



Minutes

Planning Decisions Committee

6.30pm, Wednesday 12 May 2021

Richmond Town Hall

1. Appointment of Chair

Cr Nguyen nominated Cr Stone as chair.

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

Cr Stone assumed the chair.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

3. Attendance and apologies

Attendance

Councillors

Cr Herschel Landes (substitute for Cr Anab Mohamud)

Cr Claudia Nguyen

Cr Amanda Stone

Council officers

Mary Osman (Manager Statutory Planning)

Julian Larkins (Co-ordinator Statutory Planning)

Jessica Sutherland (Acting Senior Planner)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

Apology

Cr Anab Mohamud

4. Declarations of conflict of interest

No declarations were made.

5. Confirmation of Minutes

RESOLUTION

Moved: Cr Nguyen **Seconded:** Cr Stone

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 28 April 2021 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN20/0470 - 4-12 Langridge Street, Collingwood	4	13
6.2	PLN20/0737 - 27 - 31 Gibdon Street Burnley - Full demolition of existing buildings, the construction of ten townhouse dwellings, a vehicle crossover and a reduction in the car parking requirements.	23	29
6.3	PLN18/0328.03 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Section 72 amendment to the permit and plans to amend the approved use of the land as a child care to centre by way of an increase in children from 80 to 104, resulting in a further reduction in the car parking requirements, and associated built form changes to Building C.	37	51
6.4	PLN15/1176.02 - 2 Gough Street, Cremorne	66	85
6.5	VCAT application P1878/2020 - 45 Wangaratta Street Richmond - Amend Planning Permit PLN15/1260 pursuant to section 87A of the Planning and Environment Act 1987 to amend the permit which allows 'Use of the land for office, demolition, and construction of a 7 storey building containing offices and food and drinks premises (café) above one basement level in the Mixed Use Zone and Heritage Overlay, reduction in the car parking requirements in clause 52.06 and in accordance with the endorsed plans' by deleting condition 8 which restricts the operating hours of the office use.	106	107
6.6	PLN20/0168 - 40 - 50 Rokeby Street, Collingwood	108	108
	CONFIDENTIAL ITEM		

Reference	D21/36050
Author	Michelle King - Principal Planner
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all submissions and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN20/0470 for Construction of a multi-storey building and a reduction in the statutory car parking requirement at 4 – 12 Langridge Street, Collingwood, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Bayley Ward, Sheets TP0099, TP1000 – TP1010, TP2000 – TP2100, TP3000 – TP3001 and TP4100 – TP4101 dated 17/08/20_but modified to include:
 - (a) Deletion of one podium level (Level 01 or Level 02);
 - (b) The western elevation of the stair core at the roof terrace level modified to clear glazing;
 - (c) Relative levels of the footpath at building entrances and internal areas at entrances demonstrating a seamless transition between Langridge Street and both the office lobby and retail premises, with any height difference managed with a notation confirming compliance with the Disability Discrimination Act 1992 (DDA).
 - (d) The material of the garage door annotated on the east elevation, to be 'LVR02.'
 - (e) The canopies along Langridge Street to not extend more than 1.2 metres from the building.
 - (f) Detailed diagrams demonstrating no overlooking from the Level 04 terrace into secluded private open space areas and habitable room windows to the north within 9m. Any additional screening measures used to achieve compliance are to be shown.
 - (g) Convex mirrors installed on either side of the development entrance (in lieu of pedestrian sight triangles).
 - (h) The bollard within the shared area is to be positioned 800 mm from the aisle and the shared area hatched, as required by AS/NZS 2890.6:2009.
 - (i) The depth of the column in between the accessible parking space and the at-grade parking and the setback from the aisle is to be dimensioned.
 - (j) The 1 in 8 transition grade at the base of the 1 in 4 ramp section lengthened to 2.5 metres.
 - (k) The aisle width for the 2 visitor spaces and 4 employee spaces against the southern wall of the internal EOT facilities room/corridor to comply with AS2890.3 and the requirements of the bicycle rack specifications (halo bicycle rack or similar).
 - (l) The car parking area to be electrically wired to be 'EV ready,' with a notation included on the plans identifying this.
 - (m) The bike hoop on the Langridge Street footpath must maintain a minimum 1.5m clear path of travel from the adjacent building line and be offset from the street sign and kerb by 0.6 metres, in accordance with Council's Street Furniture Details 01: Bicycle Hoops.
 - (n) Any changes required by the Façade Strategy and Materials and Finishes Plan at Condition 3.
 - (o) Any changes required by the Landscape Plan at Condition 5.

- (p) Any changes required by the amended Sustainable Management Plan at Condition 7.
 - (q) Any changes required by the amended Waste Management Plan at Condition 9.
 - (r) Any changes required by the amended Wind Report at Condition 12.
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. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical upper level facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.
4. As part of the ongoing consultant team, Bayley Ward 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

5. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
 - (c) provide a specification of works to be undertaken prior to planting,
- 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, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants.
- to the satisfaction of the Responsible Authority.

