



Minutes

Planning Decisions Committee

6.30pm, Tuesday 27 February 2024

Richmond Town Hall
Wurundjeri Country

1. Appointment of Chair

Councillor O'Brien nominated Councillor Nguyen as chair.

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

Councillor Nguyen assumed the chair.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

3. Attendance and apologies

Attendance

Councillors

- Cr Anab Mohamud Councillor
- Cr Claudia Nguyen Councillor
- Cr Bridgid O'Brien Councillor

Council officers

- Ally Huynh Senior Coordinator Statutory Planning
- Jessica Sutherland Acting Principal Planner
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

4. Declarations of conflict of interest

No declarations were made.

5. Confirmation of Minutes

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Mohamud

1. That the minutes of the meeting of the Planning Decisions Committee held on Tuesday 19 December 2023 be confirmed.

CARRIED UNANIMOUSLY

6. PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN18/0471.06 - 31-51 Nelson Street, Abbotsford	4	26
6.2	PLN23/0553 - 786-794 Nicholson Street Fitzroy North	38	62
6.3	PLN23/0316 - 475-481 Church Street Richmond	63	77

6.1 **PLN18/0471.06 - 31-51 Nelson Street, Abbotsford**

Reference	D24/43529
Author	Gary O'Reilly - Senior Statutory Planner
Authoriser	Senior Coordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

That 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 (changes in **bold**):

Permit Preamble

Use and construction of a seven-storey building containing offices, restricted retail and food and drink premises (café) **and bar, sale and consumption of liquor (on-premises licence)** and a reduction in car parking.

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 **Buchan Group**, numbered **ATP-2009 Rev 2, ATP-2010 Rev 2, ATP-4001 Rev 2, ATP-4002 Rev 2, ATP-4004 Rev 2 and ATP-4011 Rev 1** dated **31/07/2023** but modified to show:
 - (a) **Annotation stating that the terraces associated within the red line area are to cease operation / sale and consumption of liquor at 10.00pm;**
 - (b) **Any requirements of the endorsed Wind Report (Condition 8) (where relevant to show on plans);**
 - (c) **Any requirements of the endorsed Acoustic Report (Condition 15) (where relevant to show on plans); and**
 - (d) **Any requirements of the endorsed Green Travel Plan (Condition 18) (where relevant to show on plans).**
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Ongoing architect involvement

3. As part of the ongoing consultant team, Fieldwork **and Buchan Group** 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.

Landscaping

4. ****Deleted****

5. 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 maintenance 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.
6. Before the development commences, an amended Landscape Maintenance Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Maintenance Plan will be endorsed and will form part of this permit. The amended Landscape Maintenance Plan must be generally in accordance with the Landscape Maintenance Plan prepared by Coolth Inc. and received 21 July 2021, but modified to include (or show):
 - (a) Any changes as a result of the endorsed landscape plan pursuant to Condition 4.

Streetscapes Plan

7. Before the development commences (with the exception of the excavation and construction of the basement), a Streetscapes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Streetscapes Plan will be endorsed and will form part of this permit. The Streetscapes Plan must be generally in accordance with the streetscape works shown on the Ground floor Landscape Plan prepared by Coolth Inc. and dated 13 June 2018, but modified to include (or show):

Roadworks

- (a) Provision of four bicycle hoops along the footpath;
- (b) Demonstrate no net loss of car parking from existing conditions;
- (c) Retention of car parking along Cooke Street;
- (d) Car parking dimensions of any new car spaces to comply with AS 2890.5-1993;
- (e) Any new parking bays to be offset 10m from adjacent intersections and 1m from existing/proposed vehicle crossovers;
- (f) Geometry of outstand returns at 90 degrees with tightest possible radii;
- (g) Pram ramps on Nelson Street adjacent to the site and on the opposite side of the street;
- (h) Pedestrian crossings in alignment with the building line and at a minimum width of 1.5m wide
- (i) Full width of Nelson Street depicted including concrete carriageway and kerb and channel;
- (j) Swept path diagram to demonstrate a 12.5m Heavy Rigid Vehicle can enter/exit Thompson Street via Nelson Street;
- (k) Remove section of Cooke Street outstand south of the subject site;
- (l) Remove existing bluestone pitcher crossover and reinstate with standard YCC footpath, kerb and channel immediately south of the subject site on Cooke Street;

- (m) All existing roadside objectives, furniture, electrical poles and service authority assets, including underground utility services to be depicted;
- (n) All footpaths along the site frontages to be reconstructed and have a cross-fall of 1 in 40;
- (o) Any existing grates on drainage put to be replaced with bicycle safe grates;

Street tree planting

- (p) *The indicative tree locations to be shown consistent with the Urban Design Comments sketch updated 23 June 2022;

Drainage

- (q) Location of existing pits and any other drainage infrastructure;
- (r) Details how drainage requirements are met; and
- (s) Detailed contours (at 1m intervals) and existing top of kerb levels.

Wind Report

8. In conjunction with the submission of development plans under Condition 1 (PLN18/0471.06), an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the endorsed Wind Assessment Report prepared by VIPAC and dated 6 August 2019, but modified to include (or show):

(a) The terrace areas associated with the bar are safe to be used/occupied by patrons.

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

Sustainable Management Plan

10. Before the development commences an amended sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended sustainable management plan will be endorsed and will form part of this permit. The amended sustainable management plan must be generally in accordance with the sustainable management plan prepared by ADP Consulting Engineering and dated 13 October 2021, but modified to include or show:

(a) A revised BESS report [targeting other non-residential IEQ credits] with an IEQ score above the mandatory threshold (50%).

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

(a) Completed JV3 energy modelling report (or equivalent) demonstrating at least 20% improvement in the heating and cooling requirements of the NCC;

(b) Type and efficiency standard of the HVAC system in the JV3 energy modelling report to be a mixed mode, energy efficient VRF HVAC system with a high COP; and

(c) Type and efficiency standard of the hot water system in the JV3 energy modelling report.

12. The provisions, recommendations and requirements of the endorsed sustainable management plans must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

13. Before the development commences, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 22 August 2018, but modified to include:
 - (a) Details regarding the separation, storage and disposal of e-waste; and
 - (b) Provision for organic waste.
14. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

15. **In conjunction with the submission of development plans under Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
 - (a) **Demonstrate that noise emanating from the venue will comply with the relevant regulations and requirements and ensure no unreasonable impacts to the surrounding area (including plant, patron and venue noise).**
16. **Within 3 months of the commencement of the bar use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
 - (a) **Demonstrate compliance with any requirements of condition 15; and**
 - (b) **Demonstrate compliance with any requirements of condition 30.**
17. **The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**

Green Travel Plan

18. **Before the development commences of works approved under this amendment (PLN18/0471.06), an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group and dated June 2021, but modified to include or show:**
 - (a) **Incorporate any changes as a result of this amendment.**
19. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Uses

20. Except with the prior written consent of the Responsible Authority, the **offices, restricted retail and food and drink premises (café)** authorised by this planning permit may only operate between the hours of 8:00am to 8:00pm, seven days a week.
21. **Except with the prior written consent of the Responsible Authority, the bar use authorised by this permit may only operate between the following hours:**
 - (a) **Monday to Saturday: 9.00am to 11.00pm**
 - (b) **Sunday: 10.00am to 11.00pm**
 - (c) **Good Friday and ANZAC Day: 12.00 noon to 11.00pm**
22. **The outdoor terraces associated with the bar (with the exception of access to the toilet and storage areas by staff and customers) must not be used after 10.00pm.**
23. **No more than 90 patrons are permitted within the bar use at any one time.**
24. **The provision of music and entertainment on the land must be at a background noise level.**
25. **No live music to be played within the bar.**
26. **Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.**
27. **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.**
28. **Speakers external to the building must not be erected or used.**
29. 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.
30. **The use/development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.**
31. ****Deleted****
32. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Liquor Licence

33. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:**
 - (a) **Monday to Saturday: 9.00am to 11.00pm**
 - (b) **Sunday: 10.00am to 11.00pm**

(c) Good Friday and ANZAC Day: 12.00 noon to 11.00pm

- 34. The outdoor terraces associated with the bar must not be used after 10.00pm.**
- 35. No more than 90 patrons are permitted on the land at any time liquor is being sold or consumed.**
- 36. Before the sale and consumption of liquor 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 G2 Urban Planning and dated November 2022, but modified to include (or show, or address):**
- (a) The closure of the terraces associated with the bar at 10.00pm;**
 - (b) Hours for the sale and consumption of liquor to correspond with condition 33;**
 - (c) Update section 6 of the NAAP (measures to control noise emissions from the premises and amenity control) to reference the current EPA noise requirements / requirements (e.g. Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) and delete any superseded requirements; and**
 - (d) All conditions referenced in the NAAP to correspond with this amended permit.**
- 37. 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.**

General

- 38. 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.**
- 39. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
- 40. 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.**
- 41. 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.**
- 42. 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.**

43. 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.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) Treated with an all-weather seal or some other durable surface; and
 - (d) Line-marked or provided with some adequate means of showing the car parking spaces,
- to the satisfaction of the Responsible Authority.

Public Art Management Plan

45. Before the occupation of the development, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) The location of the artwork (to be consistent with the endorsed development plans);
 - (b) Outline of methodology for commission;
 - (c) Details of the commissioned artist(s); and
 - (d) Description of art work, including:
 - (i) Materials;
 - (ii) Colours;
 - (iii) Dimensions;
 - (iv) Conceptual and site context rationale;
 - (v) Special features (for example lighting);
 - (vi) Details of the installation process;
 - (vii) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
 - (viii) Attribution plans (e.g. signage or plaque).

Ongoing Public Art Management Requirement

46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Civil works

47. Prior to the commencement of works, or such later date as approved in writing by the Responsible Authority, detailed engineering/drainage design drawings and calculations for the streetscape scheme design as shown on the endorsed Streetscape Plan pursuant to Condition 7 must be submitted to and approved by Council's Engineering Services Unit.

48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
51. Before the building is occupied, or by such later date as approved, Streetscape Works as shown on the endorsed Streetscape Plan pursuant to Condition 7, including any civil engineering/drainage works pursuant to condition 31 must be carried out:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
52. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
53. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

Construction Management Plan

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

- (ii) materials and waste;
- (iii) dust;
- (iv) stormwater contamination from run-off and wash-waters;
- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery;
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations;
- (q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational;
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated; and
- (t) Any site-specific requirements,

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.

55. During the construction:

- (a) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (b) 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;
 - (c) Vehicle borne material must not accumulate on the roads abutting the land;
 - (d) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
56. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
57. 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; and
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Contribution

58. Prior to the issue of a Statement of Compliance the Development Infrastructure Levy for the additional **commercial** floor space (**203sqm**) allowed by amendment of this permit (**PLN18/0471.06**) 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 for the commercial floor space allowed by amendment of this permit within a time specified in the agreement.
59. Before the development commences (with the exception of the excavation and construction of the basement), or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$12,325 to the Responsible Authority. This fee:
- (a) Will be used for 10 new street tree plantings as listed below:
 - (i) Roadside – 2 along Cooke Street, 3 along Nelson Street and 2 along Thompson Street;
 - (ii) Footpath – 2 along Nelson Street and 1 along Thompson Street;
 - (b) Will cover tree sourcing, planting and 2 years of maintenance; and
 - (c) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.

