - (h) Confirm irrigation is connected to potable water source in addition to rainwater tank;
  - (i) Confirm that the parking space with dedicated electric vehicle charging station has shared access between occupants;
  - (j) Confirm a commitment that all car parking spaces will have enabled infrastructure (e.g. conduits etc) installed which will allow for the future installation of electric vehicle charging stations; and
  - (k) Clarify the colours of materials proposed for the roof and terraces, ensuring they align with the proposed SRI values to minimise localised urban heat impacts.
12. 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

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.

#### Landscape Plan

14. 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 Pages 1-7 prepared by Mud - Office (dated 16 May 2023) but modified to include:
- (a) any changes necessary as a result of any relevant condition 1 requirements including the 5 bluestone outstands and 4 new street trees to the Leicester Street frontage as required by condition 1f); and
  - (b) the planter for the Lisbon Lemon tree to the roof terrace to demonstrate a minimum soil depth of 0.8m, with a minimum of 12 cubic metre of soil and minimum planter dimension of 2.5m (or similar).
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

16. Before the development commences, the permit holder must make a one off contribution of \$8007 to the Responsible Authority to be used for five (5) new street tree plantings with four (4) of these trees to be provided on the Leicester Street site frontage and the remaining tree to be provided elsewhere on Gore Street.
17. 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 permit. The Tree Management Plan must be generally in accordance with the Arborist report by Tree Response dated 11 May 2023 but amended to make recommendations for the protection and preservation of the street tree on the Gore Street footpath in accordance with AS4970, as well as a robust TPZ fencing with appropriate signage, including:
  - (a) pre-construction;
  - (b) during construction; and
  - (c) post construction;
  - (d) the provision of any barriers;
  - (e) any pruning necessary; and
  - (f) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
18. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

#### Wind Report

19. Before the development commences, a Wind Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Report will be endorsed and will form part of this permit. The Wind Report must provide an assessment of the following:
  - (a) Demonstrate the proposal will achieve the comfortable window conditions specified in Table D6 of clause 58.04-4 (Wind Impacts Objectives) of the Yarra Planning Scheme for the following:
    - (i) any public land adjoining the subject site, including adjoining footpaths and laneway;
    - (ii) any publicly accessible areas on the subject site including the roof terrace, the residential and office entrances and the communal corridors on ground, first and second floor (if the western voids are open to the corridors), and
    - (iii) the private open space and southern external accessway at No. 458 Gore Street; and
  - (b) Provide any details of any additional wind mitigation treatments required to satisfy the relevant safety and comfort criteria.
20. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Development Infrastructure Levy

21. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.
22. 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.

## General

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity to the satisfaction of the Responsible Authority.
24. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
26. 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.
27. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
28. 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; and
  - (c) Line-marked or provided with some adequate means of showing the car parking spaces. to the satisfaction of the Responsible Authority.

## Civil Works

29. Within 6 months of the commencement of the development, or by such later date as approved in writing by the Responsible Authority (Engineering unit), the applicant must submit detailed engineering design drawings of all infrastructure works (including stormwater drainage discharge points) associated with the development to Council Civil Engineering unit for assessment and approval:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the manager of Council's Civil Engineering Unit.
30. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing and drain outlets must be demolished and re-instated as standard asphalt footpath and concrete kerb and channel:
  - (a) In accordance with the requirements of condition 32a);
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Gore Street and Leicester

Street footpath for the width of the property frontage):

- (a) with asphalt footpath and concrete kerb and channel reinstatement along Leicester Street as per Yarra Standard YSD301 – Concrete Kerb & Channel Sections;
  - (b) with asphalt footpath and bluestone kerb and channel reinstatement along Gore Street as per Yarra Standard YSD316 – Dressed Kerb with Two Pitcher Channel and YSD1104 Re-Instatement Works Pitcher Kerb and Channel;
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
33. The car stacker devices must be installed, operated and maintained in accordance with the manufacturer's specifications and requirements. No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices.

#### Construction Management Plan

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

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

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

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.

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

#### Construction hours & noise

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

#### Permit Expiry

37. This permit will expire if:

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

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

Notes:

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.

The site is subject to a Heritage Overlay. A planning permit may be required of external works.