Sustainable Management Plan

7. In conjunction with the submission of development plans under Condition 1, 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 Ark Resources dated 16 June 2020, but modified to include or show:
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.
 - (b) A shading strategy for east and west glazing.
 - (c) Commitment to producing a Building Users Guide explaining optimal usage of building services to minimise energy and water consumption.
 - (d) Alternative credits to achieve the 4-star Green Star target (45 credits targeted) (the 4 Innovation credits are not considered innovative).
 - (e) Clarification on the provision of natural ventilation (via operable windows) to office spaces on all levels.
 - (f) Provision of a Daylight Assessment Report that - taking into account surrounding development - identifies DF (and VLT used for modelling).
 - (g) Clarification on the standards upon which hazardous materials strategies are responding too.
 - (h) Clarification on details around building fabric, insulation, glazing, and ventilation to support claim thermal comfort.
 - (i) Provision of a Section J Assessment with details on building fabric, glazing and services proposed to achieve this – and clarify applicability of NCC 2019.
 - (j) Clarification on system design (and include within Section J Assessment) and consider 3 pipe VRF.
 - (k) Clarification on car park ventilation approach.
 - (l) Clarification on lighting IPD and improvements upon NCC 2019.
 - (m) Inclusion of solar PV generation analysis within Section J Assessment and GHG emissions calculations.
 - (n) Clarification on water and energy metering strategy.
 - (o) Clarification that the post-development flow will not exceed pre-development levels.
 - (p) Clarification on the area of terrace planter boxes that assist with stormwater diversion.
 - (q) Clarification on stormwater treatment strategy (filtration).
 - (r) Confirmation timber products will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
 - (s) Confirm the extent of the PVC strategy (by cost, or weight) and PVC limits/guidelines.
 - (t) Ensure the waste target is articulated within site-specific Environmental Management Plan.
 - (u) Provision of a Landscape Plan that details the planting schedule.
8. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

9. In conjunction with the submission of development plans under Condition 1, 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 OneMileGrid and dated 29 June 2020, but modified to include or show:
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.

- (b) Inclusion of the total footprint of the bins allocated and the space available in the bin storage room in M2.
 - (c) Identify the hard waste storage area within the bin storage area diagram.
 - (d) Identify the E-waste storage area within the bin storage area diagram.
 - (e) Demonstration sufficient space (1.5m) will be available for pedestrian circulation at the proposed bin collection location when bins are presented kerbside.
 - (f) A separate waste stream and bin/s for glass.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The collection of commercial waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Wind Report

12. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by MEL Consultants and dated 17 June 2020, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Walking criterion at a minimum to be achieved for the upper level terraces.
 - (c) Vegetation is not to be used as a wind mitigation measure.
13. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

14. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by OneMileGrid dated 19 August 2020, but modified to include or show:
- (a) Assess the proposal as referenced and amended pursuant to Condition 1, including the final layout of the bicycle parking.
15. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Car parking

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

17. Ducting, pipes and other obtrusions must not encroach into the space design envelope of the car stacker spaces.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Lighting

19. 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 intensityto the satisfaction of the Responsible Authority.

Street Trees

20. Before the use and development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection of the one street tree located on the Langridge Street frontage, including:
 - (a) pre-construction;
 - (b) during construction; and
 - (c) post construction
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
21. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority
22. Before the use and development commences, the permit holder must provide a security bond of \$5,000 for the retained street trees to the Responsible Authority. The security bond:
 - (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.
23. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$2,000 to the Responsible Authority for the sourcing, installation and 2 year maintenance of four street trees within Langridge Street.

General

24. The amenity of the area must not be detrimentally affected by the 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.
25. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
26. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
27. 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.
28. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
30. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
31. 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.

Road Infrastructure

32. 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) 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.
33. 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 outside the building's frontage must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reinstatement of the kerb and channel and re-sheeting of the footpaths for the entire width of the property (both Langridge Street and Little Oxford Street) :
- (a) in accordance with Council's *Road Materials Policy*;
 - (b) with a cross-fall of 1 in 40 unless otherwise specified;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
36. 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.
37. 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.
38. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one bicycle hoop (two spaces) must be installed on Langridge Street:
- (a) at the permit holder's cost;
 - (b) in accordance with Street Furniture Details 01: Bicycle Hoops; and
 - (c) in a location and manner,
- to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

40. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction Management Plan

41. 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.
- (q) any site-specific requirements.

42. During the construction:

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

- (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
43. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
44. 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.

Time Expiry

45. 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.

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.

All future businesses (whether as owners, lessees/tenants, occupiers) 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.

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.