Permit Expiry

60. This permit will expire if:
- (a) **the development is not commenced within two years of the date of this amended permit (PLN18/0471.06);**
 - (b) **the development is not completed within four years of the date of this amended permit (PLN18/0471.06);**
 - (c) the use is not commenced within five years of the date of this permit;

- (d) the bar use is not commenced within two years of the date of this amended permit (PLN18/0471.06); and**
- (e) the sale and consumption of liquor associated with amended permit (PLN18/0471.06) is not commenced within two 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:

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

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

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

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

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

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the permit holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the permit holder.

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

The applicant must liaise with Council's open space unit for the protection of the street trees and trees on Council land in the vicinity of the site.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website.

REVISED 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 (changes in **bold**):

Permit Preamble

Use and construction of a seven-storey building containing offices, restricted retail and food and drink premises (café) **and bar, sale and consumption of liquor (on-premises licence)** and a reduction in car parking.

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 **Buchan Group**, numbered **ATP-2009 Rev 2, ATP-2010 Rev 2, ATP-4001 Rev 2, ATP-4002 Rev 2, ATP-4004 Rev 2 and ATP-4011 Rev 1** dated **31/07/2023** but modified to show:
 - (a) **A full set of plans for endorsement;**
 - (b) **Annotation stating that the terraces associated within the red line area are to cease operation / sale and consumption of liquor at 10.00pm;**
 - (c) **Any requirements of the endorsed Wind Report (Condition 8) (where relevant to show on plans);**
 - (d) **Any requirements of the endorsed Acoustic Report (Condition 15) (where relevant to show on plans); and**
 - (e) **Any requirements of the endorsed Green Travel Plan (Condition 18) (where relevant to show on plans).**
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Ongoing architect involvement

3. As part of the ongoing consultant team, Fieldwork **and Buchan Group** 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.

Landscaping

4. ****Deleted****
5. 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 maintenance 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.
6. Before the development commences, an amended Landscape Maintenance Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Maintenance Plan will be endorsed and will form part of this permit. The amended Landscape Maintenance Plan must be generally in accordance with the Landscape Maintenance Plan prepared by Coolth Inc. and received 21 July 2021, but modified to include (or show):
- (a) Any changes as a result of the endorsed landscape plan pursuant to Condition 4.

Streetscapes Plan

7. Before the development commences (with the exception of the excavation and construction of the basement), a Streetscapes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Streetscapes Plan will be endorsed and will form part of this permit. The Streetscapes Plan must be generally in accordance with the streetscape works shown on the Ground floor Landscape Plan prepared by Coolth Inc. and dated 13 June 2018, but modified to include (or show):

Roadworks

- (a) Provision of four bicycle hoops along the footpath;
- (b) Demonstrate no net loss of car parking from existing conditions;
- (c) Retention of car parking along Cooke Street;
- (d) Car parking dimensions of any new car spaces to comply with AS 2890.5-1993;
- (e) Any new parking bays to be offset 10m from adjacent intersections and 1m from existing/proposed vehicle crossovers;
- (f) Geometry of outstand returns at 90 degrees with tightest possible radii;
- (g) Pram ramps on Nelson Street adjacent to the site and on the opposite side of the street;
- (h) Pedestrian crossings in alignment with the building line and at a minimum width of 1.5m wide
- (i) Full width of Nelson Street depicted including concrete carriageway and kerb and channel;
- (j) Swept path diagram to demonstrate a 12.5m Heavy Rigid Vehicle can enter/exit Thompson Street via Nelson Street;
- (k) Remove section of Cooke Street outstand south of the subject site;
- (l) Remove existing bluestone pitcher crossover and reinstate with standard YCC footpath, kerb and channel immediately south of the subject site on Cooke Street;
- (m) All existing roadside objectives, furniture, electrical poles and service authority assets, including underground utility services to be depicted;
- (n) All footpaths along the site frontages to be reconstructed and have a cross-fall of 1 in 40;
- (o) Any existing grates on drainage put to be replaced with bicycle safe grates;

Street tree planting

- (p) *The indicative tree locations to be shown consistent with the Urban Design Comments sketch updated 23 June 2022;

Drainage

- (q) Location of existing pits and any other drainage infrastructure;
- (r) Details how drainage requirements are met; and
- (s) Detailed contours (at 1m intervals) and existing top of kerb levels.

Wind Report

8. **In conjunction with the submission of development plans under Condition 1 (PLN18/0471.06), an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the endorsed Wind Assessment Report prepared by VIPAC and dated 6 August 2019, but modified to include (or show):**
 - (a) **The terrace areas associated with the bar are safe to be used/occupied by patrons.**
9. The provisions, recommendations and requirements of the endorsed Wind Assessment Report (Desktop) must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

10. Before the development commences an amended sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended sustainable management plan will be endorsed and will form part of this permit. The amended sustainable management plan must be generally in accordance with the sustainable management plan prepared by ADP Consulting Engineering and dated 13 October 2021, but modified to include or show:
 - (a) A revised BESS report [targeting other non-residential IEQ credits] with an IEQ score above the mandatory threshold (50%).
11. Prior to the occupation of the development approved under this planning permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan including:
 - (a) Completed JV3 energy modelling report (or equivalent) demonstrating at least 20% improvement in the heating and cooling requirements of the NCC;
 - (b) Type and efficiency standard of the HVAC system in the JV3 energy modelling report to be a mixed mode, energy efficient VRF HVAC system with a high COP; and
 - (c) Type and efficiency standard of the hot water system in the JV3 energy modelling report.
12. The provisions, recommendations and requirements of the endorsed sustainable management plans must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

13. Before the development commences, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 22 August 2018, but modified to include:
 - (a) Details regarding the separation, storage and disposal of e-waste; and
 - (b) Provision for organic waste.
14. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

15. **In conjunction with the submission of development plans under Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
 - (a) **Demonstrate that noise emanating from the venue will comply with the relevant regulations and requirements and ensure no unreasonable impacts to the surrounding area (including plant, patron and venue noise).**
16. **Within 3 months of the commencement of the bar use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
 - (a) **Demonstrate compliance with any requirements of condition 15; and**
 - (b) **Demonstrate compliance with any requirements of condition 30.**
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

18. **Before the development commences of works approved under this amendment (PLN18/0471.06), an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group and dated June 2021, but modified to include or show:**
 - (a) **Incorporate any changes as a result of this amendment.**
19. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Uses

20. Except with the prior written consent of the Responsible Authority, the **offices, restricted retail and food and drink premises (café)** authorised by this planning permit may only operate between the hours of 8:00am to 8:00pm, seven days a week.
21. **Except with the prior written consent of the Responsible Authority, the bar use authorised by this permit may only operate between the following hours:**

- (a) **Monday to Saturday:** 9.00am to 11.00pm
 - (b) **Sunday:** 10.00am to 11.00pm
 - (c) **Good Friday and ANZAC Day:** 12.00 noon to 11.00pm
22. **The outdoor terraces associated with the bar (with the exception of access to the toilet and storage areas by staff and customers) must not be used after 10.00pm.**
23. **No more than 90 patrons are permitted within the bar use at any one time.**
24. **The provision of music and entertainment on the land must be at a background noise level.**
25. **No live music to be played within the bar.**
26. **Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.**
27. **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.**
28. **Speakers external to the building must not be erected or used.**
29. **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.**
30. **The use/development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.**
31. ****Deleted****
32. **Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.**

Liquor Licence

33. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:**
- (a) **Monday to Saturday:** 9.00am to 11.00pm
 - (b) **Sunday:** 10.00am to 11.00pm
 - (c) **Good Friday and ANZAC Day:** 12.00 noon to 11.00pm
34. **The outdoor terraces associated with the bar must not be used after 10.00pm.**
35. **No more than 90 patrons are permitted on the land at any time liquor is being sold or consumed.**

36. **Before the sale and consumption of liquor 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 G2 Urban Planning and dated November 2022, but modified to include (or show, or address):**
- (a) **The closure of the terraces associated with the bar at 10.00pm;**
 - (b) **Hours for the sale and consumption of liquor to correspond with condition 33;**
 - (c) **Update section 6 of the NAAP (measures to control noise emissions from the premises and amenity control) to reference the current EPA noise requirements / requirements (e.g. Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) and delete any superseded requirements; and**
 - (d) **All conditions referenced in the NAAP to correspond with this amended permit.**
37. **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.**

General

38. 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.
39. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
40. 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.
41. 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.
42. 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.
43. 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.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) Constructed and available for use in accordance with the endorsed plans;
- (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) Treated with an all-weather seal or some other durable surface; and
- (d) Line-marked or provided with some adequate means of showing the car parking spaces,

to the satisfaction of the Responsible Authority.

Public Art Management Plan

45. Before the occupation of the development, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:

- (a) The location of the artwork (to be consistent with the endorsed development plans);
- (b) Outline of methodology for commission;
- (c) Details of the commissioned artist(s); and
- (d) Description of art work, including:
 - (i) Materials;
 - (ii) Colours;
 - (iii) Dimensions;
 - (iv) Conceptual and site context rationale;
 - (v) Special features (for example lighting)
 - (vi) Details of the installation process;
 - (vii) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
 - (viii) Attribution plans (e.g. signage or plaque).

Ongoing Public Art Management Requirement

46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Civil works

47. Prior to the commencement of works, or such later date as approved in writing by the Responsible Authority, detailed engineering/drainage design drawings and calculations for the streetscape scheme design as shown on the endorsed Streetscape Plan pursuant to Condition 7 must be submitted to and approved by Council's Engineering Services Unit.

48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
51. Before the building is occupied, or by such later date as approved, Streetscape Works as shown on the endorsed Streetscape Plan pursuant to Condition 7, including any civil engineering/drainage works pursuant to condition 31 must be carried out:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
52. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
53. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

Construction Management Plan

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

- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations;
- (q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational;
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated; and
- (t) Any site-specific requirements,

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.

55. During the construction:

- (a) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (b) 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;
- (c) Vehicle borne material must not accumulate on the roads abutting the land;

- (d) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
56. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
57. 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; and
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Contribution

58. Prior to the issue of a Statement of Compliance the Development Infrastructure Levy for the additional **commercial** floor space (**203sqm**) allowed by amendment of this permit (**PLN18/0471.06**) 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 for the commercial floor space allowed by amendment of this permit within a time specified in the agreement.
59. Before the development commences (with the exception of the excavation and construction of the basement), or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$12,325 to the Responsible Authority. This fee:
- (a) Will be used for 10 new street tree plantings as listed below:
 - (i) Roadside – 2 along Cooke Street, 3 along Nelson Street and 2 along Thompson Street;
 - (ii) Footpath – 2 along Nelson Street and 1 along Thompson Street;
 - (b) Will cover tree sourcing, planting and 2 years of maintenance; and
 - (c) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.

Permit Expiry

60. This permit will expire if:
- (a) **the development is not commenced within two years of the date of this amended permit (PLN18/0471.06);**
 - (b) **the development is not completed within four years of the date of this amended permit (PLN18/0471.06);**
 - (c) the use is not commenced within five years of the date of this permit;
 - (d) **the bar use is not commenced within two years of the date of this amended permit (PLN18/0471.06); and**
 - (e) **the sale and consumption of liquor associated with amended permit (PLN18/0471.06) is not commenced within two 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:

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

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

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

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

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

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the permit holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the permit holder.

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

The applicant must liaise with Council's open space unit for the protection of the street trees and trees on Council land in the vicinity of the site.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website.