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.

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

Provision must be made for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act 1989 and Regulation 133*. Please contact Council's building services on 9205 5555 for further information.

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

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

**CARRIED UNANIMOUSLY**

<b>Reference</b>	D23/449213
<b>Author</b>	Erryn Megennis - Statutory Planner
<b>Authoriser</b>	Acting Co-ordinator Statutory Planning
<b>Disclosure</b>	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 PLN22/0994 for the construction of nine dwellings on a lot at 245, 245A & 247 Stawell Street, Burnley VIC 3121 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 must be generally in accordance with the decision plans prepared by Archsign Architecture and dated December 2023, Revision E but modified to show:
  - (a) The minimum setback of the Dwelling 3 garage from the southern boundary to be 2.25m, achieved through a reduction in the size of the garage and deletion of a car space;
  - (b) Deletion of the first floor bedroom of Dwelling 3 with the area absorbed into the living room;
  - (c) The storage units for Dwellings 4 – 9 to be provided as two compartments generally either side of each courtyard, with a height of 1.5m and a combined capacity of 6m<sup>3</sup> in accordance with the sketch plan dated 9 October 2023;
  - (d) The minimum dimension for the trafficable areas of the balconies of Dwellings 1 - 3 increased to 1.6m;
  - (e) The overall POS in the Area Analysis table updated to reflect the roof terrace areas as shown on the roof plan;
  - (f) The maximum height of the front fence at the northern end of the site correctly dimensioned on the ground floor plan and elevations;
  - (g) The materials and percentage transparency of the front fences included in the materials schedule;
  - (h) Notation to confirm the bin storage enclosures for Dwellings 1 – 3 will be capable of accommodating a 240L recycling bin and the height of the bin storage enclosures dimensioned;
  - (i) Internal east and west elevations correctly labelled;
  - (j) Notations to confirm the pressed metal overlooking screens will have a maximum transparency of 25%;
  - (k) Notation on second floor plan to show obscure glazing up to 1.25m above floor level for the north-facing bedroom windows of Dwellings 4 – 9;
  - (l) The degree of operability notated and diagrams to demonstrate compliance with the Clause 55.04-6 (Overlooking) objective for the following windows:

- (i) Western-most, north-facing bedroom window of Dwelling 1;
  - (ii) East-facing bedroom window of Dwelling 9;
  - (iii) South-facing second floor bedroom windows of Dwellings 7 and 8;
- (m) The finish of the second floor wardrobe projections of Dwellings 4 – 9 to have a natural stain, integrating with the remainder of the second floor facades;
  - (n) the provision of a 40 millimetre lip/bullnose along the edge of the internal concrete slab with the laneway; and
  - (o) Any changes resulting from the amended Sustainable Design Assessment.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. 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 buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the driveway and pedestrian walkway 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.

#### Sustainable Design Assessment

5. 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 Eco Results and dated 3 July 2023, but modified to include or show:
  - (a) An alternative WSUD measure to the Envisis pit, provided in addition to the rainwater tank, demonstrating a minimum STORM score of 100% for the overall development. The location, dimensions and/or capacity of WSUD measures to be shown on the plans; and
  - (b) Clarify glazing U-value and SHGC for Dwellings 5, 6, and 8.
6. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Landscape Plan

7. 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) Location and type of lighting used to illuminate the southern pedestrian pathway;

- (c) Indicate the location of all areas to be covered by lawn or other surface materials;
- (d) A detailed maintenance schedule;
- (e) Ensure adequate soil volumes and planter sizes are provided to support the type and spread of vegetation proposed;
- (f) Provide a specification of works to be undertaken prior to planting; and
- (g) Location and incorporation of lighting within the pedestrian walkway and driveway brash,

to the satisfaction of the Responsible Authority.

8. 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.

#### Waste Management

9. 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 TTM Consulting and dated 13 April 2023, but modified to include:
- (a) Assess the proposal as amended by Condition 1;
  - (b) Provision for a 240L recycling bin for Dwellings 1 – 3;
  - (c) Swept path diagrams showing how vehicles will be able to pass the waste collection vehicle when occupying the laneway; and
  - (d) Appendix A updated to show the area of the bin storage enclosure for Dwellings 4 – 9 as 16sqm.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The collection of waste from the site for Dwellings 4 - 9 must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Street Trees and Public Realm Works

12. Before the development commences, the permit holder must make a one-off contribution of \$640 (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.
13. Before the development commences, the permit holder must make a one-off contribution of \$5825 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for the renewal and maintenance of the garden beds in the kerb outstand within the Stawell Street frontage.

