



Minutes

Planning Decisions Committee

6.30pm, Wednesday 2 December 2020

MS Teams

1. Appointment of Chair

Cr Stone nominated Cr Jolly as chair.

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

Cr Jolly 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

Councillors

- Cr Edward Crossland
- Cr Stephen Jolly
- Cr Amanda Stone (substitute for Cr Wade)

Council officers

- Amy Hodgen (Senior Co-Ordinator Statutory Planning)
- Ally Huynh (Senior Co-Ordinator Statutory Planning)
- Rhys Thomas (Senior Governance Advisor)
- Cindi Johnston (Governance Officer)

Apology

- Cr Sophie Wade

4. Declarations of conflict of interest

Rhys Thomas declared that his wife is a Director of Urbis Pty Ltd, who are acting for the applicant for PLN20/0165 - 33- 37 Rupert Street, Collingwood and stated that his role in the meeting is purely administrative and that he has played no role in preparing the reports or officer advice.

5. Confirmation of Minutes

RESOLUTION

Moved: Cr Stone **Seconded:** Cr Crossland

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 18 November 2020 be confirmed.

CARRIED

6. PLANNING DECISIONS COMMITTEE

| Item | | Page | Res. Page |
|------|--|------|--------------|
| 6.1 | 99/0390.02 - 298-300 Brunswick Street, Fitzroy - Section 72 amendment including part demolition, buildings and works to extend the first floor, construct a roof top terrace with a maximum of 113 patrons, increase total patron capacity from 300 to 395 patrons, an increase to the 'red line' area to the first floor and include the proposed roof top terrace, a further reduction in the car parking requirements of the Yarra Planning Scheme. | 4 | 9 |
| 6.2 | PLN19/0706 - 28 Canterbury Street Richmond - Construction of a double-storey dwelling and associated reduction in the car parking requirements | 14 | 15 |
| 6.3 | PLN20/0165 - 33- 37 Rupert Street, Collingwood - Development of a ten (10) storey building (plus roof terrace) and use of the land for a food and drink premises and an office and a reduction in the associated car parking requirement of the Yarra Planning Scheme. | 16 | 26 |
| 6.4 | PLN17/0705 - 388-390 Queens Parade, Fitzroy North - Extension of Time Request | 36 | 36 |

-
- 6.1 99/0390.02 - 298-300 Brunswick Street, Fitzroy - Section 72 amendment including part demolition, buildings and works to extend the first floor, construct a roof top terrace with a maximum of 113 patrons, increase total patron capacity from 300 to 395 patrons, an increase to the 'red line' area to the first floor and include the proposed roof top terrace, a further reduction in the car parking requirements of the Yarra Planning Scheme.
-

Reference: D20/152671
Authoriser: Coordinator Statutory Planning

[Help](#)

RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an amended planning permit 990390.02 for part demolition, buildings and works to extend the first floor, construct a roof top terrace with a maximum of 113 patrons, increase total patron capacity from 300 to 395 patrons, an increase to the 'red line' area to the first floor and include the proposed roof top terrace, a further reduction in the car parking requirements of the Yarra Planning Scheme at 298-300 Brunswick Street, Fitzroy VIC, generally in accordance with the plans and reports noted previously as the "decision plans" subject to the following changes to the permit preamble/conditions:

1. **Before the sale and consumption of liquor or buildings and works associated with the amended permit 990390.02 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 Bagnoli Architects and dated 5 August 2018 (Issue 3) but modified to show:**
 - (a) All requirements of the endorsed acoustic report (condition 12) (where relevant to be shown on the plans.
 - (b) The screen to the northern boundary of the roof terrace reduced to a maximum height of 2.5m above the finished floor level of the terrace and set back a minimum of 3.5m from the western title boundary.
 - (c) Any balustrading along the northern boundary of the roof terrace between 1.5m and 3.5m from the western boundary to be no higher than 1.2m above the finished floor level, unless otherwise concealed when viewed from the opposite site of Brunswick Street.
 - (d) Construction of a clear glass (or suitable similar alternative material) balustrade to the southern section of the roof terrace, located above the seating and to a maximum height of 1.6 metres above the finished floor level of the roof top level.
 - (e) The retention of all chimneys.
 - (f) All seating along the northern and southern perimeter of the roof top level to be fixed.
 - (g) Fixed seating to be incorporated along the entire length of the western perimeter of the roof top level.
 - (h) The location of the raingarden.
 - (i) Incorporating a green roof or other greenery to increase biodiversity value of the project.
 - (j) The stair access structure to be finished to match the colour of the surround roof cladding.
 - (k) The red line area along the ground floor is not to be altered.