Public Submissions

The following people addressed the committee:

Stephen Coleiro, G2 Urban Planning (for the applicant); and
David Stott.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Mohamud

Seconded: Councillor Nguyen

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 (changes in **bold**):

Permit Preamble

Use and construction of a seven-storey building containing offices, restricted retail and food and drink premises (café) **and bar, sale and consumption of liquor (on-premises licence)** and a reduction in car parking.

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 **Buchan Group**, numbered **ATP-2009 Rev 2, ATP-2010 Rev 2, ATP-4001 Rev 2, ATP-4002 Rev 2, ATP-4004 Rev 2 and ATP-4011 Rev 1** dated **31/07/2023** but modified to show:
 - (a) **A full set of plans for endorsement;**
 - (b) **Annotation stating that the terraces associated within the red line area are to cease operation / sale and consumption of liquor at 10.00pm;**
 - (c) **Any requirements of the endorsed Wind Report (Condition 8) (where relevant to show on plans);**
 - (d) **Any requirements of the endorsed Acoustic Report (Condition 15) (where relevant to show on plans); and**
 - (e) **Any requirements of the endorsed Green Travel Plan (Condition 18) (where relevant to show on plans).**
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Ongoing architect involvement

3. As part of the ongoing consultant team, Fieldwork **and Buchan Group** 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.

Landscaping

4. ****Deleted****

5. 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 maintenance 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.
6. Before the development commences, an amended Landscape Maintenance Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Maintenance Plan will be endorsed and will form part of this permit. The amended Landscape Maintenance Plan must be generally in accordance with the Landscape Maintenance Plan prepared by Coolth Inc. and received 21 July 2021, but modified to include (or show):
 - (a) Any changes as a result of the endorsed landscape plan pursuant to Condition 4.

Streetscapes Plan

7. Before the development commences (with the exception of the excavation and construction of the basement), a Streetscapes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Streetscapes Plan will be endorsed and will form part of this permit. The Streetscapes Plan must be generally in accordance with the streetscape works shown on the Ground floor Landscape Plan prepared by Coolth Inc. and dated 13 June 2018, but modified to include (or show):

Roadworks

- (a) Provision of four bicycle hoops along the footpath;
- (b) Demonstrate no net loss of car parking from existing conditions;
- (c) Retention of car parking along Cooke Street;
- (d) Car parking dimensions of any new car spaces to comply with AS 2890.5-1993;
- (e) Any new parking bays to be offset 10m from adjacent intersections and 1m from existing/proposed vehicle crossovers;
- (f) Geometry of outstand returns at 90 degrees with tightest possible radii;
- (g) Pram ramps on Nelson Street adjacent to the site and on the opposite side of the street;
- (h) Pedestrian crossings in alignment with the building line and at a minimum width of 1.5m wide
- (i) Full width of Nelson Street depicted including concrete carriageway and kerb and channel;
- (j) Swept path diagram to demonstrate a 12.5m Heavy Rigid Vehicle can enter/exit Thompson Street via Nelson Street;
- (k) Remove section of Cooke Street outstand south of the subject site;
- (l) Remove existing bluestone pitcher crossover and reinstate with standard YCC footpath, kerb and channel immediately south of the subject site on Cooke Street;

- (m) All existing roadside objectives, furniture, electrical poles and service authority assets, including underground utility services to be depicted;
- (n) All footpaths along the site frontages to be reconstructed and have a cross-fall of 1 in 40;
- (o) Any existing grates on drainage put to be replaced with bicycle safe grates;

Street tree planting

- (p) *The indicative tree locations to be shown consistent with the Urban Design Comments sketch updated 23 June 2022;

Drainage

- (q) Location of existing pits and any other drainage infrastructure;
- (r) Details how drainage requirements are met; and
- (s) Detailed contours (at 1m intervals) and existing top of kerb levels.

Wind Report

8. **In conjunction with the submission of development plans under Condition 1 (PLN18/0471.06), an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the endorsed Wind Assessment Report prepared by VIPAC and dated 6 August 2019, but modified to include (or show):**
- (a) The terrace areas associated with the bar are safe to be used/occupied by patrons.**
9. The provisions, recommendations and requirements of the endorsed Wind Assessment Report (Desktop) must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

10. Before the development commences an amended sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended sustainable management plan will be endorsed and will form part of this permit. The amended sustainable management plan must be generally in accordance with the sustainable management plan prepared by ADP Consulting Engineering and dated 13 October 2021, but modified to include or show:
- (a) A revised BESS report [targeting other non-residential IEQ credits] with an IEQ score above the mandatory threshold (50%).
11. Prior to the occupation of the development approved under this planning permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan including:
- (a) Completed JV3 energy modelling report (or equivalent) demonstrating at least 20% improvement in the heating and cooling requirements of the NCC;
 - (b) Type and efficiency standard of the HVAC system in the JV3 energy modelling report to be a mixed mode, energy efficient VRF HVAC system with a high COP; and
 - (c) Type and efficiency standard of the hot water system in the JV3 energy modelling report.

12. The provisions, recommendations and requirements of the endorsed sustainable management plans must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

13. Before the development commences, an amended waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended waste management plan will be endorsed and will form part of this permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Leigh Design and dated 22 August 2018, but modified to include:
- (a) Details regarding the separation, storage and disposal of e-waste; and
 - (b) Provision for organic waste.
14. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

15. **In conjunction with the submission of development plans under Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
- (a) Demonstrate that noise emanating from the venue will comply with the relevant regulations and requirements and ensure no unreasonable impacts to the surrounding area (including plant, patron and venue noise).**
16. **Within 3 months of the commencement of the bar use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
- (a) Demonstrate compliance with any requirements of condition 15; and**
 - (b) Demonstrate compliance with any requirements of condition 30.**
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

18. **Before the development commences of works approved under this amendment (PLN18/0471.06), an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group and dated June 2021, but modified to include or show:**
- (a) Incorporate any changes as a result of this amendment.**
19. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Uses

20. Except with the prior written consent of the Responsible Authority, the **offices, restricted retail and food and drink premises (café)** authorised by this planning permit may only operate between the hours of 8:00am to 8:00pm, seven days a week.
21. **Except with the prior written consent of the Responsible Authority, the bar use authorised by this permit may only operate between the following hours:**
 - (a) **Monday to Saturday: 9.00am to 11.00pm**
 - (b) **Sunday: 10.00am to 11.00pm**
 - (c) **Good Friday and ANZAC Day: 12.00 noon to 11.00pm**
22. **The outdoor terraces associated with the bar (with the exception of access to the toilet and storage areas by staff and customers) must not be used after 10.00pm.**
23. **No more than 90 patrons are permitted within the bar use at any one time.**
24. **The provision of music and entertainment on the land must be at a background noise level.**
25. **No live music to be played within the bar.**
26. **Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.**
27. **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.**
28. **Speakers external to the building must not be erected or used.**
29. 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.
30. **The use/development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.**
31. ****Deleted****
32. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Liquor Licence

33. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:**
 - (a) **Monday to Saturday: 9.00am to 11.00pm**
 - (b) **Sunday: 10.00am to 11.00pm**

(c) Good Friday and ANZAC Day: 12.00 noon to 11.00pm

- 34. The outdoor terraces associated with the bar must not be used after 10.00pm.**
- 35. No more than 90 patrons are permitted on the land at any time liquor is being sold or consumed.**
- 36. Before the sale and consumption of liquor 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 G2 Urban Planning and dated November 2022, but modified to include (or show, or address):**
- (a) The closure of the terraces associated with the bar at 10.00pm;**
 - (b) Hours for the sale and consumption of liquor to correspond with condition 33;**
 - (c) Update section 6 of the NAAP (measures to control noise emissions from the premises and amenity control) to reference the current EPA noise requirements / requirements (e.g. Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) and delete any superseded requirements; and**
 - (d) All conditions referenced in the NAAP to correspond with this amended permit.**
- 37. 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.**

General

- 38. 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.**
- 39. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
- 40. 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.**
- 41. 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.**
- 42. 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.**

43. 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.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) Treated with an all-weather seal or some other durable surface; and
 - (d) Line-marked or provided with some adequate means of showing the car parking spaces,
- to the satisfaction of the Responsible Authority.

Public Art Management Plan

45. Before the occupation of the development, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) The location of the artwork (to be consistent with the endorsed development plans);
 - (b) Outline of methodology for commission;
 - (c) Details of the commissioned artist(s); and
 - (d) Description of art work, including:
 - (i) Materials;
 - (ii) Colours;
 - (iii) Dimensions;
 - (iv) Conceptual and site context rationale;
 - (v) Special features (for example lighting);
 - (vi) Details of the installation process;
 - (vii) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
 - (viii) Attribution plans (e.g. signage or plaque).

Ongoing Public Art Management Requirement

46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Civil works

47. Prior to the commencement of works, or such later date as approved in writing by the Responsible Authority, detailed engineering/drainage design drawings and calculations for the streetscape scheme design as shown on the endorsed Streetscape Plan pursuant to Condition 7 must be submitted to and approved by Council's Engineering Services Unit.

48. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
51. Before the building is occupied, or by such later date as approved, Streetscape Works as shown on the endorsed Streetscape Plan pursuant to Condition 7, including any civil engineering/drainage works pursuant to condition 31 must be carried out:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
52. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
53. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

Construction Management Plan

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

- (ii) materials and waste;
- (iii) dust;
- (iv) stormwater contamination from run-off and wash-waters;
- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery;
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations;
- (q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational;
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated; and
- (t) Any site-specific requirements,

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.

55. During the construction:
- (a) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (b) 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;
 - (c) Vehicle borne material must not accumulate on the roads abutting the land;
 - (d) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (e) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
56. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
57. 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; and
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Contribution

58. Prior to the issue of a Statement of Compliance the Development Infrastructure Levy for the additional **commercial** floor space (**203sqm**) allowed by amendment of this permit (**PLN18/0471.06**) 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 for the commercial floor space allowed by amendment of this permit within a time specified in the agreement.
59. Before the development commences (with the exception of the excavation and construction of the basement), or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$12,325 to the Responsible Authority. This fee:
- (a) Will be used for 10 new street tree plantings as listed below:
 - (i) Roadside – 2 along Cooke Street, 3 along Nelson Street and 2 along Thompson Street;
 - (ii) Footpath – 2 along Nelson Street and 1 along Thompson Street;
 - (b) Will cover tree sourcing, planting and 2 years of maintenance; and
 - (c) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.

Permit Expiry

60. This permit will expire if:
- (a) **the development is not commenced within two years of the date of this amended permit (PLN18/0471.06);**
 - (b) **the development is not completed within four years of the date of this amended permit (PLN18/0471.06);**

- (c) the use is not commenced within five years of the date of this permit.
- (d) the bar use is not commenced within two years of the date of this amended permit (PLN18/0471.06); and**
- (e) the sale and consumption of liquor associated with amended permit (PLN18/0471.06) is not commenced within two 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:

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

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

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

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

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

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the permit holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the permit holder.

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

The applicant must liaise with Council's open space unit for the protection of the street trees and trees on Council land in the vicinity of the site.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website.