14. Before the development commences, the permit holder must provide an Asset Protection Bond of \$3000 (ex GST) for the existing street tree on Stawell 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

15. The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet.
16. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
17. Before the building is 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.
18. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
19. 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, at the permit holder's cost and to the satisfaction of the Responsible Authority..
20. 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.
21. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
22. 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 including by the re-sheeting of the entire Stawell Street footpath for the width of the property frontage if required by the Responsible Authority:
  - (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.

## General

- 23.** Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
- 24.** 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.
- 25.** 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.
- 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.** All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 28.** 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.

## Construction Management Plan

- 29.** Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a)** A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b)** Works necessary to protect road and other infrastructure;
  - (c)** Remediation of any damage to road and other infrastructure;
  - (d)** Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e)** Facilities for vehicle washing, which must be located on the land;
  - (f)** The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g)** Site security;
  - (h)** Management of any environmental hazards including, but not limited to,:
    - (i)** Contaminated soil;
    - (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; and
- (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.

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.

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

Expiry

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

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

Notes

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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

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

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 9205 5555 to confirm.

### Public Submissions

*The following people addressed Council on the matter:*

*Damian Loughnan of G2 Planning (representing applicant);*

*Mark Trescowthick;*

*Dorothy James; and*

*Theo Darnos.*

## **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN22/0994 for the construction of nine dwellings on a lot at 245, 245A & 247 Stawell Street, Burnley VIC 3121 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 must be generally in accordance with the decision plans prepared by Archsign Architecture and dated December 2023, Revision E but modified to show:
  - (a) The minimum setback of the Dwelling 3 garage from the southern boundary to be 2.25m, achieved through a reduction in the size of the garage and deletion of a car space;
  - (b) Deletion of the first floor bedroom of Dwelling 3 with the area absorbed into the living room;
  - (c) The storage units for Dwellings 4 – 9 to be provided as two compartments generally either side of each courtyard, with a height of 1.5m and a combined capacity of 6m<sup>3</sup> in accordance with the sketch plan dated 9 October 2023;
  - (d) The minimum dimension for the trafficable areas of the balconies of Dwellings 1 - 3 increased to 1.6m;
  - (e) The overall POS in the Area Analysis table updated to reflect the roof terrace areas as shown on the roof plan;
  - (f) The maximum height of the front fence at the northern end of the site correctly dimensioned on the ground floor plan and elevations;

- (g) The materials and percentage transparency of the front fences included in the materials schedule;
  - (h) Notation to confirm the bin storage enclosures for Dwellings 1 – 3 will be capable of accommodating a 240L recycling bin and the height of the bin storage enclosures dimensioned;
  - (i) Internal east and west elevations correctly labelled;
  - (j) Notations to confirm the pressed metal overlooking screens will have a maximum transparency of 25%;
  - (k) **Planter boxes incorporated into the first floor north-facing balconies of Dwellings 4 - 9, to match the depth and height of the existing horizontal overlooking shelves;**
  - (l) **Planter boxes added to the northern perimeters of the roof terraces of Dwellings 2 & 4 – 9, to match the height of the roof terrace balustrades;**
  - (m) Notation on second floor plan to show obscure glazing up to 1.25m above floor level for the north-facing bedroom windows of Dwellings 4 – 9;
  - (n) The degree of operability notated and diagrams to demonstrate compliance with the Clause 55.04-6 (Overlooking) objective for the following windows:
    - (i) Western-most, north-facing bedroom window of Dwelling 1;
    - (ii) East-facing bedroom window of Dwelling 9;
    - (iii) South-facing second floor bedroom windows of Dwellings 7 and 8;
  - (o) The finish of the second floor wardrobe projections of Dwellings 4 – 9 to have a natural stain, integrating with the remainder of the second floor facades;
  - (p) the provision of a 40 millimetre lip/bullnose along the edge of the internal concrete slab with the laneway; and
  - (q) Any changes resulting from the amended Sustainable Design Assessment.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. 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 buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the driveway and pedestrian walkway 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.