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

Submissions

Kel Twite (Applicant)
John Wark
Nancy Guzzo-Pernell
Varun Chandra

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Nguyen

That having considered all submissions and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN20/0470 for Construction of a multi-storey building and a reduction in the statutory car parking requirement at 4 – 12 Langridge Street, Collingwood, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Bayley Ward, Sheets TP0099, TP1000 – TP1010, TP2000 – TP2100, TP3000 – TP3001 and TP4100 – TP4101 dated 17/08/20, but modified to include:
 - (a) Deletion of one podium level (Level 01 or Level 02);
 - (b) The western elevation of the stair core at the roof terrace level modified to clear glazing;
 - (c) Relative levels of the footpath at building entrances and internal areas at entrances demonstrating a seamless transition between Langridge Street and both the office lobby and retail premises, with any height difference managed with a notation confirming compliance with the Disability Discrimination Act 1992 (DDA).
 - (d) The material of the garage door annotated on the east elevation, to be 'LVR02.'
 - (e) The canopies along Langridge Street to not extend more than 1.2 metres from the building.
 - (f) Detailed diagrams demonstrating no overlooking from the Level 04 terrace into secluded private open space areas and habitable room windows to the north within 9m. Any additional screening measures used to achieve compliance are to be shown.
 - (g) Convex mirrors installed on either side of the development entrance (in lieu of pedestrian sight triangles).
 - (h) The bollard within the shared area is to be positioned 800 mm from the aisle and the shared area hatched, as required by AS/NZS 2890.6:2009.
 - (i) The depth of the column in between the accessible parking space and the at-grade parking and the setback from the aisle is to be dimensioned.

- (j) The 1 in 8 transition grade at the base of the 1 in 4 ramp section lengthened to 2.5 metres.
 - (k) The aisle width for the 2 visitor spaces and 4 employee spaces against the southern wall of the internal EOT facilities room/corridor to comply with AS2890.3 and the requirements of the bicycle rack specifications (halo bicycle rack or similar).
 - (l) The car parking area to be electrically wired to be 'EV ready,' with a notation included on the plans identifying this.
 - (m) The bike hoop on the Langridge Street footpath must maintain a minimum 1.5m clear path of travel from the adjacent building line and be offset from the street sign and kerb by 0.6 metres, in accordance with Council's Street Furniture Details 01: Bicycle Hoops.
 - (n) An additional 500mm setback to the northern boundary above podium to allow for the incorporation of vertical greening to this façade.
 - (o) Any changes required by the Façade Strategy and Materials and Finishes Plan at Condition 3.
 - (p) Any changes required by the Landscape Plan at Condition 5.
 - (q) Any changes required by the amended Sustainable Management Plan at Condition 7.
 - (r) Any changes required by the amended Waste Management Plan at Condition 9.
 - (s) Any changes required by the amended Wind Report at Condition 12.
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. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical upper level facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.
 4. As part of the ongoing consultant team, Bayley Ward 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

5. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
 - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) indicate the location of all areas to be covered by lawn or other surface materials;
 - (c) provide a specification of works to be undertaken prior to planting; and
 - (d) Incorporation of vertical green wall as required by condition 1(n).

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, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants.

to the satisfaction of the Responsible Authority.

Sustainable Management Plan

7. In conjunction with the submission of development plans under Condition 1, 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 Ark Resources dated 16 June 2020, but modified to include or show:
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.
 - (b) A shading strategy for east and west glazing.
 - (c) Commitment to producing a Building Users Guide explaining optimal usage of building services to minimise energy and water consumption.
 - (d) Alternative credits to achieve the 4-star Green Star target (45 credits targeted) (the 4 Innovation credits are not considered innovative).
 - (e) Clarification on the provision of natural ventilation (via operable windows) to office spaces on all levels.
 - (f) Provision of a Daylight Assessment Report that - taking into account surrounding development - identifies DF (and VLT used for modelling).
 - (g) Clarification on the standards upon which hazardous materials strategies are responding too.
 - (h) Clarification on details around building fabric, insulation, glazing, and ventilation to support claim thermal comfort.
 - (i) Provision of a Section J Assessment with details on building fabric, glazing and services proposed to achieve this – and clarify applicability of NCC 2019.
 - (j) Clarification on system design (and include within Section J Assessment) and consider 3 pipe VRF.
 - (k) Clarification on car park ventilation approach.
 - (l) Clarification on lighting IPD and improvements upon NCC 2019.
 - (m) Inclusion of solar PV generation analysis within Section J Assessment and GHG emissions calculations.
 - (n) Clarification on water and energy metering strategy.
 - (o) Clarification that the post-development flow will not exceed pre-development levels.
 - (p) Clarification on the area of terrace planter boxes that assist with stormwater diversion.
 - (q) Clarification on stormwater treatment strategy (filtration).
 - (r) Confirmation timber products will be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
 - (s) Confirm the extent of the PVC strategy (by cost, or weight) and PVC limits/guidelines.
 - (t) Ensure the waste target is articulated within site-specific Environmental Management Plan.

(u) Provision of a Landscape Plan that details the planting schedule.

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

Waste Management Plan

9. In conjunction with the submission of development plans under Condition 1, 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 OneMileGrid and dated 29 June 2020, but modified to include or show:
- (a) Assess the proposal as referenced and amended pursuant to Condition 1.
 - (b) Inclusion of the total footprint of the bins allocated and the space available in the bin storage room in M2.
 - (c) Identify the hard waste storage area within the bin storage area diagram.
 - (d) Identify the E-waste storage area within the bin storage area diagram.
 - (e) Demonstration sufficient space (1.5m) will be available for pedestrian circulation at the proposed bin collection location when bins are presented kerbside.
 - (f) A separate waste stream and bin/s for glass.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The collection of commercial waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Wind Report

12. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by MEL Consultants and dated 17 June 2020, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Walking criterion at a minimum to be achieved for the upper level terraces.
 - (c) Vegetation is not to be used as a wind mitigation measure.
13. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

14. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by OneMileGrid dated 19 August 2020, but modified to include or show:

- (a) Assess the proposal as referenced and amended pursuant to Condition 1, including the final layout of the bicycle parking.
15. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Car parking

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.
17. Ducting, pipes and other obtrusions must not encroach into the space design envelope of the car stacker spaces.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Lighting

19. 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.