CARRIED UNANIMOUSLY

6.2 PLN23/0553 - 786-794 Nicholson Street Fitzroy North

Reference	D24/35448
Author	Nish Goonetilleke - Senior Statutory Planner
Authoriser	Senior Coordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

That 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 PLN23/0553 for the full demolition and the construction of a multi-storey, mixed-use building, including a shop and dwellings (permit required for dwelling use), reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2 at Nos. 786 – 794 Nicholson Street Fitzroy North, 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 Kennedy Nolan, Rev TP2: TP002 - TP010, TP100 - TP108, TP200 - TP202, TP300 – 301, TP400 – 405 and TP600, but modified to include/show:
 - (a) Deletion of Level 03;
 - (b) Remove all demolition works from proposed plans;
 - (c) Setbacks of all built form, including the lift overrun, from title boundaries annotated on the roof plan;
 - (d) Correctly label the northern elevation;
 - (e) Additional visual articulation to the northern blank walls above the podium levels.
 - (f) Provision of wall-mounted sensor lighting to all pedestrian entrances, including the internal courtyard areas;
 - (g) Fences associated with the ground floor apartments to consist of permeable material (maximum 25% transparency);
 - (h) Provision of pedestrian gates accessing Liverpool Street to the ground floor Apartments G02 to G05.;
 - (i) Improve the visibility of the primary pedestrian entrance from Liverpool Street by:
 - (i) Widening the entrance, or by introducing a splay;
 - (ii) Provision of an awning above this pedestrian entrance;
 - (j) Awnings along Nicholson Street frontage to be consolidated into two separate awnings, with no impacts to the existing street trees, and aligning in height with the ground floor canopy at No. 786 Nicholson Street;
 - (k) Awnings along Liverpool Street to have a minimum clearance height of 3m above ground level;
 - (l) Substation and fire-booster cupboards be appropriately integrated within the building design through the incorporation of high-quality design/finish;

- (m) All service doors to swing outwardly 180-degrees and be latched to the wall when opened;
- (n) Location of the street tree along the northern side of Liverpool Street;
- (o) Materials and finishes schedule to confirm the proposed materials for the following:
 - (i) vehicle entry;
 - (ii) PT1, PT1 and PT3;
- (p) Tubular planters along Railway Lane replaced with either:
 - (i) one continuous planter along the two sections of this frontage (excluding the vehicle entrance); or
 - (ii) a climbing plant up sections of this wall.
- (q) Apartments 106 and 206 to meet the minimum requirements of Table D12 of Clause 58.07-1 (Standard D26);
- (r) Dimensions relating to car parking and access as follows:
 - (i) width of the internal access ramp;
 - (ii) headroom clearance at the development's entrance;
 - (iii) length of the tandem spaces;
 - (iv) column depths and setbacks;
 - (v) Increase the length of the 1 in 8 transition grade at the base of the 1 in 4 ramp on Basement 02 to 2.5m;
- (s) Demonstrate adequate passing movements within the basement car park for a B99 design vehicle and an on-coming B85 design vehicle;
- (t) Demonstrate cars will not bottom-out when entering/exiting the development via Railway Lane by providing 1:20 scaled cross-sectional diagram with the following:
 - (i) Provision of a 40mm lip/bullnose along the eastern edge of the internal concrete slab;
 - (ii) A number of spot levels which include the reduced level 2.0m inside the property, the level at the west and east edge of Railway Lane and the level at the centreline/invert of Railway Lane;
- (u) Car parking spaces numbered;
- (v) Provision of one (1) additional visitor bicycle space (total of 9 spaces);
- (w) Dimension bicycle parking spaces and access paths in accordance with the requirements of AS2890.3 and the Yarra Planning Scheme Clause 52.34;
- (x) Detail and define the proposed access path for bicycles to the basement bicycle parking area, including:
 - (i) Internal dimensions of the lift to confirm that this is of a suitable size to contain a bicycle to the basement;
 - (ii) How the stop and go lighting system proposed to be used along the basement ramp from Railway Lane (as referenced within the Transport Impact Assessment Report) will be activated by a bicycle to ensure that vehicle / bicycle conflicted is not created along the basement ramp;
- (y) Provide a locking mechanism to the bike rooms to limit access to authorised personnel only;

- (z) Notation confirming all car parking areas be electrically wired to be 'EV ready', with a minimum 40A single phase electrical sub circuit installed;

Reports

- (aa) Any requirement of the endorsed Public Realm Plan, where relevant (Condition 11);
- (bb) Any requirement of the endorsed Sustainable Management Plan, where relevant (Condition 12);
- (cc) Any requirement of the endorsed Waste Management Plan, where relevant (Condition 14);
- (dd) Any requirement of the endorsed Landscape Plan, where relevant (Condition 16);
- (ee) Any requirements of the endorsed Tree Management Plan, where relevant (Condition 18);
- (ff) Any requirement of the endorsed Acoustic Report, where relevant (Condition 22); and
- (gg) Any requirement of the endorsed Wind Report, where relevant (Condition 24).

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 external area of the communal terrace at Level 05 (now Level 04) not be used after 10pm.
- 4. 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.
- 5. 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).
- 6. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 7. 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.
- 8. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Façade Strategy and Materials and Finishes Plan

- 9. Concurrent with the submission of Condition 1 plans, 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;
 - (i) information about how the high-quality appearance of the façade will be maintained; and
 - (ii) a sample board and coloured drawings outlining colours, materials and finishes.

Ongoing architect involvement

- 10. As part of the ongoing progress and development of the site, Kennedy Nolan 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.

Public Realm Plan

- 11. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
 - (a) Visitor bicycle spaces along Nicholson Street to be made parallel and broken down into two groups of two. Yarra's standard bike hoops must be used and be in line with Yarra's Public Domain Manual;
 - (b) Provision of a bench along the Nicholson Street frontage. This must be a Yarra standard bench with back and arm rests. Refer to 3.1.1 of Public Domain Manual;
 - (c) Clarify paving material in setback to shop entrance, providing a seamless transition with any level changes managed with compliant grading with no steps, and considering the floor level within the shop;
 - (d) at the permit holder's cost; andto the satisfaction of the Responsible Authority.

Sustainable Management Plan

- 12. Concurrent with the submission of Condition 1 plans, 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 prepared by GIW Environmental Solutions and dated 13 September 2023, but updated to include the following:
 - (a) All design changes required under Condition 1 of this permit;
 - (b) Provide modelling for commercial areas to show they meet the 33% area target;
 - (c) Confirm that post-development stormwater flows will not exceed pre-development levels;
 - (d) Provide more information and specific targets regarding recycled materials;
 - (e) Annotate specified SRI of roof on architectural plans;
 - (f) Confirm that building services fine tuning each quarter for the first 12 months of occupation;
 - (g) Confirm that Head Contractor will be ISO14001 accredited;
 - (h) Confirm that an environmental management plan (EMP) will be implemented to council guidelines prior to construction;

- (i) Materials and assembly methods to assist with disassembly and adaptive reuse at end of life;
 - (j) Consider increasing landfill diversion target for construction to 90% in line with best practice; and
 - (k) Consider a green wall, roof or façade. Document the outcome using the Green Factor tool: [Greenfactor.com.au](https://www.greenfactor.com.au).
13. 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

14. Concurrent with the submission of Condition 1 plans, 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 Traffix Group and dated 03 August 2023 but modified to include:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Table 2 updated to confirm if residential hard waste is to be collected from within the property via private contractor or by Council (Council hard waste collections are a kerbside service, sufficient space on the footpath or appropriate space adjacent must be identified and approved, otherwise internal private collection is required); and
 - (c) Notation confirming the main Council provided drop off for E-waste is at the recycling centre located at 168 Roseneath Street, Clifton Hill.
15. 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

16. Concurrent with the submission of Condition 1 plans, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by SBLA Landscape Architecture & Urban Design and dated 12 August 2023 but modified to include:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Plant schedule to provide the plant size at installation;
 - (c) Confirm the type of species associated with the climbers at ground floor;
 - (d) The courtyard garden to show the depth or volume of soil on the podium;
 - (e) Provide information on the various types of surfaces and the shallow planting zone;
 - (f) Dimension all raised planters on the architectural plans; and
 - (g) Provide notes on the maintenance schedule, tasks and duration.
17. 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.

Street trees

18. Concurrent with the submission of Condition 1 plans, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection and preservation of the existing street trees on the Nicholson Street and Liverpool Street footpaths, including:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes, to the satisfaction of the Responsible Authority.
19. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
20. Before the development commences, or by such later dates as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$2,782.00 to the Responsible Authority. This fee:
- (a) Will be used for three (3) new street tree plantings as listed below:
 - (i) Footpath - Two (2) along Nicholson Street; and
 - (ii) Roadside – One (1) along Liverpool Street; and
 - (b) Will cover the tree sourcing, planting and 2 years of maintenance.
21. All street tree planting, garden bed planting and any maintenance and/or establishment work (within 24 months after planting) must be completed by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority).

Acoustic Report

22. Concurrent with the submission of Condition 1 plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics Noise Vibration and dated 08 September 2023, but modified to show/address:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Potential noise impacts from the mechanical plant from the roof of the Railway Hotel to the subject development, and any mitigation measures;
 - (c) Final selected glazing system, should it vary from the glazing configurations provided in the assessment (i.e. not rely just on the Rw ratings);

- (d) The wall separating the shop from the adjacent apartment upgraded to achieve no less than $R_w + C_{tr} 50$ dB, or better, if considered appropriate by the acoustic consultant and considering the likely uses;
 - (e) Potential noise impacts from the Level 05 (now Level 04) terrace. Furthermore:
 - (i) The external area of the communal terrace at Level 05 (now Level 04) not be used after 10pm;
 - (ii) Impact noise control upgrades to protect apartments below;
 - (f) Confirm mechanical plant noise, including the carpark door and substation. The review must consider both the Noise Protocol and EPA Low Frequency Guideline (1996), and structure-borne noise / vibration from the carpark door or other plant equipment; and
 - (g) Provide a specification of maximum allowable noise levels from the carpark door.
23. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

24. Concurrent with the submission of Condition 1 plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 03 August 2023, but modified to include (or show):
- (a) All design changes required under Condition 1 of this permit; and
 - (b) Wind conditions within the communal terrace at Level 05 (now Level 04) to meet the sitting criterion.
25. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Head, Transport for Victoria (26)

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

Environmental Audit

27. Before the use and/or development authorised by this permit commences an Environmental Auditor be appointed pursuant to the Environmental Protection Act (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act, and issue an Environmental Audit Statement (**Statement**) under Part 8.3, Division 3 of the Environment Protection Act 2017 which states either:
- (a) that the site is suitable for the approved use and/or development; or
 - (b) that the site is suitable for the approved use and/or development if the recommendations made in the statement are complied with;
- and the Statement must be provided to the Responsible Authority within 5 business days of the Statement being issued.
28. If a Statement is issued under condition 27(b), the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (**Agreement**). The Agreement must:
- (a) outline the recommendations contained in the Statement to be complied with;

- (b) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement;
 - (c) be executed before the sensitive use for which the land is being developed commences; and
 - (d) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to the Agreement (including those incurred by the Responsible Authority).
29. Where an Environmental Audit Statement for the land in accordance with the EP Act (**Statement**) is issued and before the use authorised by this permit is occupied/commences:
- (a) Written confirmation of compliance must be provided by an environmental professional with suitable qualifications acceptable to the Responsible Authority; and
 - (b) Compliance sign-off must be in accordance with any requirements in the Environmental Audit Statement recommendations regarding verification of works.
30. All recommendations of the Environmental Audit Statement must be complied with to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

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

Community Infrastructure Levy

32. 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

33. 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.
34. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
35. 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.
36. 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.
37. 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.