- (l) **The collection of stormwater from the roof top bar area and STORM report updated accordingly.**
 - (m) **Any changes as required by the endorsed acoustic report pursuant to Condition 15.**
 - (n) **Any changes as required by the endorsed conservation management plan pursuant to Condition 26.**
 - (o) **Any changes as required by the endorsed structural report pursuant to Condition 28**
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the use starts, the permit holder must install and maintain noise limitation equipment or sound attenuation equipment that ensures that the escape of noise from the premises is limited or restricted to comply with State Environment Protection Policy (Control of noise from Commerce, Industry and Trade) No. N-1 and State Environment Protection Policy (Control of Music Noise in Public Premises) No. N-2 or successive documents.
 4. The permit holder must conduct the premises to the satisfaction of the Responsible Authority, so as to ensure that any escape of noise from the premises does not disturb the peace and quiet of the neighbourhood or be audible in any residential premises.
 5. The permit holder must, to the satisfaction of the Responsible Authority, not cause or permit any undue detriment to the amenity of the area arising out of or in conjunction with the use of the premises during or immediately after trading hours.
 6. The permit holder must install signage at all exits, to the satisfaction of the Responsible Authority, with words to the effect of: "PLEASE RESPECT OUR NEIGHBOURS AND LEAVE THE AREA QUIETLY".
 7. Not more than **395** patrons are permitted on the premises at any one time, decreasing to 200 patrons after 1.00am, with tables and chairs provided for at least 75 percent of patrons attending the premises at any one time.
 8. **Of the 395 patrons permit on the premises at any one time, not more than 113 patrons are permitted on the roof top bar at any one time.**
 9. Substantial meals shall be available to patrons at all times that the venue is operating.
 10. The sale and consumption of liquor must only operate between the following times:
 - (a) Monday to Wednesday between 10:00am and 1:00am the following morning
 - (b) Thursday to Saturday between 10:00am and 3:00am the following morning
 - (c) Sunday between 10:00am and 1:00am the following morning
 - (d) Good Friday and Anzac Day between 12:00 noon and 1:00am the following morning
 11. **The sale and consumption of liquor on the roof top bar must only operate between the following times:**
 - (a) **Monday to Saturday between 10:00am and 12:30am the following morning;**
 - (b) **Sunday between 10:00am and 11:00pm;**
 - (c) **Good Friday and Anzac Day between 12:00 noon and 12:30am the following;**
 - (d) **Sunday on the eve of a public holiday and Sunday of Johnston Street Fitzroy Spanish Festival between 10:00am and 12:30am the following morning**
 12. These hours can only be altered with the written consent of the Responsible Authority.

13. Before the sale and consumption of liquor or buildings and works associated with the amended permit 990390.02 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 dated April 2020, but modified to include (or show, or address):
- (a) Details on numbers of security guards;
 - (b) Timeframes and locations of stationed security guards in different 'sections' of the venues;
 - (c) Have a procedure in place when sections of the venue are at capacity;
 - (d) Development of a staged/timed patron dispersal plan through the venue (when at capacity) including entry/exit points;
 - (e) Pass out procedures for the rooftop;
 - (f) Strategies in place to avoid glass transport through the venue (i.e. via imposing a 'last drinks' call at 11.30pm on the rooftop);
 - (g) All background music reduced/turned off on the rooftop at 11.50pm.
14. Before the sale and consumption of liquor or buildings and works associated with the amended permit 990390.02 commences, a Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Noise and Amenity Action Plan will be endorsed and will form part of this permit.
15. Before the sale and consumption of liquor or buildings and works associated with the amended permit 990390.02 commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics Pty Ltd and dated 17 November 2019, but modified to include:
- (a) The recommendations as outlined in Acoustic Technical Memorandums received by Enfield Acoustics Pty Ltd and dated 23 July 2020 and 10 November 2020 .

But further modified to include:

- (b) All amplified music within the outdoor patron areas is to be played through a suitable music noise limiter / limiter compressor the compressor and meet the following requirements:
 - (i) Noise limiter to incorporate a frequency discriminating sound analyser and be able to be set to control octave band music levels.
 - (ii) The noise limiter to be installed in a tamperproof box or have a software lock, not accessible to personnel other than the venue's management and acoustical consultant.
 - (iii) The system is to be calibrated by the acoustical consultant to ensure that music levels played in the outdoor area/s comply with SEPP N-2.
 - (iv) The noise limiter device to be recalibrated as necessary to maintain SEPP N-2 compliance when any changes are made to the audio equipment or to the venue generally, which have the potential to affect the SEPPN-2 compliance status of the venue.
- (c) Live performances within the outdoor patron area are to be restricted to acoustic music only and to comply with the requirements pursuant to SEPP N-2.
- (d) The operating hours of the rooftop bar, as per condition 11.