#### Sustainable Design Assessment

5. 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 Eco Results and dated 3 July 2023, but modified to include or show:

- (a) An alternative WSUD measure to the Envisi pit, provided in addition to the rainwater tank, demonstrating a minimum STORM score of 100% for the overall development. The location, dimensions and/or capacity of WSUD measures to be shown on the plans; and
  - (b) Clarify glazing U-value and SHGC for Dwellings 5, 6, and 8.
6. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Landscape Plan

7. 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) **The planter boxes on the first floor balconies of Dwellings 4 – 9 and northern perimeters of the roof terraces of Dwellings 2 & 4 – 9 to incorporate cascading plants;**
  - (c) Location and type of lighting used to illuminate the southern pedestrian pathway;
  - (d) Indicate the location of all areas to be covered by lawn or other surface materials;
  - (e) **A detailed maintenance schedule, including methods to ensure any plantings along the northern boundary of the site will not grow over this boundary;**
  - (f) Ensure adequate soil volumes and planter sizes are provided to support the type and spread of vegetation proposed;
  - (g) Provide a specification of works to be undertaken prior to planting; and
  - (h) Location and incorporation of lighting within the pedestrian walkway and driveway brash,
- to the satisfaction of the Responsible Authority.
8. 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.

#### Waste Management

9. 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 TTM Consulting and

dated 13 April 2023, but modified to include:

- (a)** Assess the proposal as amended by Condition 1;
  - (b)** Provision for a 240L recycling bin for Dwellings 1 – 3;
  - (c)** Swept path diagrams showing how vehicles will be able to pass the waste collection vehicle when occupying the laneway;
  - (d)** Appendix A updated to show the area of the bin storage enclosure for Dwellings 4 – 9 as 16sqm.
- 10.** The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 11.** The collection of waste from the site for Dwellings 4 - 9 must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Street Trees and Public Realm Works

- 12.** Before the development commences, the permit holder must make a one-off contribution of \$640 (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.
- 13.** Before the development commences, the permit holder must make a one-off contribution of \$5825 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for the renewal and maintenance of the garden beds in the kerb outstand within the Stawell Street frontage.
- 14.** Before the development commences, the permit holder must provide an Asset Protection Bond of \$3000 (ex GST) for the existing street tree on Stawell 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

- 15.** The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet.
- 16.** Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a)** at the permit holder's cost; and
  - (b)** to the satisfaction of the Responsible Authority.
- 17.** Before the building is 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.

- 18.** Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
- 19.** 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, at the permit holder's cost and to the satisfaction of the Responsible Authority..
- 20.** 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.
- 21.** Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 22.** 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 including by the re-sheeting of the entire Stawell Street footpath for the width of the property frontage if required by the Responsible Authority:
  - (a)** At the permit holder's cost; and
  - (b)** To the satisfaction of the Responsible Authority.

#### General

- 23.** Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
- 24.** 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.
- 25.** 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.
- 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.** All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 28.** 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.

#### Construction Management Plan

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

- (b) Works necessary to protect road and other infrastructure;
- (c) Remediation of any damage to road and other infrastructure;
- (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) Facilities for vehicle washing, which must be located on the land;
- (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) Site security;
- (h) Management of any environmental hazards including, but not limited to,:
- (i) Contaminated soil;
- (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; and
- (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.

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.

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

## Expiry

**32.** This permit will expire if:

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

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

## Notes

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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

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

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 9205 5555 to confirm.

**CARRIED UNANIMOUSLY**

<b>Reference</b>	D23/472494
<b>Author</b>	Corey Wooldridge - Statutory Planner
<b>Authoriser</b>	Manager Statutory Planning
<b>Disclosure</b>	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 the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN16/01134.01 for 171 Smith Street, Fitzroy VIC 3065 generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions (new and/or amended conditions in **bold**):

### Permit Preamble

Sale and consumption of liquor associated with a tavern (no permit required use), **part demolition and buildings and works and** a reduction in associated car parking requirement of the Yarra Planning Scheme.