Car Parking

38. 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

- 39. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Nicholson Street frontage must be reconstructed in asphalt:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
- 40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Nicholson Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
- 41. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) In accordance with Yarra Standard Drawings | Yarra City Council
 - (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
- 42. All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel:
 - (a) In accordance with Yarra Standard Drawings | Yarra City Council;
 - (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
- 43. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Construction Management Plan

- 44. 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. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) Any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

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

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.

45. 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

46. 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; and
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Permit Expiry

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

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

Notes:

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

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

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

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

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

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.

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.

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

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

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

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

The person in management or control of the site must also provide a copy of any Environmental Audit Statement to any person who proposes to become the person in management or control of the site, such as a potential purchaser.

REVISED 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 PLN23/0553 for the full demolition and the construction of a multi-storey, mixed-use building, including a shop and dwellings (permit required for dwelling use), reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2 at Nos. 786 – 794 Nicholson Street Fitzroy North, 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 Kennedy Nolan, Rev TP2: TP002 - TP010, TP100 - TP108, TP200 - TP202, TP300 – 301, TP400 – 405 and TP600, but modified to include/show:
 - (a) Deletion of Level 03;
 - (b) Remove all demolition works from proposed plans;
 - (c) Setbacks of all built form, including the lift overrun, from title boundaries annotated on the roof plan;
 - (d) Correctly label the northern elevation;
 - (e) Additional visual articulation to the northern blank walls above the podium levels;
 - (f) **Diagrams to demonstrate compliance with the Overlooking objective of Clause 55.04-6 of the Yarra Planning Scheme, or otherwise screening in accordance with Standard B22 for:**
 - (i) **All habitable room windows and balconies of Apartments G01, G02, 101, 102 and 103;**
 - (g) Provision of wall-mounted sensor lighting to all pedestrian entrances, including the internal courtyard areas;
 - (h) Fences associated with the ground floor apartments to consist of permeable material (maximum 25% transparency);
 - (i) Provision of pedestrian gates accessing Liverpool Street to the ground floor Apartments G02 to G05.;
 - (j) Improve the visibility of the primary pedestrian entrance from Liverpool Street by:
 - (i) Widening the entrance, or by introducing a splay;
 - (ii) Provision of an awning above this pedestrian entrance;
 - (k) Awnings along Nicholson Street frontage to be consolidated into two separate awnings, with no impacts to the existing street trees, and aligning in height with the ground floor canopy at No. 786 Nicholson Street;
 - (l) Awnings along Liverpool Street to have a minimum clearance height of 3m above ground level;
 - (m) Substation and fire-booster cupboards be appropriately integrated within the building design through the incorporation of high-quality design/finish;
 - (n) All service doors to swing outwardly 180-degrees and be latched to the wall when opened;
 - (o) Location of the street tree along the northern side of Liverpool Street;
 - (p) Materials and finishes schedule to confirm the proposed materials for the following:
 - (i) vehicle entry;

- (ii) PT1, PT1 and PT3;
- (q) Tubular planters along Railway Lane replaced with either:
 - (i) one continuous planter along the two sections of this frontage (excluding the vehicle entrance); or
 - (ii) a climbing plant up sections of this wall.
- (r) Apartments 106 and 206 to meet the minimum requirements of Table D12 of Clause 58.07-1 (Standard D26);
- (s) Dimensions relating to car parking and access as follows:
 - (i) width of the internal access ramp;
 - (ii) headroom clearance at the development's entrance;
 - (iii) length of the tandem spaces;
 - (iv) column depths and setbacks;
 - (v) Increase the length of the 1 in 8 transition grade at the base of the 1 in 4 ramp on Basement 02 to 2.5m;
- (t) Demonstrate adequate passing movements within the basement car park for a B99 design vehicle and an on-coming B85 design vehicle;
- (u) Demonstrate cars will not bottom-out when entering/exiting the development via Railway Lane by providing 1:20 scaled cross-sectional diagram with the following:
 - (i) Provision of a 40mm lip/bullnose along the eastern edge of the internal concrete slab;
 - (ii) A number of spot levels which include the reduced level 2.0m inside the property, the level at the west and east edge of Railway Lane and the level at the centreline/invert of Railway Lane;
- (v) Car parking spaces numbered;
- (w) Provision of one (1) additional visitor bicycle space (total of 9 spaces);
- (x) Dimension bicycle parking spaces and access paths in accordance with the requirements of AS2890.3 and the Yarra Planning Scheme Clause 52.34;
- (y) Detail and define the proposed access path for bicycles to the basement bicycle parking area, including:
 - (i) Internal dimensions of the lift to confirm that this is of a suitable size to contain a bicycle to the basement;
 - (ii) How the stop and go lighting system proposed to be used along the basement ramp from Railway Lane (as referenced within the Transport Impact Assessment Report) will be activated by a bicycle to ensure that vehicle / bicycle conflicted is not created along the basement ramp;
- (z) Provide a locking mechanism to the bike rooms to limit access to authorised personnel only;
- (aa) Notation confirming all car parking areas be electrically wired to be 'EV ready', with a minimum 40A single phase electrical sub circuit installed;

Reports

- (bb) Any requirement of the endorsed Public Realm Plan, where relevant (Condition 11);

- (cc) Any requirement of the endorsed Sustainable Management Plan, where relevant (Condition 12);
- (dd) Any requirement of the endorsed Waste Management Plan, where relevant (Condition 14);
- (ee) Any requirement of the endorsed Landscape Plan, where relevant (Condition 16);
- (ff) Any requirements of the endorsed Tree Management Plan, where relevant (Condition 18);
- (gg) Any requirement of the endorsed Acoustic Report, where relevant (Condition 22); and
- (hh) Any requirement of the endorsed Wind Report, where relevant (Condition 24).

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 external area of the communal terrace at Level 05 (now Level 04) not be used after 10pm.
4. 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.
5. 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).
6. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
7. 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.
8. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Facade Strategy and Materials and Finishes Plan

9. Concurrent with the submission of Condition 1 plans, 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;
 - (i) information about how the high-quality appearance of the façade will be maintained; and

- (ii) a sample board and coloured drawings outlining colours, materials and finishes.

Ongoing architect involvement

10. As part of the ongoing progress and development of the site, Kennedy Nolan 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.

Public Realm Plan

11. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
- (a) Visitor bicycle spaces along Nicholson Street to be made parallel and broken down into two groups of two. Yarra's standard bike hoops must be used and be in line with Yarra's Public Domain Manual;
 - (b) Provision of a bench along the Nicholson Street frontage. This must be a Yarra standard bench with back and arm rests. Refer to 3.1.1 of Public Domain Manual;
 - (c) Clarify paving material in setback to shop entrance, providing a seamless transition with any level changes managed with compliant grading with no steps, and considering the floor level within the shop;
 - (d) at the permit holder's cost; and
- to the satisfaction of the Responsible Authority.

Sustainable Management Plan

12. Concurrent with the submission of Condition 1 plans, 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 prepared by GIW Environmental Solutions and dated 13 September 2023, but updated to include the following:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Provide modelling for commercial areas to show they meet the 33% area target;
 - (c) Confirm that post-development stormwater flows will not exceed pre-development levels;
 - (d) Provide more information and specific targets regarding recycled materials;
 - (e) Annotate specified SRI of roof on architectural plans;
 - (f) Confirm that building services fine tuning each quarter for the first 12 months of occupation;
 - (g) Confirm that Head Contractor will be ISO14001 accredited;
 - (h) Confirm that an environmental management plan (EMP) will be implemented to council guidelines prior to construction;
 - (i) Materials and assembly methods to assist with disassembly and adaptive reuse at end of life;
 - (j) Consider increasing landfill diversion target for construction to 90% in line with best practice; and

- (k) Consider a green wall, roof or façade. Document the outcome using the Green Factor tool: Greenfactor.com.au.
13. 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

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- (a) All design changes required under Condition 1 of this permit;
 - (b) Table 2 updated to confirm if residential hard waste is to be collected from within the property via private contractor or by Council (Council hard waste collections are a kerbside service, sufficient space on the footpath or appropriate space adjacent must be identified and approved, otherwise internal private collection is required); and
 - (c) Notation confirming the main Council provided drop off for E-waste is at the recycling centre located at 168 Roseneath Street, Clifton Hill.
15. 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

16. Concurrent with the submission of Condition 1 plans, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by SBLA Landscape Architecture & Urban Design and dated 12 August 2023 but modified to include:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Plant schedule to provide the plant size at installation;
 - (c) Confirm the type of species associated with the climbers at ground floor;
 - (d) The courtyard garden to show the depth or volume of soil on the podium;
 - (e) Provide information on the various types of surfaces and the shallow planting zone;
 - (f) Dimension all raised planters on the architectural plans; and
 - (g) Provide notes on the maintenance schedule, tasks and duration.
17. 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.

Street trees

18. Concurrent with the submission of Condition 1 plans, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection and preservation of the existing street trees on the Nicholson Street and Liverpool Street footpaths, including:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
19. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
20. Before the development commences, or by such later dates as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$2,782.00 to the Responsible Authority. This fee:
- (a) Will be used for three (3) new street tree plantings as listed below:
 - (i) Footpath - Two (2) along Nicholson Street; and
 - (ii) Roadside – One (1) along Liverpool Street; and
 - (b) Will cover the tree sourcing, planting and 2 years of maintenance.
21. All street tree planting, garden bed planting and any maintenance and/or establishment work (within 24 months after planting) must be completed by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority).

Acoustic Report

22. Concurrent with the submission of Condition 1 plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics Noise Vibration and dated 08 September 2023, but modified to show/address:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Potential noise impacts from the mechanical plant from the roof of the Railway Hotel to the subject development, and any mitigation measures;
 - (c) Final selected glazing system, should it vary from the glazing configurations provided in the assessment (i.e. not rely just on the Rw ratings);
 - (d) The wall separating the shop from the adjacent apartment upgraded to achieve no less than $R_w + C_{tr} 50$ dB, or better, if considered appropriate by the acoustic consultant and considering the likely uses;
 - (e) Potential noise impacts from the Level 05 (now Level 04) terrace. Furthermore,:
 - (i) The external area of the communal terrace at Level 05 (now Level 04) not be used after 10pm;

- (ii) Impact noise control upgrades to protect apartments below;
 - (f) Confirm mechanical plant noise, including the carpark door and substation. The review must consider both the Noise Protocol and EPA Low Frequency Guideline (1996), and structure-borne noise / vibration from the carpark door or other plant equipment; and
 - (g) Provide a specification of maximum allowable noise levels from the carpark door.
23. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

24. Concurrent with the submission of Condition 1 plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 03 August 2023, but modified to include (or show):
- (a) All design changes required under Condition 1 of this permit; and
 - (b) Wind conditions within the communal terrace at Level 05 (now Level 04) to meet the sitting criterion.
25. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Head, Transport for Victoria (26)

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

Environmental Audit

27. Before the use and/or development authorised by this permit commences an Environmental Auditor be appointed pursuant to the Environmental Protection Act (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act, and issue an Environmental Audit Statement (**Statement**) under Part 8.3, Division 3 of the Environment Protection Act 2017 which states either:
- (a) that the site is suitable for the approved use and/or development; or
 - (b) that the site is suitable for the approved use and/or development if the recommendations made in the statement are complied with;
- and the Statement must be provided to the Responsible Authority within 5 business days of the Statement being issued.
28. If a Statement is issued under condition 27(b), the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (**Agreement**). The Agreement must:
- (a) outline the recommendations contained in the Statement to be complied with;
 - (b) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement;
 - (c) be executed before the sensitive use for which the land is being developed commences; and
 - (d) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to the Agreement (including those incurred by the Responsible Authority).