The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

- 16. Live performances within the outdoor patron area are to be restricted to acoustic music only and to comply with the requirements pursuant to SEPP N-2.**
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
18. No live music shall be played after 1.00am without the written consent of the Responsible Authority.
19. Alarms must be connected to a security service, to the satisfaction of the Responsible Authority, and must not produce noise beyond the premises.
20. A public notice board of minimum dimensions 100 centimetres by 40 centimetres, to the satisfaction of the Responsible Authority, must be provided on the premises. The notice board must include a notice setting out the rules governing behaviour on the premises, including prohibition of gambling and fighting.
- 21. Before the sale and consumption of liquor or buildings and works associated with the amended permit 990390.02 commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.**
- 22. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**
- 23. 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.**
- 24. Deliveries 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.**
- 25. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**
- 26. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must be prepared by a suitably qualified heritage architect or similar and include, but not be limited to, the following:**
 - (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing the retention of the chimney adjacent to the Brunswick Street interface:**
 - (b) Recommendations for protection of the chimney:**
 - (i) during construction**
 - (ii) on-going protection post occupation of the roof terrace**

- (iii) having regard to the *Burra Charter: the Australian ICOMOS Charter for Places and Cultural Significance 1999 (Australia ICOMOS)*.
- (c) Any modifications to the roof terrace to facilitate protection of the chimney as recommended under Condition 26(b).

- 27. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following.
- 28. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the chimney adjacent to the Brunswick Street interface will be supported during demolition and construction works to ensure its retention, including any recommendations from the endorsed Conservation Management Plan pursuant to Condition 26.
- 29. The amended permit 990390.02 will expire if:
 - (a) The development is not commenced within two years of the date of the amended permit 990390.02;
 - (b) The development is not completed within four years of the date of the amended permit 990390.02; or
 - (c) The sale and consumption of liquor associated with the amended permit 990390.02 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.

NOTE: This property is covered by a Heritage Overlay. A Planning Permit is required for any demolition, re-painting, sand blasting, exterior works, subdivision or consolidation of land.

NOTE: A monetary contribution could be required in the event of a parking precinct plan for the area being adopted by Council.

NOTE: A building permit must be obtained before development is commenced.

Submission made online during the meeting

David Hickey, SJB Planning (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Jolly

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an amended planning permit 990390.02 for part demolition, buildings and works to extend the first floor, construct a roof top terrace with a maximum of 113 patrons, increase total patron capacity from 300 to 395 patrons, an increase to the 'red line' area to the first floor and include the proposed roof top terrace, a further reduction in the car parking requirements of the Yarra Planning Scheme at 298-300 Brunswick Street, Fitzroy VIC, generally in accordance with the plans and reports noted previously as the "decision plans" subject to the following changes to the permit preamble/conditions:

1. **Before the sale and consumption of liquor or buildings and works associated with the amended permit 990390.02 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 Bagnoli Architects and dated 5 August 2018 (Issue 3) but modified to show:**
 - (a) All requirements of the endorsed acoustic report (condition 12) (where relevant to be shown on the plans.
 - (b) The screen to the northern boundary of the roof terrace reduced to a maximum height of 2.5m above the finished floor level of the terrace and set back a minimum of 3.5m from the western title boundary.
 - (c) Any balustrading along the northern boundary of the roof terrace between 1.5m and 3.5m from the western boundary to be no higher than 1.2m above the finished floor level, unless otherwise concealed when viewed from the opposite site of Brunswick Street.
 - (d) Construction of a clear glass (or suitable similar alternative material) balustrade to the southern section of the roof terrace, located above the seating and to a maximum height of 1.6 metres above the finished floor level of the roof top level.
 - (e) The retention of all chimneys.
 - (f) All seating along the northern and southern perimeter of the roof top level to be fixed.
 - (g) Fixed seating to be incorporated along the entire length of the western perimeter of the roof top level.
 - (h) The location of the raingarden.
 - (i) Incorporating a green roof or other greenery to increase biodiversity value of the project.
 - (j) The stair access structure to be finished to match the colour of the surround roof cladding.
 - (k) The red line area along the ground floor is not to be altered.
 - (l) The collection of stormwater from the roof top bar area and STORM report updated accordingly.
 - (m) Any changes as required by the endorsed acoustic report pursuant to Condition 15.
 - (n) Any changes as required by the endorsed conservation management plan pursuant to Condition 26.
 - (o) Any changes as required by the endorsed structural report pursuant to Condition 28.

(p) The canopy structure on the roof bar to be reduced in scale so as not to be visible on the sightline diagrams shown on drawing numbers TP10 and TP11.