### Conditions

- 1. Before the sale of liquor and development approved under the .01 amendment commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by On Tap Liquor submitted to Council on 21 August 2023 but modified to show:**
  - (a) A south elevation of the rear section of the building clearly showing the location of the toilets;**
  - (b) Any changes required by the endorsed Noise and Amenity Action Plan; and**
  - (c) Any changes required by the endorsed Acoustic Report.**
- 2. The sale and consumption of liquor 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 sale and consumption of liquor approved by the .01 amendment commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by OTL Consulting Group, submitted to Council on 16 June 2023 but modified to include (or show, or address):**
  - (a) That patron ingress and egress to the premises be from Smith Street only (except for emergencies);**
  - (b) The management of external toilet facilities after 10pm;**
  - (c) The management of large group bookings; and**
  - (d) The management of smokers and on- and off-site smoking areas, to the satisfaction of the Responsible Authority.**

4. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of:
  - (a) 7.00am to 11.00pm, Monday to Wednesday (internal areas);
  - (b) 7.00am to 1.00am the following day, Thursday to Saturday (internal areas);
  - (c) 10.00am to 1.00am the following day, Sunday (internal areas);
  - (d) 7.00am to 10.00pm, Monday to Saturday (external area); and
  - (e) 10.00am to 10.00pm, Sunday (external area).
6. Except with the prior written consent of the Responsible Authority, the rear courtyard area is to be closed from 10pm with patron access only for use of the toilet facilities.
7. No more than **131** patrons are permitted on the land at any time liquor is being sold or consumed, **inclusive of 16 patrons within the external area.**
8. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
9. **Before the changes to sale and consumption of liquor approved by the .01 amendment 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 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 Waveform Acoustics and dated 5 July 2023 but modified to include:**
  - (a) **Graphs of the unattended monitoring results, along with clarification about whether any adjustments (such as façade reflections) have been applied to the results;**
  - (b) **The purpose and locations of the attended measurements should be clarified;**
  - (c) **The music limits for the day and evening periods should be revised to use the minimum 15-minute value from the background noise monitoring.**
  - (d) **Details of a music noise limiter/compressor (“the Device”) to be installed prior to the approved changes. The Device is to perform the following functions:**
    - (i) **Be set at a level specified by a qualified acoustic engineer;**
    - (ii) **Ensure the emission of noise from amplified music does not exceed the levels 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) or any other requirement; and**
    - (iii) **Be maintained and operated at all times.**

**The Device must have all of the following characteristics, while operating:**

  - (i) **The Device monitors noise levels in octave band frequencies between 63Hz and 4kHz and is wired so as to ensure that the limiter governs all amplification and loudspeakers;**
  - (ii) **The Device controls are in a locked metal case or is lockable via a password and that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the licensee or occupier of the land and notified to the Responsible Authority; and**

(iii) **The Device is able to record or log decibel levels.**

**At the request of the Responsible Authority, logged records shall be provided to the Responsible Authority.**

(e) **A sleep disturbance assessment of patron noise should be conducted; and**

(f) **Clarification on whether any increase in the operating hours of the existing mechanical plant is proposed,**

**to the satisfaction of the Responsible Authority.**

- 10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
11. 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.
- 12. 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), as may be amended from time to time.**
13. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.
14. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
15. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
16. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
17. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
- 18. Before the development approved by the .01 amendment is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:**
  - (a) **at the permit holder's cost; and**
  - (b) **to the satisfaction of the Responsible Authority.**
19. 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.**

**20. This permit will expire if:**

- (a) The sale and consumption of liquor approved under the .01 amendment is not commenced within two years from the date of this amended permit; or**
- (b) The development approved under the .01 amendment is not commenced within two years of the date of this amended permit; or**
- (c) The development approved under the .01 amendment is not completed within four years of the date of this amended 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:

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 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.

Public Submissions

*The following people addressed Council on the matter:*

*Trevor Wight, Grouse Melbourne Pty Ltd (for the applicant); and*

*Stephen Choi.*

**PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor Glynatsis

**Seconded:** Councillor Crossland

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN16/01134.01 for 171 Smith Street, Fitzroy VIC 3065 generally in accordance with the plans and reports noted previously as the "decision plans" and subject to the following conditions (new and/or amended conditions in **bold**):

**Permit Preamble**

Sale and consumption of liquor associated with a tavern (no permit required use), **part demolition and buildings and works and** a reduction in associated car parking requirement of the Yarra Planning Scheme.