29. Where an Environmental Audit Statement for the land in accordance with the EP Act (**Statement**) is issued and before the use authorised by this permit is occupied/commences:
- (a) Written confirmation of compliance must be provided by an environmental professional with suitable qualifications acceptable to the Responsible Authority; and
 - (b) Compliance sign-off must be in accordance with any requirements in the Environmental Audit Statement recommendations regarding verification of works.
30. All recommendations of the Environmental Audit Statement must be complied with to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

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

Community Infrastructure Levy

32. 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

33. 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.
34. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
35. 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.
36. 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.
37. 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.

Car Parking

38. 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

39. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Nicholson Street frontage must be reconstructed in asphalt:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Nicholson Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
41. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) In accordance with Yarra Standard Drawings | Yarra City Council
 - (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
42. All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel:
 - (a) In accordance with Yarra Standard Drawings | Yarra City Council;
 - (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
43. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Construction Management Plan

44. 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. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
 - (q) Any site-specific requirements.

During the construction:

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

- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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.

- 45. 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

- 46. 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; and
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Permit Expiry

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

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

Notes:

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

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

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

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

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

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.

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.

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

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

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

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

The person in management or control of the site must also provide a copy of any Environmental Audit Statement to any person who proposes to become the person in management or control of the site, such as a potential purchaser.

Public Submissions

The following people addressed the committee:

Hugh Smyth, Urban Planning Collective (for the applicant);

Simon Evans;

Michael Lock;

Jeremy Welton; and

Robyn Waymouth.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Mohamud

That had Council been in a position to determine the application, it would have issued a Notice of Refusal to planning application PLN23/0553 - 786 - 794 Nicholson Street Fitzroy North for the Full demolition and the construction of a multi-storey, mixed-use building, including a shop and dwellings (permit required for dwelling use), reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2 on the following grounds:

1. The scale, height and lack of setbacks do not respond to the site context and will dominate the surrounding streetscapes.
2. The proposal does not adequately respond to the surrounding heritage context and is contrary to the heritage policies.

CARRIED

6.3 **PLN23/0316 - 475-481 Church Street Richmond**

Reference	D24/60335
Author	Jessica Sutherland - Senior Statutory Planner
Authoriser	Senior Coordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN23/0316 for the construction of a multi-storey, mixed use building, use of land for a Shop and Food and drink premises, and a reduction in the car parking requirements, at No. 475 - 481 Church Street Richmond, subject to the following conditions:

1. Before the use or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Architectus, Plan DA0001 (B), DA0098 (B), DA0099 (A), DA1001 (B), DA1002 (B), DA1003 (B), DA1004 (B), DA1005 (B), DA1006 (B), DA1007 (B), DA1008 (B), DA1008 (B), DA1009 (B), DA1010 (B), DA1011 (B), DA1012 (B), DA1013 (B), DA2001 (2), DA2002 (2), DA2010 (A), DA2011 (B), DA2012 (C), DA2013 (B), DA2021 (A), DA2501 (A), DA2502 (A), DA2503 (B), DA2504 (B), DA1014 (A), DA2505 (A), DA2506 and dated 3 August 2023 but modified to show:
 - (a) The changes to the pavilion shown in sketch plans A1000, DA1001, DA1002 and DA1003 and dated 12 December 2023 (which are summarised as follows):
 - (i) the deletion of Level 2 from the pavilion on the north-east corner of the site, reducing the maximum height to 12.89 metres above NGL (RL 22.90); and
 - (ii) The increased setback of the pavilion from the southern boundary shared with 7 Sanders Place, that being a minimum setback of 3 metres at ground and first floor;

But further modified to show:

- (b) The deletion of Level 5 from the main building or an alternative level above the podium to the satisfaction of the Responsible Authority;
- (c) Level 2 and 3 (roof plant) of the pavilion set back from the east boundary to be sited within a 45 degree angle from the retained boundary wall with No. 28 and 30 Brighton Street;
- (d) The materiality of the south elevation of the pavilion;
- (e) An East Elevation of the main building omitting the pavilion;
- (f) The podium and associated Level 4 terrace on the north-east corner of the main building with a minimum setback of 5 metres from the edge of the second floor terrace of No. 1/7 Sanders Place;
- (g) The Level 1 east facing high windows of the pavilion deleted and replaced with terracotta cladding;

- (h) The south-facing windows of the pavilion with a minimum sill height of 1.7 metres above floor level;
- (i) The pavilion windows on the northern title boundary deleted;
- (j) Obscure glazing to be nominated as fixed;
- (k) Sectional diagrams of the pavilion and mezzanine to show the relationship with the building and interfaces at boundaries;
- (l) Sensor lighting to the pedestrian/cyclist entry from Sanders Place;
- (m) Timed sensor lighting installed and implemented for the Pavilion building;
- (n) Remove the glazed recess between the entries of the Restricted retail premises along Church Street;
- (o) Relocate the secondary entry of the Restricted retail premises further south along the Church Street frontage to avoid pedestrian conflict with the retained street tree;
- (p) Details of the fire booster cupboards to have a high quality material and finish, integrating with the overall development;
- (q) Overlooking diagrams from the main building to demonstrate that views from the windows or terraces within 9 metres of the habitable room windows and secluded private open space of 7 Sanders Place are sufficiently limited (i.e. screened with a maximum 25% openings up to 1.7m above the respective finished floor level) with any additional screening required to demonstrate this, be shown on the plans;
- (r) A minimum of 32 visitor bicycle spaces, 160 employee bicycle spaces, and 3 additional showers provided, with all visitor spaces nominated;
- (s) Visitor bicycle spaces associated with the Food and drink premises located in accessible area within the front setback of the Church Street frontage;
- (t) Directional bicycle signage in accordance with the requirements of Clause 52.34-7.
- (u) The dimensions of ramp grade lengths and the loading bay space in accordance with Appendix A of the Traffic and Transport Assessment (prepared by Impact and dated 11 April 2023);
- (v) The headroom clearance for basement parking levels be dimensioned in all Sectional drawings consistently;
- (w) The car parking spaces adjacent to non-compliant columns designated as Small Car Spaces;
- (x) A ground clearance check using the B99 design vehicle for the vehicular entrance, in accordance with the levels committed to in the public realm plan required by Condition 42;
- (y) Any changes required to comply with Condition 20 (Façade strategy);
- (z) Any changes required to comply with Condition 22 (Landscape Plan);
- (aa) Any changes required to comply with Condition 24 (Arboricultural Report);
- (bb) Any changes required to comply with Condition 27 (Wind Assessment);
- (cc) Any changes required to comply with Condition 29 (Waste Management Plan);
- (dd) Any changes required to comply with Condition 33 (Sustainable Management Plan);
- (ee) Any changes required to comply with Condition 39 (External Reflected Glare Assessment);
- (ff) Any changes required to comply with Condition 42 (Public Realm Plan); and

- (gg) Any changes required to comply with the Head, Transport for Victoria conditions (Condition 55 – 60).
2. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. 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.
 4. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
 5. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Use conditions

6. Except with the prior written consent of the Responsible Authority, the Shop use authorised by this permit may only operate between the hours of 7am to 10pm, seven days a week.
7. Except with the prior written consent of the Responsible Authority, the food and drink premises authorised by this permit may only operate between the hours of 6am to 1am (the following day), seven days a week.
8. No more than 200 patrons are permitted on the land associated with the food and drink premises use at any one time.
9. Except with the prior written consent of the Responsible Authority, the gates to the rear courtyard, from Sanders Place, to remain open between 7am and 6pm, Monday to Friday.

General development conditions

10. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
11. As part of the ongoing consultant team, Architectus 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.
12. 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.

13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, and building entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
14. 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.
15. Before the buildings are 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.
16. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
17. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
18. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

19. 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.

Facade Strategy

20. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) Perspectives of the development as viewed at street level from Church Street;
 - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (d) information about how the façade will be maintained, including any vegetation; and
 - (e) a sample board or coloured drawings outlining colours, materials and finishes.
21. The provisions, recommendations and requirements of the endorsed Façade Strategy and Materials and Finishes Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Landscaping Plan

22. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Site Image and dated 29 August 2023, but modified to include (or show):
- (a) Consistency with the architectural plans in accordance with the requirements of Condition 1;
 - (b) Details of planter including planter materials and dimensions, mulch layer and depth, growing medium type and depths, filter material and waterproofing, and irrigation notes; and
 - (c) Notes on the maintenance schedule, tasks and duration.
23. 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.

Arboricultural Report

24. Before the development commences, an amended Arboricultural Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Arboricultural Report will be endorsed and will form part of this permit. The amended Arboricultural Report must be generally in accordance with the Landscape Plan prepared by Veris and dated 28 November 2022, but modified to include (or show):
- (a) A unique ID/Tree number;
 - (b) An image of the tree;
 - (c) Botanic and common name;
 - (d) Tree dimensions (height x width), diameter at breast height- 1.4m above ground level (DBH) and diameter at base;
 - (e) Health, structure and retention value;
 - (f) Tree Protection Zone (TPZ) and Structural Root Zone (SRZ);
 - (g) Impact of the proposed works on the trees. The impact assessment to reference and be consistent with the Australian Standard for Protection of Trees on Development Sites (AS 4970-2009); and
 - (h) Recommendations to safeguard retained trees during the construction works.

Tree Management Plan Required

25. 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 make recommendations for:

- (a) the protection of the retained street trees on Church Street, the trees along the shared boundary of No. 7 Sanders Place's driveway and the trees with the secluded private open space of No. 28 Brighton Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.

26. 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 Assessment

27. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated January 2023, but modified to include (or show):

- (a) Wind mitigation for the southwest entrance (Location 10) to demonstrate standing comfort criteria or clarify the disagreement presented to the satisfaction of the Responsible Authority.

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

Waste Management Plan

29. 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 HIP V. HYPE Sustainability and dated 22 September 2023, but modified to include:

- (a) The details for management of e-waste including how it will be separated, stored and disposed of; and
- (b) The size of the bin room shown consistently with the architectural drawings.

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

Green Travel Plan

31. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact and dated 11 April 2023, but modified to include or show:

- (a) Any changes to comply with Condition 1.