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the use starts, the permit holder must install and maintain noise limitation equipment or sound attenuation equipment that ensures that the escape of noise from the premises is limited or restricted to comply with State Environment Protection Policy (Control of noise form Commerce, Industry and Trade) No. N-1 and State Environment Protection Policy (Control of Music Noise in Public Premises) No, N-2 or successive documents.
4. The permit holder must conduct the premises to the satisfaction of the Responsible Authority, so as to ensure that any escape of noise from the premises does not disturb the peace and quiet of the neighbourhood or be audible in any residential premises.
5. The permit holder must, to the satisfaction of the Responsible Authority, not cause or permit any undue detriment to the amenity of the area arising out of or in conjunction with the use of the premises during or immediately after trading hours.
6. The permit holder must install signage at all exits, to the satisfaction of the Responsible Authority, with words to the effect of: "PLEASE RESPECT OUR NEIGHBOURS AND LEAVE THE AREA QUIETLY".
7. Not more than **395** patrons are permitted on the premises at any one time, decreasing to 200 patrons after 1.00am, with tables and chairs provided for at least 75 percent of patrons attending the premises at any one time.
8. **Of the 395 patrons permit on the premises at any one time, not more than 113 patrons are permitted on the roof top bar at any one time.**
9. Substantial meals shall be available to patrons at all times that the venue is operating.
10. The sale and consumption of liquor must only operate between the following times:
 - (a) Monday to Wednesday between 10:00am and 1:00am the following morning
 - (b) Thursday to Saturday between 10:00am and 3:00am the following morning
 - (c) Sunday between 10:00am and 1:00am the following morning
 - (d) Good Friday and Anzac Day between 12:00 noon and 1:00am the following morning
11. **The sale and consumption of liquor on the roof top bar must only operate between the following times:**
 - (a) **Monday to Saturday between 10:00am and 12:30am the following morning;**
 - (b) **Sunday between 10:00am and 11:00pm;**
 - (c) **Good Friday and Anzac Day between 12:00 noon and 12:30am the following;**
 - (d) **Sunday on the eve of a public holiday and Sunday of Johnston Street Fitzroy Spanish Festival between 10:00am and 12:30am the following morning**
12. These hours can only be altered with the written consent of the Responsible Authority.

13. Before the sale and consumption of liquor or buildings and works associated with the amended permit 990390.02 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 dated April 2020, but modified to include (or show, or address):
- (a) Details on numbers of security guards;
 - (b) Timeframes and locations of stationed security guards in different 'sections' of the venues;
 - (c) Have a procedure in place when sections of the venue are at capacity;
 - (d) Development of a staged/timed patron dispersal plan through the venue (when at capacity) including entry/exit points;
 - (e) Pass out procedures for the rooftop;
 - (f) Strategies in place to avoid glass transport through the venue (i.e. via imposing a 'last drinks' call at 11.30pm on the rooftop);
 - (g) All background music reduced/turned off on the rooftop at 11.50pm.
14. Before the sale and consumption of liquor or buildings and works associated with the amended permit 990390.02 commences, a Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Noise and Amenity Action Plan will be endorsed and will form part of this permit.
15. Before the sale and consumption of liquor or buildings and works associated with the amended permit 990390.02 commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics Pty Ltd and dated 17 November 2019, but modified to include:
- (a) The recommendations as outlined in Acoustic Technical Memorandums received by Enfield Acoustics Pty Ltd and dated 23 July 2020 and 10 November 2020 .
- But further modified to include:
- (b) No amplified music on the rooftop bar.
 - (c) Live performances within the outdoor patron area are to be restricted to acoustic music only and to comply with the requirements pursuant to SEPP N-2.
 - (d) The operating hours of the rooftop bar, as per condition 11.
- The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.
16. Live performances within the outdoor patron area are to be restricted to acoustic music only and to comply with the requirements pursuant to SEPP N-2.
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

18. No live music shall be played after 1.00am without the written consent of the Responsible Authority.
19. Alarms must be connected to a security service, to the satisfaction of the Responsible Authority, and must not produce noise beyond the premises.
20. A public notice board of minimum dimensions 100 centimetres by 40 centimetres, to the satisfaction of the Responsible Authority, must be provided on the premises. The notice board must include a notice setting out the rules governing behaviour on the premises, including prohibition of gambling and fighting.
21. **Before the sale and consumption of liquor or buildings and works associated with the amended permit 990390.02 commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.**
22. **The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**
23. **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.**
24. **Deliveries 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.**
25. **The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**
26. **Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must be prepared by a suitably qualified heritage architect or similar and include, but not be limited to, the following:**
 - (a) **Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing the retention of the chimney adjacent to the Brunswick Street interface:**
 - (b) **Recommendations for protection of the chimney:**
 - (i) **during construction**
 - (ii) **on-going protection post occupation of the roof terrace**
 - (iii) **having regard to the *Burra Charter: the Australian ICOMOS Charter for Places and Cultural Significance 1999 (Australia ICOMOS)*.**
 - (c) **Any modifications to the roof terrace to facilitate protection of the chimney as recommended under Condition 26(b).**
27. **Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following.**

28. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the chimney adjacent to the Brunswick Street interface will be supported during demolition and construction works to ensure its retention, including any recommendations from the endorsed Conservation Management Plan pursuant to Condition 26.

29. The amended permit 990390.02 will expire if:

- (a) The development is not commenced within two years of the date of the amended permit 990390.02;**
- (b) The development is not completed within four years of the date of the amended permit 990390.02; or**
- (c) The sale and consumption of liquor associated with the amended permit 990390.02 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.

NOTE: This property is covered by a Heritage Overlay. A Planning Permit is required for any demolition, re-painting, sand blasting, exterior works, subdivision or consolidation of land.