**Conditions**

- 1. Before the sale of liquor and development approved under the .01 amendment commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by On Tap Liquor submitted to Council on 21 August 2023 but modified to show:**
  - (a) A south elevation of the rear section of the building clearly showing the location of the toilets;**

- (b) **Any changes required by the endorsed Noise and Amenity Action Plan; and**
  - (c) **Any changes required by the endorsed Acoustic Report.**
- 2. The sale and consumption of liquor 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 sale and consumption of liquor approved by the .01 amendment commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by OTL Consulting Group, submitted to Council on 16 June 2023 but modified to include (or show, or address):**
  - (a) **That patron ingress and egress to the premises be from Smith Street only (except for emergencies);**
  - (b) **The management of external toilet facilities after 10pm;**
  - (c) **The management of large group bookings; and**
  - (d) **The management of smokers and on- and off-site smoking areas, to the satisfaction of the Responsible Authority.**
- 4. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 5. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of:
  - (a) **7.00am to 11.00pm, Monday to Wednesday (internal areas);**
  - (b) **7.00am to 1.00am the following day, Thursday to Saturday (internal areas);**
  - (c) **10.00am to 1.00am the following day, Sunday (internal areas);**
  - (d) **7.00am to 10.00pm, Monday to Saturday (external area); and**
  - (e) **10.00am to 10.00pm, Sunday (external area).**
- 6. Except with the prior written consent of the Responsible Authority, the rear courtyard area is to be closed from 10pm with patron access only for use of the toilet facilities.
- 7. No more than **131** patrons are permitted on the land at any time liquor is being sold or consumed, **inclusive of 16 patrons within the external area.**
- 8. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
- 9. **Before the changes to sale and consumption of liquor approved by the .01 amendment 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 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 Waveform Acoustics and dated 5 July 2023 but modified to include:**
  - (a) **Graphs of the unattended monitoring results, along with clarification about whether any adjustments (such as façade reflections) have been applied to the results;**
  - (b) **The purpose and locations of the attended measurements should be clarified;**

- (c) **The music limits for the day and evening periods should be revised to use the minimum 15-minute value from the background noise monitoring.**
- (d) **Details of a music noise limiter/compressor (“the Device”) to be installed prior to the approved changes. The Device is to perform the following functions:**
  - (i) **Be set at a level specified by a qualified acoustic engineer;**
  - (ii) **Ensure the emission of noise from amplified music does not exceed the levels 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) or any other requirement; and**
  - (iii) **Be maintained and operated at all times.**

**The Device must have all of the following characteristics, while operating:**

- (i) **The Device monitors noise levels in octave band frequencies between 63Hz and 4kHz and is wired so as to ensure that the limiter governs all amplification and loudspeakers;**
- (ii) **The Device controls are in a locked metal case or is lockable via a password and that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the licensee or occupier of the land and notified to the Responsible Authority; and**
- (iii) **The Device is able to record or log decibel levels,**

**At the request of the Responsible Authority, logged records shall be provided to the Responsible Authority.**

- (e) **A sleep disturbance assessment of patron noise should be conducted; and**
- (f) **Clarification on whether any increase in the operating hours of the existing mechanical plant is proposed,**

**to the satisfaction of the Responsible Authority.**

- 10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
11. 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.
- 12. 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), as may be amended from time to time.**
13. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.
14. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.

15. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
16. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
17. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
18. **Before the development approved by the .01 amendment is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:**
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
19. **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.
20. **This permit will expire if:**
  - (a) The sale and consumption of liquor approved under the .01 amendment is not commenced within two years from the date of this amended permit; or
  - (b) The development approved under the .01 amendment is not commenced within two years of the date of this amended permit; or
  - (c) The development approved under the .01 amendment is not completed within four years of the date of this amended 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:

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 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.

**CARRIED UNANIMOUSLY**

The meeting closed at 8.30pm

**Confirmed at the meeting held on Tuesday 30 January 2024**

---

**Chair**