Street Trees

20. Before the use and development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection of the one street tree located on the Langridge Street frontage, including:
- (a) pre-construction;
 - (b) during construction; and
 - (c) post construction
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

21. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority
22. Before the use and development commences, the permit holder must provide a security bond of \$5,000 for the retained street trees to the Responsible Authority. The security bond:
 - (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.
23. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$2,000 to the Responsible Authority for the sourcing, installation and 2 year maintenance of four street trees within Langridge Street.

General

24. The amenity of the area must not be detrimentally affected by the 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.
25. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
26. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
27. 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.
28. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
30. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
31. 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.

Road Infrastructure

32. 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) 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.
33. 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 outside the building's frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reinstatement of the kerb and channel and re-sheeting of the footpaths for the entire width of the property (both Langridge Street and Little Oxford Street) :
 - (a) in accordance with Council's *Road Materials Policy*;
 - (b) with a cross-fall of 1 in 40 unless otherwise specified;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
36. 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.
37. 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.
38. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one bicycle hoop (two spaces) must be installed on Langridge Street:

- (a) at the permit holder's cost;
- (b) in accordance with Street Furniture Details 01: Bicycle Hoops; and
- (c) in a location and manner,

to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

40. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction Management Plan

41. 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.
- (q) any site-specific requirements.

42. During the construction:

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

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

44. 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.

Time Expiry

45. 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.

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.

All future businesses (whether as owners, lessees/tenants, occupiers) 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.

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.

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

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

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

CARRIED UNANIMOUSLY

6.2 **PLN20/0737 - 27 - 31 Gibdon Street Burnley - Full demolition of existing buildings, the construction of ten townhouse dwellings, a vehicle crossover and a reduction in the car parking requirements.**

Reference	D21/36299
Author	Chris Stathis - Senior Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN20/0737 for the full demolition of existing buildings, the construction of ten townhouse dwellings, a vehicle crossover and a reduction in the car parking requirements at 27 – 31 Gibdon Street, Burnley, 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 decision plans (prepared by MA Architects, dated 11 December 2020) but modified to show the following:
 - (a) The following changes in accordance with the sketch plans (prepared by MA Architects, dated 03 March 2021);
 - (i) Deletion of columns from the western edge of the ground floor communal car parking area;
 - (ii) Provision of awnings to the north-facing, ground floor windows of dwellings TH07-TH10 and the second-floor, west-facing dining room window of TH06;
 - (iii) Landscaping planters to the balconies of dwellings TH01 – TH05 as well as the roof terrace of TH06;
 - (iv) Reduction in the extent of roof to the northern edge of dwelling TH01;
 - (v) Reduction in the extent of timber screening to the western edge of the balcony of dwelling TH01;
 - (vi) Operable screens to the western, second-floor façade of dwelling TH01 increased in size;
 - (vii) Reduction in extent of brick at the western, second-floor façade of dwelling TH01;
 - (viii) Linear brick patterning to the northern facades of dwellings TH01 – TH05, and;
 - (ix) Cement sheet replaced with brick at the ground-floor, southern façades of dwellings TH06 - TH10.

But further modified to show:

- (b) Deletion of the west-facing, second-floor terrace to dwelling TH06;
- (c) The following windows screened in accordance with the objective of Clause 55.04-6:
 - (i) First-floor, north-facing, bedroom 01 window of TH05;
 - (ii) Second-floor, north-facing balcony of TH05;
 - (iii) Second-floor, north-facing, bedroom 01 window of TH10;
- (d) East and west-facing screens associated with the balconies of dwellings TH01 – TH05 provided with a maximum transparency of 25% to a minimum height of 1.7m above finished balcony floor level and to continue the full extent of the terraces.
- (e) Dimensions to confirm minimum sill heights of 1.7m above finished floor level for the south-facing, second-floor windows of dwellings TH02-TH05.