NOTE: A monetary contribution could be required in the event of a parking precinct plan for the area being adopted by Council.

NOTE: A building permit must be obtained before development is commenced.

CARRIED UNANIMOUSLY

6.2 PLN19/0706 - 28 Canterbury Street Richmond - Construction of a double-storey dwelling and associated reduction in the car parking requirements

| | |
|-------------------|--|
| Reference | D20/158479 |
| Author | Nish Goonetilleke - Senior Statutory Planner |
| Authoriser | Senior Coordinator Statutory Planning |

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0706 for the construction of a double-storey dwelling and associated reduction in the car parking requirements at 28 Canterbury Street Richmond VIC 3121, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by DX Architects, dated 15.10.2020 (Rev D: TP04, TP05, TP06, TP12, TP13, TP17, TP15, TP14), but modified to show the following:
 - (a) The ground floor, west-facing living room windows provided with solar protection;
 - (b) Dimension all north-facing, first floor habitable room windows showing a minimum 1.7m above floor level; and
 - (c) Demonstrate access into and out of the development by providing a vehicle crossing ground clearance check for a B85 design vehicle with appropriate levels provided in accordance with Council's 'Vehicle Crossing – Cross Section' information sheet.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. 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.
5. 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.
6. 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.
7. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
8. 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.

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.

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

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 5585 to confirm.

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

Submissions made online during the meeting

Daniel Xuereb, DX Architects Pty Ltd (for the applicant)

Kerrie Howard
Edward Mennen
Robin Dyll

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Jolly

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

6.3 **PLN20/0165 - 33- 37 Rupert Street, Collingwood - Development of a ten (10) storey building (plus roof terrace) and use of the land for a food and drink premises and an office and a reduction in the associated car parking requirement of the Yarra Planning Scheme.**

| | |
|-------------------|---------------------------------------|
| Reference | D20/161639 |
| Author | John Theodosakis - Principal Planner |
| Authoriser | Senior Coordinator Statutory Planning |

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN20/0165 for the construction of a multi-level building (with roof terrace and services) and a reduction in the car parking requirement of the Yarra Planning Scheme at 33 – 37 Rupert Street, Collingwood generally in accordance with the plans advertised by Council and noted previously as the application drawings prepared by Pitch Architecture and Design and dated 18 May 2020 and subject to the following conditions:

Amended Plans

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 plans prepared by Pitch Architecture and Design and dated 18 May 2020 but modified to show / include:

Plans

- (a) All plan notations and details as per the architectural plans (i.e. TP0-101 to TP0-103, TP1- 101, TP2-101(Rev A), TP2-102 (Rev B), TP2-103 to TP2-104 (Rev A), TP2-105 to TP2-106 Rev B), TP2-107 to TP2-109, TP3-101 to TP3-103 (Rev B), TP3-104 (Rev A), TP3-105, TP3-106 (Rev A), TP4-101 (Rev A), TP5-101 to TP5- 107 (Rev A) and TP6-116 (Rev A) and as detailed in the Statement of changes prepared by Pitch Architects and Design provided to Council on a without prejudice basis on 24th September 2020 that include the following key changes:
 - (i) The building setback from the western boundary increased by 500mm from Level 3 and above, and the western interface articulated further with glazing and vertical fins;
 - (ii) The podium walls on the north and south facades modified to a red brick finish;
 - (iii) Provision of a 10,000L in-ground rainwater tank to the basement plan.
 - (iv) The screen to the garage/loading bay with up to 50% permeability and clear of visual obstructions within the sight triangles;
 - (v) Spot levels and notes indicating a seamless transition between public and private pathways with a flush steel edge across the Rupert Street boundary to differentiate between public and private space;
 - (vi) The eastern pedestrian gate relocated further to the east;
 - (vii) Glazing to the western wall of commercial tenancy 2;

- (viii) Notes indicating when the security gates and sensor lights to the bike store, pedestrian path and footpath will be activated, and provision for signage identifying Rokeby Street as a point of connectivity through the subject site; and
- (ix) A note indicating that signage is to be provided for cyclists to dismount in the pedestrian pathway.

But further modified to show:

- (b) A plan notation confirming that the art installation facing into the pedestrian pathway will be applied to the full length of the southern boundary wall (excluding the fins in the south-east corner).
- (c) The dimension of the headroom clearance of the development's vehicle entrance and the loading bay;
- (d) The length of the tandem spaces dimensioned;
- (e) All column depths, setbacks and locations clearly annotated and dimensioned and positioned to ensure that they allow for car doors to be opened to satisfy the relevant standards (i.e. AS/NZS 2890.1:2004);
- (f) Car spaces adjacent to a wall provided with a clearance of no less than 300 mm to satisfy AS/NZS 2890.1:2004 or car space Nos. 13, 14, 17, and 18 designated as a small car space.
- (g) Swept path diagrams for a B85 design vehicle demonstrating all movements into and out of the tandem car spaces.
- (h) Car lift information / data sheet that identifies all relevant specifications and the plans updated to reflect these details (as relevant).
- (i) A minimum of one EV charging point in the basement.
- (j) Provision of at least 6 additional visitor bicycle spaces in a secure location and easily accessible on the ground floor.