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

Sustainable Management Plan

33. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by HIP V. HYPE Sustainability and dated 21 March 2023, but modified to include or show:
- (a) Any changes required by Condition 1;
 - (b) A Zero Carbon Action Plan to commit to a date by which point the operating GHG emissions are net zero;
 - (c) Clarify the gas connection to the building;
 - (d) An energy modelling (JV3 or similar) report to demonstrate the energy efficiency standard will be met. Include HVAC, carpark ventilation system and hot water system specification within the energy efficiency (JV3) report;
 - (e) The Traffic Management Report updated to include the number of bicycles spaces required by Condition 1(r); and
 - (f) A Sustainable Transport Plan.
34. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
35. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

36. Within 3 months of the completion of the development, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) The mechanical and plant equipment, and must assess the compliance and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
37. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
38. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

External Reflected Glare Assessment

39. Before the development commences, an External Reflected Glare Assessment to the satisfaction of the Responsible Authority must be prepared by a suitably qualified professional and must be submitted to and approved by the Responsible Authority. When approved the External Reflected Glare Assessment will be endorsed and will form part of this permit. The External Reflected Glare Assessment must:
- (a) Generally in accordance with the External Reflected Glare Assessment (prepared by wrap consulting and engineering and dated 7 December 2023) as submitted to Council for discussion;
 - (b) Commit to a maximum Visible Light Reflectance (VLR) of 15%;
 - (c) Give consideration to the residential area to the east of the building and make recommendations if required to mitigate impact to the amenity of this area; and
 - (d) Any changes required to comply with Condition 1.
40. The provisions, recommendations and requirements of the endorsed External Reflected Glare Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Streetscape and public realm conditions

41. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
42. Prior to the endorsement of the Condition 1 plans, a Public Realm Plan (Church Street and Sanders Place) must be prepared to the satisfaction of the Responsible Authority (Council). The Public Realm Plan must be submitted for approval by the Responsible Authority (Council), and must include, but not limited to:
- (a) Layout plan indicating all existing and proposed features and surface levels; and
 - (b) Existing and proposed infrastructure within the public space.
43. Prior to the commencement of construction of the development or by such later date as is approved by the Responsible Authority (Council), Detailed Design Plans (Civil and Landscape) associated with the development must be prepared, submitted and approved by the Responsible Authority (Council). When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels.
 - (b) Sanders Place:
 - (i) Road cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (ii) Longitudinal sections along the property boundaries, existing and design building lines, lip of kerb, back of kerb and invert of the channel;
 - (iii) All surfaces designed in accordance with DDA requirements; and
 - (iv) Existing and proposed service pits within the road pavement adjusted to match the reconstructed footpath grades;
 - (c) Church Street Frontage:
 - (i) Road cross sections from property boundary to road centreline at 5 metre intervals indicating existing and proposed levels at changes in grade;

- (ii) Longitudinal sections along the property boundary, existing and design building lines, lip of kerb, back of kerb, invert of the channel, existing Church Street pavement level;
 - (iii) All surfaces must be designed in accordance with DDA requirements;
 - (iv) Distinct delineation between public and private land along all interfaces;
 - (v) Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
- (d) Stormwater drainage in accordance with the Council approved stormwater strategy, including design computations, longitudinal sections, pit schedule and details;
 - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
 - (f) Public lighting plan, including proposals for any temporary lighting;
 - (g) Signage & line marking plans indicating the existing and proposed changes;
 - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
 - (i) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and
 - (j) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
44. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 43) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.
45. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
46. 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.
47. Any affected road marking adjacent to the development site as a result of the construction works must be reinstated to Council's satisfaction and at the developer's expense.

Car Park Management Plan

48. Before the development commences (excluding demotion, bulk excavation and site preparation work), a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
 - (b) any tandem parking spaces allocated to a single tenancy;
 - (c) the number and location of car spaces for shared use, including time of shared use;
 - (d) the allocation of visitor parking spaces, and if provided, the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how visitors are to access car parking;

- (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (f) The number and allocation of storage spaces;
 - (g) policing arrangements and formal agreements;
 - (h) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (i) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 27; and
 - (j) details regarding the management of loading and unloading of goods and materials.
49. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
50. 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.
51. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Construction Management Plan

52. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;

- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and

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.

53. During the construction:

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

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

Head, Transport for Victoria conditions (Condition 55 – 60)

55. Prior to the endorsements of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the Head,

Transport for Victoria and City Link for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including but not limited to, demonstrating:

- (a) That the development will not compromise the structural integrity of CityLink assets and infrastructure;
- (b) The load and ground stress effected by the development;
- (c) That the development will not result in temporary or permanent drawdown of the regional groundwater table; and
- (d) Any holding points requiring Head, Transport for Victoria inspection and approval prior to releasing the hold points.

56. In addition to Condition 55 above, Head, Transport for Victoria and CityLink must be informed of the following:

- (a) Initial ground water level;
- (b) The reduced level temporary dewatering during basement excavation is intended to lower the water table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;
- (c) If the completed basement is tanked or drained; and
- (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.

57. Permit holder to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.

58. Notwithstanding any other condition, the development's proposed basements and any subterranean support structures and any excavation required during construction cannot be any deeper than RL -5.0 AHD.

59. Prior to the commencement of the development, the applicant must provide the Head, Transport for Victoria and CityLink with a plume dispersion study to satisfy the Head, Transport for Victoria, CityLink and the responsible authority that, consistent with the design objectives set out in Clause 43.02 of the Design and Development Overlay, Schedule 5 of the Yarra Planning Scheme:

- (a) the development around the Burnley Tunnel exhaust stack will not be adversely affected by the operation of the stack; and
- (b) the development around the Burnley Tunnel exhaust stack will not adversely affect the operation of the stack.

The developer must reimburse CityLink for costs it incurs for having the plume dispersion study reviewed by its external consultants.

60. Prior to the occupation of the development amended plans must be submitted to and approved to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria showing:

- (a) The provision of signage, line-marking including painted arrows to indicate two way traffic flow within Sanders Place to the satisfaction of and at no cost to the Responsible Authority in consultation with Head, Transport for Victoria;
- (b) No buildings or works including subterranean support structures and any excavation exceeding an RL-5.0AHD to be shown as a note and dimension on the relevant elevation plan/s;

- (c) The permit holder must avoid disruption to tram operation along Church Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior; and
- (d) The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Time expiry

61. 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.
- (c) the use is not commenced within five years from the date of this permit; or
- (d) The use is discontinued for a period of two years.

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

Notes

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.

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

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

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

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

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.

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

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.

No parking restriction signs, or line-marked on-street, parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from the relevant Road authority.

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

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 area within the property must be provided for 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.

The applicant will be required to prepare a Bearing Pressure Report to be submitted to the Department of Transport for assessment and approval. The purpose of the report is to confirm that the new development's foundations will not impact on the Burnley Tunnel, which is located underneath the development.

Notes CityLink Development and Design Overlay Schedule 5

As the planning application relates to a site that is within approximately 500 meters of the Burnley Tunnel exhaust stack, it may impact on, or be impacted by, the exhaust stack plume dispersal. The stack emits exhaust from the City Link tunnels into the atmosphere, and is licensed by the Environment Protection Authority.

The Environment Protection Authority will need to be consulted with and provided an opportunity to comment on the effects of the plume generated from the Burnley Tunnel exhaust stack to determine if the building height is acceptable. We also recommend that the referral authority make an informed decision about whether the proposed project, which is the subject of the planning application, is consistent with the purposes of the Design and Development Overlay, Schedule 5 and to ensure the proposed project reduces the risk of harm to human health and the environment, consistent with the general environmental duty under the Environment Protection Act 2017.

Notes Head, Transport for Victoria

Separate consent and approval may be required for buildings and works undertaken within the arterial road reserve (Church Street) under the Road Management Act 2004.

All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria.

One car space along Church Street to the immediate north of the intersection with Sanders Place and one car space to the immediate south of Sanders Place should be removed (subject to Council approval) to improve visual sightlines and swept path movements.

Public Submissions

The following people addressed the committee:

Will Pearce, Human Habitats (for the applicant);

Tom Buchan, SongBowden Planning;

Jonathon Andersen;

Anna Bennett; and

Scott Pease.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Nguyen

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN23/0316 for the construction of a multi-storey, mixed use building, use of land for a Shop and Food and drink premises, and a reduction in the car parking requirements, at No. 475 - 481 Church Street Richmond, subject to the following conditions:

1. Before the use or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Architectus, Plan DA0001 (B), DA0098 (B), DA0099 (A), DA1001 (B), DA1002 (B), DA1003 (B), DA1004 (B), DA1005 (B), DA1006 (B), DA1007 (B), DA1008 (B), DA1008 (B), DA1009 (B), DA1010 (B), DA1011 (B), DA1012 (B), DA1013 (B), DA2001 (2), DA2002 (2), DA2010 (A), DA2011 (B), DA2012 (C), DA2013 (B), DA2021 (A), DA2501 (A), DA2502 (A), DA2503 (B), DA2504 (B), DA1014 (A), DA2505 (A), DA2506 and dated 3 August 2023 but modified to show:
 - (a) The changes to the pavilion shown in sketch plans A1000, DA1001, DA1002 and DA1003 and dated 12 December 2023 (which are summarised as follows):
 - (i) the deletion of Level 2 from the pavilion on the north-east corner of the site, reducing the maximum height to 12.89 metres above NGL (RL 22.90); and
 - (ii) The increased setback of the pavilion from the southern boundary shared with 7 Sanders Place, that being a minimum setback of 3 metres at ground and first floor;

But further modified to show:

- (b) The deletion of Level 5 **and Level 10** from the main building;
- (c) **The east elevation of the pavilion set back in accordance with Figure 42 (direct residential interface) of the draft Cremorne UDF September 2023;**
- (d) The materiality of the south elevation of the pavilion;
- (e) An East Elevation of the main building omitting the pavilion;
- (f) The podium and associated Level 4 terrace on the north-east corner of the main building with a minimum setback of 5 metres from the edge of the second floor terrace of No. 1/7 Sanders Place;
- (g) The south-facing windows of the pavilion with a minimum sill height of 1.7 metres above floor level;
- (h) The pavilion windows on the northern title boundary deleted;
- (i) Obscure glazing to be nominated as fixed;
- (j) Sectional diagrams of the pavilion and mezzanine to show the relationship with the building and interfaces at boundaries;
- (k) Sensor lighting to the pedestrian/cyclist entry from Sanders Place;
- (l) Timed sensor lighting installed and implemented for the Pavilion building;
- (m) Remove the glazed recess between the entries of the Restricted retail premises along Church Street;
- (n) Relocate the secondary entry of the Restricted retail premises further south along the Church Street frontage to avoid pedestrian conflict with the retained street tree;

- (o) Details of the fire booster cupboards to have a high quality material and finish, integrating with the overall development;
 - (p) Overlooking diagrams from the main building to demonstrate that views from the windows or terraces within 9 metres of the habitable room windows and secluded private open space of 7 Sanders Place are sufficiently limited (i.e. screened with a maximum 25% openings up to 1.7m above the respective finished floor level) with any additional screening required to demonstrate this, be shown on the plans;
 - (q) A minimum of 32 visitor bicycle spaces, 160 employee bicycle spaces, and 3 additional showers provided, with all visitor spaces nominated;
 - (r) Visitor bicycle spaces associated with the Food and drink premises located in accessible area within the front setback of the Church Street frontage;
 - (s) Directional bicycle signage in accordance with the requirements of Clause 52.34-7.
 - (t) The dimensions of ramp grade lengths and the loading bay space in accordance with Appendix A of the Traffic and Transport Assessment (prepared by Impact and dated 11 April 2023);
 - (u) The headroom clearance for basement parking levels be dimensioned in all Sectional drawings consistently;
 - (v) The car parking spaces adjacent to non-compliant columns designated as Small Car Spaces;
 - (w) A ground clearance check using the B99 design vehicle for the vehicular entrance, in accordance with the levels committed to in the public realm plan required by Condition 42;
 - (x) Any changes required to comply with Condition 20 (Façade strategy);
 - (y) Any changes required to comply with Condition 22 (Landscape Plan);
 - (z) Any changes required to comply with Condition 24 (Arboricultural Report);
 - (aa) Any changes required to comply with Condition 27 (Wind Assessment);
 - (bb) Any changes required to comply with Condition 29 (Waste Management Plan);
 - (cc) Any changes required to comply with Condition 33 (Sustainable Management Plan);
 - (dd) Any changes required to comply with Condition 39 (External Reflected Glare Assessment);
 - (ee) Any changes required to comply with Condition 42 (Public Realm Plan); and
 - (ff) Any changes required to comply with the Head, Transport for Victoria conditions (Condition 55 – 60).
2. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. 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.

4. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
5. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Use conditions

6. Except with the prior written consent of the Responsible Authority, the Shop use authorised by this permit may only operate between the hours of 7am to 10pm, seven days a week.
7. Except with the prior written consent of the Responsible Authority, the food and drink premises authorised by this permit may only operate between the hours of 6am to 1am (the following day), seven days a week.
8. No more than 200 patrons are permitted on the land associated with the food and drink premises use at any one time.
9. Except with the prior written consent of the Responsible Authority, the gates to the rear courtyard, from Sanders Place, to remain open between 7am and 6pm, Monday to Friday.

General development conditions

10. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
11. As part of the ongoing consultant team, Architectus 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.
12. 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.
13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, and building entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
14. 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.

15. Before the buildings are 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.
16. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
17. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
18. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

19. 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.

Facade Strategy

20. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) Perspectives of the development as viewed at street level from Church Street;
 - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (d) information about how the façade will be maintained, including any vegetation; and
 - (e) a sample board or coloured drawings outlining colours, materials and finishes.
21. The provisions, recommendations and requirements of the endorsed Facade Strategy and Materials and Finishes Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Landscaping Plan

22. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Site Image and dated 29 August 2023, but modified to include (or show):
 - (a) Consistency with the architectural plans in accordance with the requirements of Condition 1;
 - (b) Details of planter including planter materials and dimensions, mulch layer and depth, growing medium type and depths, filter material and waterproofing, and irrigation notes; and
 - (c) Notes on the maintenance schedule, tasks and duration.
23. 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.

Arboricultural Report

24. Before the development commences, an amended Arboricultural Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Arboricultural Report will be endorsed and will form part of this permit. The amended Arboricultural Report must be generally in accordance with the Landscape Plan prepared by Veris and dated 28 November 2022, but modified to include (or show):
- (a) A unique ID/Tree number;
 - (b) An image of the tree;
 - (c) Botanic and common name;
 - (d) Tree dimensions (height x width), diameter at breast height- 1.4m above ground level (DBH) and diameter at base;
 - (e) Health, structure and retention value;
 - (f) Tree Protection Zone (TPZ) and Structural Root Zone (SRZ);
 - (g) Impact of the proposed works on the trees. The impact assessment to reference and be consistent with the Australian Standard for Protection of Trees on Development Sites (AS 4970-2009); and
 - (h) Recommendations to safeguard retained trees during the construction works.

Tree Management Plan Required

25. 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 make recommendations for:
- (a) the protection of the retained street trees on Church Street, the trees along the shared boundary of No. 7 Sanders Place's driveway, **the Japanese Maple Tree in the courtyard of No. 1 / 7 Sanders Place** and the trees with the secluded private open space of No. 28 Brighton Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
26. 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 Assessment

27. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated January 2023, but modified to include (or show):
- (a) Wind mitigation for the southwest entrance (Location 10) to demonstrate standing comfort criteria or clarify the disagreement presented to the satisfaction of the Responsible Authority.
28. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

29. 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 HIP V. HYPE Sustainability and dated 22 September 2023, but modified to include:
- (a) The details for management of e-waste including how it will be separated, stored and disposed of; and
 - (b) The size of the bin room shown consistently with the architectural drawings.
30. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

31. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact and dated 11 April 2023, but modified to include or show:
- (a) Any changes to comply with Condition 1.
32. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

33. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by HIP V. HYPE Sustainability and dated 21 March 2023, but modified to include or show:
- (a) Any changes required by Condition 1;
 - (b) A Zero Carbon Action Plan to commit to a date by which point the operating GHG emissions are net zero;
 - (c) Clarify the gas connection to the building;

- (d) An energy modelling (JV3 or similar) report to demonstrate the energy efficiency standard will be met. Include HVAC, carpark ventilation system and hot water system specification within the energy efficiency (JV3) report;
 - (e) The Traffic Management Report updated to include the number of bicycles spaces required by Condition 1(r); and
 - (f) A Sustainable Transport Plan.
34. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
35. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

36. Within 3 months of the completion of the development, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) The mechanical and plant equipment, and must assess the compliance and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
37. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
38. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

External Reflected Glare Assessment

39. Before the development commences, an External Reflected Glare Assessment to the satisfaction of the Responsible Authority must be prepared by a suitably qualified professional and must be submitted to and approved by the Responsible Authority. When approved the External Reflected Glare Assessment will be endorsed and will form part of this permit. The External Reflected Glare Assessment must:
- (a) Generally in accordance with the External Reflected Glare Assessment (prepared by wrap consulting and engineering and dated 7 December 2023) as submitted to Council for discussion;
 - (b) Commit to a maximum Visible Light Reflectance (VLR) of 15%;
 - (c) Give consideration to the residential area to the east of the building and make recommendations if required to mitigate impact to the amenity of this area; and
 - (d) Any changes required to comply with Condition 1.

40. The provisions, recommendations and requirements of the endorsed External Reflected Glare Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Streetscape and public realm conditions

41. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
42. Prior to the endorsement of the Condition 1 plans, a Public Realm Plan (Church Street and Sanders Place) must be prepared to the satisfaction of the Responsible Authority (Council). The Public Realm Plan must be submitted for approval by the Responsible Authority (Council), and must include, but not limited to:
- (a) Layout plan indicating all existing and proposed features and surface levels; and
 - (b) Existing and proposed infrastructure within the public space.
43. Prior to the commencement of construction of the development or by such later date as is approved by the Responsible Authority (Council), Detailed Design Plans (Civil and Landscape) associated with the development must be prepared, submitted and approved by the Responsible Authority (Council). When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels.
 - (b) Sanders Place:
 - (i) Road cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (ii) Longitudinal sections along the property boundaries, existing and design building lines, lip of kerb, back of kerb and invert of the channel;
 - (iii) All surfaces designed in accordance with DDA requirements; and
 - (iv) Existing and proposed service pits within the road pavement adjusted to match the reconstructed footpath grades;
 - (c) Church Street Frontage:
 - (i) Road cross sections from property boundary to road centreline at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (ii) Longitudinal sections along the property boundary, existing and design building lines, lip of kerb, back of kerb, invert of the channel, existing Church Street pavement level;
 - (iii) All surfaces must be designed in accordance with DDA requirements;
 - (iv) Distinct delineation between public and private land along all interfaces;
 - (v) Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (d) Stormwater drainage in accordance with the Council approved stormwater strategy, including design computations, longitudinal sections, pit schedule and details;
 - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
 - (f) Public lighting plan, including proposals for any temporary lighting;

- (g) Signage & line marking plans indicating the existing and proposed changes;
 - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
 - (i) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and
 - (j) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
44. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 43) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.
45. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
46. 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.
47. Any affected road marking adjacent to the development site as a result of the construction works must be reinstated to Council's satisfaction and at the developer's expense.

Car Park Management Plan

48. Before the development commences (excluding demotion, bulk excavation and site preparation work), a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
 - (b) any tandem parking spaces allocated to a single tenancy;
 - (c) the number and location of car spaces for shared use, including time of shared use;
 - (d) the allocation of visitor parking spaces, and if provided, the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how visitors are to access car parking;
 - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (f) The number and allocation of storage spaces;
 - (g) policing arrangements and formal agreements;
 - (h) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (i) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 27; and
 - (j) details regarding the management of loading and unloading of goods and materials.

49. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
50. 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.
51. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Construction Management Plan

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

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and

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.

53. During the construction:

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

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

Head, Transport for Victoria conditions (Condition 55 – 60)

55. Prior to the endorsements of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the Head, Transport for Victoria and City Link for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including but not limited to, demonstrating:

- (a) That the development will not compromise the structural integrity of CityLink assets and infrastructure;
- (b) The load and ground stress effected by the development;
- (c) That the development will not result in temporary or permanent drawdown of the regional groundwater table; and

- (d) Any holding points requiring Head, Transport for Victoria inspection and approval prior to releasing the hold points.
56. In addition to Condition 55 above, Head, Transport for Victoria and CityLink must be informed of the following:
- (a) Initial ground water level;
 - (b) The reduced level temporary dewatering during basement excavation is intended to lower the water table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;
 - (c) If the completed basement is tanked or drained; and
 - (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.
57. Permit holder to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.
58. Notwithstanding any other condition, the development's proposed basements and any subterranean support structures and any excavation required during construction cannot be any deeper than RL -5.0 AHD.
59. Prior to the commencement of the development, the applicant must provide the Head, Transport for Victoria and CityLink with a plume dispersion study to satisfy the Head, Transport for Victoria, CityLink and the responsible authority that, consistent with the design objectives set out in Clause 43.02 of the Design and Development Overlay, Schedule 5 of the Yarra Planning Scheme:
- (a) the development around the Burnley Tunnel exhaust stack will not be adversely affected by the operation of the stack; and
 - (b) the development around the Burnley Tunnel exhaust stack will not adversely affect the operation of the stack.
- The developer must reimburse CityLink for costs it incurs for having the plume dispersion study reviewed by its external consultants.
60. Prior to the occupation of the development amended plans must be submitted to and approved to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria showing:
- (a) The provision of signage, line-marking including painted arrows to indicate two way traffic flow within Sanders Place to the satisfaction of and at no cost to the Responsible Authority in consultation with Head, Transport for Victoria;
 - (b) No buildings or works including subterranean support structures and any excavation exceeding an RL-5.0AHD to be shown as a note and dimension on the relevant elevation plan/s;
 - (c) The permit holder must avoid disruption to tram operation along Church Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior; and
 - (d) The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Time expiry

61. 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.
- (c) the use is not commenced within five years from the date of this permit; or
- (d) The use is discontinued for a period of two years.

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

Notes

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.

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

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

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

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

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.

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

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.

No parking restriction signs, or line-marked on-street, parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from the relevant Road authority.

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

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 area within the property must be provided for 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.

The applicant will be required to prepare a Bearing Pressure Report to be submitted to the Department of Transport for assessment and approval. The purpose of the report is to confirm that the new development's foundations will not impact on the Burnley Tunnel, which is located underneath the development.

Notes CityLink Development and Design Overlay Schedule 5

As the planning application relates to a site that is within approximately 500 meters of the Burnley Tunnel exhaust stack, it may impact on, or be impacted by, the exhaust stack plume dispersal. The stack emits exhaust from the City Link tunnels into the atmosphere, and is licensed by the Environment Protection Authority.

The Environment Protection Authority will need to be consulted with and provided an opportunity to comment on the effects of the plume generated from the Burnley Tunnel exhaust stack to determine if the building height is acceptable. We also recommend that the referral authority make an informed decision about whether the proposed project, which is the subject of the planning application, is consistent with the purposes of the Design and Development Overlay, Schedule 5 and to ensure the proposed project reduces the risk of harm to human health and the environment, consistent with the general environmental duty under the Environment Protection Act 2017.

Notes Head, Transport for Victoria

Separate consent and approval may be required for buildings and works undertaken within the arterial road reserve (Church Street) under the Road Management Act 2004.

All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria.

One car space along Church Street to the immediate north of the intersection with Sanders Place and one car space to the immediate south of Sanders Place should be removed (subject to Council approval) to improve visual sightlines and swept path movements.

CARRIED UNANIMOUSLY

The meeting closed at 7.53pm

Confirmed at the meeting held on Tuesday 26 March 2024

Chair