- (f) Northern facades of dwellings TH06 – TH10 screened to comply with Clause 55.04-7 (internal views objective);
- (g) The following changes to the communal pedestrian entry point:
 - (i) Solid roofing to the entry pergola;
 - (ii) Details of lighting;
 - (iii) Entrance gate with a visual permeability of no less than 50%;
 - (iv) Details of mailboxes.
- (h) All front fencing depicted on elevations with a visual transparency of 50%;
- (i) Clarify material for Barrow Place garage doors (maintaining 50% transparency);
- (j) Details of lighting along ground floor, Barrow Place façade;
- (k) Materials schedule acronyms updated to delineate between natural and black timber battens;
- (l) Notations to clarify connection to rainwater tanks (in accordance with the satisfactory Sustainable Management Plan as required by condition 3).
- (m) A minimum capacity of 2.5kW for each dwelling's solar energy facility;
- (n) Show all operable windows on elevations;
- (o) Clarify height of clothesline and screen at the roof terrace of dwelling TH06, with the screen to be no higher than 10.5m above ground level;
- (p) Provision of a 100mm recess to the vertical dwelling delineation strips across the northern façade of dwellings TH01 – TH05 as shown on the sketch plans referenced in condition 1(a);
- (q) Deletion of reference to a waste collection bay on Gibdon Street;
- (r) Surface material for the ground floor setback to Barrow Place to be visually distinguishable from the concrete surface of Barrow Place;
- (s) Vehicle crossing ground clearance sections to show no vehicle scraping for a B85 standard vehicle (crossover to dwelling TH06) and a B99 vehicle (crossover servicing Barrow Place);
- (t) Dwelling TH01 – TH05 provided with a minimum of 3 cubic metres of storage within each balcony;
- (u) Dwelling TH06 provided with a minimum of 3 cubic metres of storage at the ground floor area of secluded private open space;
- (v) The bicycle spaces of dwellings TH01 and TH05 relocated to be above their respective car spaces;
- (w) Eastern boundary walls depicted on the East Elevation corrected to match the plans and to remove adjacent built form (ie. show full extent of east elevation of proposal).
- (x) Details (including glass thickness, window seals and operability) on the south-facing windows of TH06-TH10 and the west-facing habitable room windows of TH06 to ensure mitigation of noise impacts from nearby commercial uses.
- (y) Any change required by the endorsed Sustainability Management Plan (as required by condition 3), where relevant to show on the plans;
- (z) Any change required by the endorsed Landscape Plan (as required by condition 5), where relevant to show on the plans;
- (aa) Any change required by the endorsed Tree Management Plan (as required by condition 9), where relevant to show on the plans;

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 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 Sustainable Management Plan prepared by GIW Environmental Solutions and dated 27 November 2020, but modified to show or include:

- (a) Update the annual energy loads in the BESS report and preliminary NatHERS report so that they are consistent;
- (b) Nominate minimum solar energy capacity of 2.5kW to each dwelling;
- (c) Confirm a target recycling rate of no less than 80% of construction and demolition waste for the construction phase of the development;
- (d) Provide a daylight assessment (modelled or hand-drawn) to clarify daylight access;
- (e) Confirm materials strategy in terms of hazardous materials (i.e. formaldehyde in engineered timber) and volatile organic compounds;
- (f) Provide high level analysis to support peak energy demand statement.
- (g) Confirm a minimum stormwater tank capacity of 20,000L;
- (h) Confirm post-development stormwater discharge will not exceed pre-development levels.
- (i) Clarify additional stormwater treatments (if any);
- (j) Clarify approach to reducing the embodied carbon associated with concrete and steel, including a life cycle assessment;
- (k) Clarify extent of timber products/materials to be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
- (l) Clarify ownership / use of EV charge point for all residents.
- (m) Clarify that all energy and water management systems will be commissioned in accordance with the manufacturer's specifications
- (n) A statement to demonstrate how material choices have reduced urban heat island effect.

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

5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Rupert Baynes and dated November 2020, but modified to include (or show) the following:

- (a) Full details (including dimensions, plant media, maintenance) of the planter boxes to the balconies of dwellings TH01-TH05 and the roof terrace of TH06 as shown on the sketch plans (prepared by MA Architects, dated 03 March 2021).

To the satisfaction of the Responsible Authority.

6. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

7. Before the development commences, the Waste Management Plan (prepared by RB Waste Consulting and dated 26 November 2020) must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Before the development commences, a Tree 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 Tree Management Plan must show or include:
 - (a) Details of how the two street trees on the Gibdon Street frontage will be protected during before, during and post construction;
 - (b) Commitment that if any roots are found during construction of the southern crossover extension, Council arborists will be engaged to prune the roots, with all associated costs borne by the permit holder.

To the satisfaction of the Responsible Authority.

10. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Before the development commences, the permit holder must provide an Asset Protection Bond of \$10,000 (ex GST) for the trees along Gibdon Street adjacent the frontage of the development to the Responsible Authority. The security bond:
 - (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.
12. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) 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.
14. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all portions of redundant vehicular crossing must be demolished and re-instated with paving, nature strip, kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

to the satisfaction of the Responsible Authority. Oh

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

to the satisfaction of the Responsible Authority.

16. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the external car parking area and dwelling entrances must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,

to the satisfaction of the Responsible Authority.

17. 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.

18. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

19. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

20. 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.

21. 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.

22. This permit will expire if:

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

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

NOTES:

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5095 to confirm.

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

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

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

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

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

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

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 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.