Reports

- (k) Any requirement of the endorsed Landscape Plan (condition 3) (where relevant to show on plans).
- (l) Any requirement of the endorsed Sustainable Management Plan (condition 6) (where relevant to show on plans).
- (m) Any requirement of the endorsed Wind Assessment Report (condition 9) (where relevant to show on plans).
- (n) Any requirement of the endorsed Green Travel Plan (condition 11) (where relevant to show on plans).
- (o) Any requirement of the endorsed Waste Management Plan (condition 13) (where relevant to show on plans).
- (p) Any requirement of the endorsed Public Lighting Plan (condition 16) (where relevant to show on plans).

Ongoing Architect Involvement

2. As part of the ongoing progress and development of the site, Pitch Architecture and Design 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.

Landscape Plan

3. 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 Package of material prepared by Acre landscape architecture (dated 24 February 2020) but modified to include (or show):
 - (a) Details of soil volumes for all garden beds provided including those at the ground floor.
 - (b) Consideration to passive irrigation or use of water captured by the subject site.
 - (c) The planting schedule to include the pot sizes and mature heights of all tree and plant species selected.
 - (d) A specification of works to be undertaken prior to planting.
 - (e) Maintenance schedules and notes, including how any plant failure will be managed
 - (f) Details on the proposed methods for irrigation and drainage.
 - (g) All plants proposed confirmed to not be listed within DELWP *Advisory List of Environmental Weeds in Victoria*.
4. Before the buildings 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.
5. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one off contribution of \$800 to the Responsible Authority to contribute to the cost of planting one (1) new street tree.

Sustainable Management Plan

6. 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 EcoResults dated 27 February 2020, but modified to include details relating to the:
 - (a) Reference to the plans as required by Condition 1;
 - (b) Management of stormwater;
 - (c) Building and construction recycling targets and organic waste;
 - (d) All glazing and insulation specifications and calculations and daylight modelling;
 - (e) Water heating and detail on the HVAC system;
 - (f) Certification of timber products;
 - (g) Reference to the location of car share and EV charging point(s);
 - (h) Energy use of solar PV;
 - (i) Strategy around organic waste;

- (j) A recycling or reuse target of 80+% for demolition and construction waste materials;
 - (k) A small pallet of materials and construction techniques that can assist in disassembly;
 - (l) Consideration to not use PVC for pipes, cabling PVC or meeting best practice guidelines for PVC;
 - (m) Head contractor to be ISO 14001 accredited.
7. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 8. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under 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 all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Wind Assessment Report

9. Before the development commences, an amended Environmental Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Environmental Wind Assessment will be endorsed and will form part of this permit. The amended Environmental Wind Assessment must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants Pty. Ltd. dated 6 May 2020, but modified to include (or show):
 - (a) Assess the proposal as amended pursuant to Condition 1 with:
 - (i) Wind tunnel testing to verify any predictions; and
 - (ii) Mitigation measures to ameliorate any identified non-compliances with the relevant criteria.
10. The provisions, recommendations and requirements of the endorsed Environmental Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

11. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must make reference to the plans as endorsed at Condition 1 and provided the following details:
 - (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces; and
 - (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;

- (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.
 - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.
12. The provisions, recommendations and requirements of the endorsed Green Travel Plan 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 EcoResults dated 3 March 2020 but modified to make reference to the plans as endorsed at Condition 1 and include the following details:
- (a) Food waste diversion;
 - (b) Details of net space taken up by the bins on site by M²; and
 - (c) A swept path diagram of the truck accessing the loading bay.
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.
15. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Public Lighting Plan

16. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the Rupert Street and in the walkways and entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (b) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
17. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Loading and Unloading

18. 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 loading 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 it 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 loading bay area.
- to the satisfaction of the Responsible Authority.
19. 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.

Road Infrastructure

20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossing at the Rupert Street interface and abutting laneways must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
 - (e) The Permit Holder must obtain the consent of the relevant power authority for the relocation of any power poles. All costs associated with the relocation will be at the Permit Holder's cost.
 - (f) The vehicle crossing shall be constructed in accordance with Department of Infrastructure's and City of Yarra's requirements and specifications.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpaths along the property's Rupert Street (service road) and laneway frontages must be reconstructed (including kerb and channel):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement of the Rupert Street reserve must be profiled and re-sheeted:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
 - (a) at the permit holder's cost;
 - (b) to the satisfaction of any other relevant authority; and
 - (c) to the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

Lighting

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a public lighting design scheme along the development's road frontages demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the Responsible Authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the Permit Holder.
28. 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.

General

29. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
30. 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.

31. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. 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.
34. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

35. The use(s) must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
36. 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.
37. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
38. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Construction Management Plan

39. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (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
- (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.
40. 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.
41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

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

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

Notes:

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

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

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

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

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

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit.

Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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.

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.

Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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.

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: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>.

Submission made online during the meeting

Vicky Grillakis, Urbis (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Crossland

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN20/0165 for the construction of a multi-level building (with roof terrace and services) and a reduction in the car parking requirement of the Yarra Planning Scheme at 33 – 37 Rupert Street, Collingwood generally in accordance with the plans advertised by Council and noted previously as the application drawings prepared by Pitch Architecture and Design and dated 18 May 2020 and subject to the following conditions:

Amended Plans

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 plans prepared by Pitch Architecture and Design and dated 18 May 2020 but modified to show / include:

Plans

- (a) All plan notations and details as per the architectural plans (i.e. TP0-101 to TP0-103, TP1- 101, TP2-101(Rev A), TP2-102 (Rev B), TP2-103 to TP2-104 (Rev A), TP2-105 to TP2-106 Rev B), TP2-107 to TP2-109, TP3-101 to TP3-103 (Rev B), TP3-104 (Rev A), TP3-105, TP3-106 (Rev A), TP4-101 (Rev A), TP5-101 to TP5- 107 (Rev A) and TP6-116 (Rev A) and as detailed in the Statement of changes prepared by Pitch Architects and Design provided to Council on a without prejudice basis on 24th September 2020 that include the following key changes:
 - (i) The building setback from the western boundary increased by 500mm from Level 3 and above, and the western interface articulated further with glazing and vertical fins;
 - (ii) The podium walls on the north and south facades modified to a red brick finish;
 - (iii) Provision of a 10,000L in-ground rainwater tank to the basement plan.
 - (iv) The screen to the garage/loading bay with up to 50% permeability and clear of visual obstructions within the sight triangles;
 - (v) Spot levels and notes indicating a seamless transition between public and private pathways with a flush street edge across the Rupert Street boundary to differentiate between public and private space;
 - (vi) The eastern pedestrian gate relocated further to the east;
 - (vii) Glazing to the western wall of commercial tenancy 2;
 - (viii) Notes indicating when the security gates and sensor lights to the bike store, pedestrian path and footpath will be activated, and provision for signage identifying Rokeby Street as a point of connectivity through the subject site; and
 - (ix) A note indicating that signage is to be provided for cyclists to dismount in the pedestrian pathway.

But further modified to show:

- (b) A plan notation confirming that the art installation facing into the pedestrian pathway will be applied to the full length of the southern boundary wall (excluding the fins in the south-east corner).
- (c) The dimension of the headroom clearance of the development's vehicle entrance and the loading bay;

- (d) The length of the tandem spaces dimensioned;
- (e) All column depths, setbacks and locations clearly annotated and dimensioned and positioned to ensure that they allow for car doors to be opened to satisfy the relevant standards (i.e. AS/NZS 2890.1:2004);
- (f) Car spaces adjacent to a wall provided with a clearance of no less than 300 mm to satisfy AS/NZS 2890.1:2004 or car space Nos. 13, 14, 17, and 18 designated as a small car space.
- (g) Swept path diagrams for a B85 design vehicle demonstrating all movements into and out of the tandem car spaces.
- (h) Car lift information / data sheet that identifies all relevant specifications and the plans updated to reflect these details (as relevant).
- (i) A minimum of one EV charging point in the basement.
- (j) Provision of at least 6 additional visitor bicycle spaces in a secure location and easily accessible on the ground floor.
- (k) Provision of at least 32 employee bicycle spaces in a secure location that are easily accessible.
- (l) the internal stairwell to be redesigned to facilitate stairwell doors and walls to common areas to be glazed, where possible.

Reports

- (m) Any requirement of the endorsed Landscape Plan (condition 3) (where relevant to show on plans).
- (n) Any requirement of the endorsed Sustainable Management Plan (condition 6) (where relevant to show on plans).
- (o) Any requirement of the endorsed Wind Assessment Report (condition 9) (where relevant to show on plans).
- (p) Any requirement of the endorsed Green Travel Plan (condition 11) (where relevant to show on plans).
- (q) Any requirement of the endorsed Waste Management Plan (condition 13) (where relevant to show on plans).
- (r) Any requirement of the endorsed Public Lighting Plan (condition 16) (where relevant to show on plans).

Ongoing Architect Involvement

2. As part of the ongoing progress and development of the site, Pitch Architecture and Design 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.

Landscape Plan

3. 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 Package of material prepared by Acre landscape architecture (dated 24 February 2020) but modified to include (or show):
 - (a) Details of soil volumes for all garden beds provided including those at the ground floor.
 - (b) Consideration to passive irrigation or use of water captured by the subject site.
 - (c) The planting schedule to include the pot sizes and mature heights of all tree and plant species selected.
 - (d) A specification of works to be undertaken prior to planting.