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

Submissions

Mark Stanojevic (Applicant)
Mark Trescowthick
Mark Devlin
Todd Solomon
Harrison Blanchard
Karen Kong
Fiona McKenzie

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN20/0737 for the full demolition of existing buildings, the construction of ten townhouse dwellings, a vehicle crossover and a reduction in the car parking requirements at 27 – 31 Gibdon Street, Burnley, 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 decision plans (prepared by MA Architects, dated 11 December 2020) but modified to show the following:

- (a) The following changes in accordance with the sketch plans (prepared by MA Architects, dated 03 March 2021);
 - (i) Deletion of columns from the western edge of the ground floor communal car parking area;
 - (ii) Provision of awnings to the north-facing, ground floor windows of dwellings TH07-TH10 and the second-floor, west-facing dining room window of TH06;
 - (iii) Landscaping planters to the balconies of dwellings TH01 – TH05 as well as the roof terrace of TH06;
 - (iv) Reduction in the extent of roof to the northern edge of dwelling TH01;
 - (v) Reduction in the extent of timber screening to the western edge of the balcony of dwelling TH01;
 - (vi) Operable screens to the western, second-floor façade of dwelling TH01 increased in size;
 - (vii) Reduction in extent of brick at the western, second-floor façade of dwelling TH01;
 - (viii) Linear brick patterning to the northern facades of dwellings TH01 – TH05, and;
 - (ix) Cement sheet replaced with brick at the ground-floor, southern façades of dwellings TH06 - TH10.

But further modified to show:

- (b) Deletion of the west-facing, second-floor terrace to dwelling TH06;
- (c) The following windows screened in accordance with the objective of Clause 55.04-6:
 - (i) First-floor, north-facing, bedroom 01 window of TH05;
 - (ii) Second-floor, north-facing balcony of TH05;
 - (iii) Second-floor, north-facing, bedroom 01 window of TH10;
- (d) East and west-facing screens associated with the balconies of dwellings TH01 – TH05 provided with a maximum transparency of 25% to a minimum height of 1.7m above finished balcony floor level and to continue the full extent of the terraces.
- (e) Dimensions to confirm minimum sill heights of 1.7m above finished floor level for the south-facing, second-floor windows of dwellings TH02-TH05.
- (f) Northern facades of dwellings TH06 – TH10 screened to comply with Clause 55.04-7 (internal views objective);
- (g) The following changes to the communal pedestrian entry point:
 - (i) Closely-spaced, open battens to the roofing entry pergola;
 - (ii) Details of lighting;
 - (iii) Entrance gate with a visual permeability of no less than 50%;
 - (iv) Details of mailboxes.
- (h) All front fencing depicted on elevations with a visual transparency of 50%;
- (i) Clarify material for Barrow Place garage doors (maintaining 50% transparency);
- (j) Details of lighting along ground floor, Barrow Place façade;
- (k) Materials schedule acronyms updated to delineate between natural and black timber battens;
- (l) Notations to clarify connection to rainwater tanks (in accordance with the satisfactory Sustainable Management Plan as required by condition 3).
- (m) A minimum capacity of 2.5kW for each dwelling's solar energy facility;
- (n) Show all operable windows on elevations;
- (o) Clarify height of clothesline and screen at the roof terrace of dwelling TH06, with the screen to be no higher than 10.5m above ground level;
- (p) Provision of a 100mm recess to the vertical dwelling delineation strips across the northern façade of dwellings TH01 – TH05 as shown on the sketch plans referenced in condition 1(a);
- (q) Deletion of reference to a waste collection bay on Gibdon Street;

- (r) Surface material for the ground floor setback to Barrow Place to be visually distinguishable from the concrete surface of Barrow Place;
- (s) Vehicle crossing ground clearance sections to show no vehicle scraping for a B85 standard vehicle (crossover to dwelling TH06) and a B99 vehicle (crossover servicing Barrow Place);
- (t) Dwelling TH01 – TH05 provided with a minimum of 3 cubic metres of storage within each balcony;
- (u) Dwelling TH06 provided with a minimum of 3 cubic metres of storage at the ground floor area of secluded private open space;
- (v) The bicycle spaces of dwellings TH01 and TH05 relocated to be above their respective car spaces;
- (w) Eastern boundary walls depicted on the East Elevation corrected to match the plans and to remove adjacent built form (ie. show full extent of east elevation of proposal).
- (x) Details (including glass thickness, window seals and operability) on the south-facing windows of TH06-TH10 and the west-facing habitable room windows of TH06 to ensure mitigation of noise impacts from nearby commercial uses.
- (y) Any change required by the endorsed Sustainability Management Plan (as required by condition 3), where relevant to show on the plans;
- (z) Any change required by the endorsed Landscape Plan (as required by condition 5), where relevant to show on the plans;
- (aa) Any change required by the endorsed Tree Management Plan (as required by condition 9), where relevant to show on the plans;

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 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 Sustainable Management Plan prepared by GIW Environmental Solutions and dated 27 November 2020, but modified to show or include:

- (a) Update the annual energy loads in the BESS report and preliminary NatHERS report so that they are consistent;
- (b) Nominate minimum solar energy capacity of 2.5kW to each dwelling;
- (c) Confirm a target recycling rate of no less than 80% of construction and demolition waste for the construction phase of the development;
- (d) Provide a daylight assessment (modelled or hand-drawn) to clarify daylight access;
- (e) Confirm materials strategy in terms of hazardous materials (i.e. formaldehyde in engineered timber) and volatile organic compounds;
- (f) Provide high level analysis to support peak energy demand statement.
- (g) Confirm a minimum stormwater tank capacity of 20,000L;
- (h) Confirm post-development stormwater discharge will not exceed pre-development levels.
- (i) Clarify additional stormwater treatments (if any);
- (j) Clarify approach to reducing the embodied carbon associated with concrete and steel, including a life cycle assessment;
- (k) Clarify extent of timber products/materials to be recycled or from accredited sustainably harvested plantation sources (FSC or AFS).
- (l) Clarify ownership / use of EV charge point for all residents.
- (m) Clarify that all energy and water management systems will be commissioned in accordance with the manufacturer's specifications
- (n) A statement to demonstrate how material choices have reduced urban heat island effect.

4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Rupert Baynes and dated November 2020, but modified to include (or show) the following:
 - (a) Full details (including dimensions, plant media, maintenance) of the planter boxes to the balconies of dwellings TH01-TH05 and the roof terrace of TH06 as shown on the sketch plans (prepared by MA Architects, dated 03 March 2021).

To the satisfaction of the Responsible Authority.

6. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

7. Before the development commences, the Waste Management Plan (prepared by RB Waste Consulting and dated 26 November 2020) must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Before the development commences, a Tree 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 Tree Management Plan must show or include:
 - (a) Details of how the two street trees on the Gibdon Street frontage will be protected during before, during and post construction;
 - (b) Commitment that if any roots are found during construction of the southern crossover extension, Council arborists will be engaged to prune the roots, with all associated costs borne by the permit holder.

To the satisfaction of the Responsible Authority.

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

11. Before the development commences, the permit holder must provide an Asset Protection Bond of \$10,000 (ex GST) for the trees along Gibdon Street adjacent the frontage of the development to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.

12. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

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

- (a) 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.

14. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all portions of redundant vehicular crossing must be demolished and re-instated with paving, nature strip, kerb and channel:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

to the satisfaction of the Responsible Authority. Oh

15. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

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

to the satisfaction of the Responsible Authority.

16. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the external car parking area and dwelling entrances must be provided within the property boundary. Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity,

to the satisfaction of the Responsible Authority.

17. 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.
18. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
19. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.
20. 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.
21. 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.

22. This permit will expire if:

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

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

NOTES:

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5095 to confirm.

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

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

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

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

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

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

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 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.

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

CARRIED

6.3	PLN18/0328.03 - 459 - 471 Church Street and 20 - 26 Brighton Street Richmond - Section 72 amendment to the permit and plans to amend the approved use of the land as a child care to centre by way of an increase in children from 80 to 104, resulting in a further reduction in the car parking requirements, and associated built form changes to Building C.
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Reference	D21/27578
Author	Jessica Sutherland - Statutory Planner
Authoriser	Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolve to issue a Notice of Decision to Amend a Planning Permit PLN18/0328 at No. 459 – 471 Church Street & 20 – 26 Brighton Street Richmond, with no change to the permit preamble but with the following amendments to the permit conditions:

Conditions (amended and new conditions in bold):

- 1 **Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the architectural plans prepared by Architectus, drawing nos. DA1003, DA1004, DA1007, DA2003, DA2001A, DA2002, DA1006 and the External Finishes Schedule, dated 18 December 2020, but modified to show:**
 - (a) **retention of the entirety of the existing boundary wall to 28 Brighton Street and its height shown correctly.**
 - (b) **the proposed screen on-top of the southern boundary wall shortened in response to Condition 1(a) and angled to demonstrate compliance with Standard A10 (Side and rear setbacks) of Clause 54.04-1 of the Yarra Planning Scheme.**
 - (c) **any requirement of the endorsed Acoustic Report under condition 22 (where relevant to show on plans).**
- 2 The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 3 As part of the ongoing consultant team, Architectus or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee the design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Childcare Centre Use

- 4 Except with the prior written consent of the Responsible Authority, the childcare centre use authorised by this permit may only operate between the hours of 7am and 7pm, Monday to Friday.
- 5 Except with the prior written consent of the Responsible Authority, no more than 22 staff are permitted on the land at any one time.
- 6 **Except with the prior written consent of the Responsible Authority, no more than 104 children are permitted on the land at any one time.**
- 7 **Before the child care use commences, a Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Management Plan will be endorsed and will form part of this permit. The Management Plan must include (or show, or address):**
 - (a) **General programs/schedules for outdoor play, accounting for discrepancies in season, which should be made publicly available for parents and neighbours.**
 - (b) **A contact phone number for the centre's management should be made available to neighbours to facilitate communication and resolve concerns.**
 - (c) **The number of children playing outside be limited to the numbers outlined in the acoustic report.**
 - (d) **Noise minimisation methods to be undertaken by staff, such as comforting crying children and taking them indoors.**
 - (e) **Details of staff training.**