- (e) Maintenance schedules and notes, including how any plant failure will be managed
- (f) Details on the proposed methods for irrigation and drainage.
- (g) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*.

4. Before the buildings 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.

5. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one off contribution of \$800 to the Responsible Authority to contribute to the cost of planting one (1) new street tree.

Sustainable Management Plan

6. 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 EcoResults dated 27 February 2020, but modified to include details relating to the:

- (a) Reference to the plans as required by Condition 1;
- (b) Management of stormwater;
- (c) Building and construction recycling targets and organic waste;
- (d) All glazing and insulation specifications and calculations and daylight modelling;
- (e) Water heating and detail on the HVAC system;
- (f) Certification of timber products;
- (g) Reference to the location of car share and EV charging point(s);
- (h) Energy use of solar PV;
- (i) Strategy around organic waste;
- (j) A recycling or reuse target of 80+% for demolition and construction waste materials;
- (k) A small pallet of materials and construction techniques that can assist in disassembly;
- (l) Consideration to not use PVC for pipes, cabling PVC or meeting best practice guidelines for PVC;
- (m) Head contractor to be ISO 14001 accredited.
- (n) Internal materials schedule to include specification of non-VOC paints.

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

8. Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under 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 all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.

Wind Assessment Report

9. Before the development commences, an amended Environmental Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Environmental Wind Assessment will be endorsed and will form part of this permit. The amended Environmental Wind Assessment must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants Pty. Ltd. dated 6 May 2020, but modified to include (or show):
 - (a) Assess the proposal as amended pursuant to Condition 1 with:
 - (i) Wind tunnel testing to verify any predictions; and
 - (ii) Mitigation measures to ameliorate any identified non-compliances with the relevant criteria.
10. The provisions, recommendations and requirements of the endorsed Environmental Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

11. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must make reference to the plans as endorsed at Condition 1 and provided the following details:
 - (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);
 - (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (i) security arrangements to access the employee bicycle storage spaces; and
 - (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.
 - (l) provisions for the Green Travel Plan to be updated not less than every 5 years.
12. The provisions, recommendations and requirements of the endorsed Green Travel Plan 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 EcoResults dated 3 March 2020 but modified to make reference to the plans as endorsed at Condition 1 and include the following details:
 - (a) Food waste diversion;
 - (b) Details of net space taken up by the bins on site by M²; and
 - (c) A swept path diagram of the truck accessing the loading bay.
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.
15. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Public Lighting Plan

16. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the Rupert Street and in the walkways and entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
 - (a) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (b) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
17. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Loading and Unloading

18. 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 loading 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 it 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 loading bay area.to the satisfaction of the Responsible Authority.
19. 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.

Road Infrastructure

20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle crossing at the Rupert Street interface and abutting laneways must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
 - (e) The Permit Holder must obtain the consent of the relevant power authority for the relocation of any power poles. All costs associated with the relocation will be at the Permit Holder's cost.
 - (f) The vehicle crossing shall be constructed in accordance with Department of Infrastructure's and City of Yarra's requirements and specifications.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpaths along the property's Rupert Street (service road) and laneway frontages must be reconstructed (including kerb and channel):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement of the Rupert Street reserve must be profiled and re-sheeted:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
 - (a) at the permit holder's cost;
 - (b) to the satisfaction of any other relevant authority; and
 - (c) to the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.

Lighting

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a public lighting design scheme along the development's road frontages demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the Responsible Authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the Permit Holder.
28. 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.

General

29. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
30. 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.

31. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. 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.
34. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

35. The use(s) must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
36. 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.
37. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
38. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Construction Management Plan

39. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (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
- (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.
40. 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.
41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

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

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

Notes:

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

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

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

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

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

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit.

Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

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.

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.

Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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.

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: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>.

CARRIED UNANIMOUSLY

6.4 PLN17/0705 - 388-390 Queens Parade, Fitzroy North - Extension of Time Request

Reference D20/161451
Author Amy Hodgen - Coordinator Statutory Planning
Authoriser Manager Statutory Planning

RECOMMENDATION

That the Planning Development Committee resolve to grant an extension of time to Planning Permit PLN17/0705 associated with 388-390 Queens Parade, Fitzroy North so that the works must now commence no later than 19 September 2021 and be completed no later than 19 September 2023.

Submissions made online during the meeting

John Glossop, Glossop Town Planning (for the applicant)

Ian Wight
Anne Horrigan-Dixon
Giselle Darling
Virginia Noonan
Lindsay Round
Terence Nott
Anne Coveny, Protect Fitzroy North
Graeme Willingham
Paul Natoli

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That the Planning Development Committee resolve to refuse to grant an extension of time to Planning Permit PLN17/0705 associated with 388-390 Queens Parade, Fitzroy North.

CARRIED UNANIMOUSLY

The meeting closed at 8.05pm.

Confirmed at the meeting held on Wednesday 16 December 2020

Chair