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

Sustainable Management Plan

- 8 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 Cundall in April 2018 and the provisions of the evidence statement of Mr Talacko of Ark Resources dated 4 March 2019, but modified to include or show:
 - (a) a 5 Star Green Star Design and As Built rating generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);
 - (b) a 5 Star NABERS Energy rating generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);
 - (c) compliance with the Urban Stormwater Best Practice Environmental Management Guidelines generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);
 - (d) more information on the expected daylight performance of the buildings and ensure that 30% of floor area can reach a minimum 2% df standard, and provide a suitable VLT for each area to assist achieve this standard generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);

- (e) a completed JV3 energy modelling report, or equivalent, demonstrating the 6 points or 30% improvement in NCC requirements;
 - (f) include all MUSIC model inputs and outputs including catchment area, storage locations and volume and location and number of toilet connections to ensure that best practice in WSUD can be met;
 - (g) ensure the WMP has sufficient spaces allocated to recycling and all waste streams. Ensure recycling is just as convenient as general garbage;
 - (h) the provision of a composting system or provision of an organic waste collection service; and
 - (i) the provision of any electric vehicle charging facilities.
- 9 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

SMP Implementation Report

- 10 Before the development is occupied or by such later date as agreed to by the responsible authority in writing, 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.

Waste Management Plan

- 11 Before the development commences, an amended Waste Management Plan prepared 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 Irwin Consult (dated 4 May 2018), but modified to include:
- (a) the collection for the waste associated with Building C to occur within title boundaries as confirmed within the Waste Management Plan prepared by Irwin Consult (dated 4 March 2019); and
 - (b) details of how food waste will be diverted from the waste stream from the remaining areas of the development.
 - (c) Provision for any waste collected from the childcare to occur from its basement only, and outside peak operating hours of 7 – 9am and 3 – 6pm weekdays.
- 12 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 13 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan

- 14 Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.



When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by MALA Studio prepared on 28 February 2019, but modified to include (or show, or address):

- (a) a detailed planting plan indicating the location and quantity of the species proposed;
- (b) confirm mulch used on the higher levels is a wind tolerant material;
- (c) further details on the raised planter beds such as information on drainage, waterproofing, irrigation and mulch;
- (d) details on the custom furniture proposed;
- (e) deletion of *Pennisetum clandestinum* on Plant Mix C and replacement with a suitable alternative species;
- (f) additional details regarding the mounded planter beds such as maintenance and how to ensure there is no mulch run off from the slope of the garden bed to the adjacent paving areas;
- (g) additional details regarding the relationship between the *Jacarada mimosifolia*, associated garden bed and decking in the courtyard including the provision of a section;
- (h) additional details regarding the landscape feature proposed at the corner of Church and Shamrock Streets;
- (i) deletion of where the internal paving from the courtyard is shown encroaching into the public realm and replace the public realm paving with an asphalt treatment;
- (j) that the 300mm bluestone kerb is maintained (provide a section through that treatment);
- (k) street tree cut outs as being 1m depth x1.5m width and sitting directly behind the bluestone pitcher;
- (l) confirmation that there is sufficient circulation space around the eastern most proposed street tree and the building, with the minimum path of travel and deletion of any obstructions.

15 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority including 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.

Tree Management Plan

16 Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree

Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection of the Manchurian Pear trees located on the adjacent property at 28 Brighton Street:

- (a) pre-construction;
- (b) during construction; and
- (c) post construction
- (d) the provision of any barriers;
- (e) any pruning necessary; and
- (f) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

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

Street Trees

- 18 Before the development commences, the permit holder must provide an Asset Protection Bond of \$10,000 (ex GST) for the three (3) trees in Church Street adjacent the frontage of the development and one (1) tree opposite 22 Brighton Street to the Responsible Authority. The security bond:

- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
- (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
- (c) in accordance with the requirements of this permit; or
- (d) otherwise to the satisfaction of the Responsible Authority.

- 19 Before the development commences, the permit holder must make a one off contribution of \$17,633.25 to the Responsible Authority to be used for:

- (a) the cost of supply, planting and establishment maintenance four trees (one in Church St and three in Brighton St).

Wind

- 20 Before the development commences an updated wind assessment must be submitted and approved by the responsible authority.

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

Acoustic report

- 22 **Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Endorsed Acoustic Report and updated to include the commitments relating to the child care centre in the acoustic report prepared by Cundall and dated 21 December 2020, but further modified to include (or show, or address):**

- (a) the 2.6 metre long angled screen on top of the retained masonry wall on the southern boundary to No. 28 Brighton Street as required by Condition 1(a) of this permit;
 - (b) confirmation that any acoustic fencing, screening and boundary walls may be constructed of any suitable cladding material so long as it has a mass of at least 10kg/m²;
 - (c) The northern elevation of the first floor balcony to be enclosed fully (either by a solid barrier, or by providing glass between the top of the barrier and the second floor soffit above), and the entire ceiling of the first floor balcony area is to be provided with an acoustically absorptive finish with a minimum acoustic absorption performance of NRC 0.8;
 - (d) confirmation that acoustic fencing and screening will have no gaps or holes in it, or the likelihood of such occurring through natural causes, landscaping or deformations, thus allowing noise to easily pass through.
- 23 The acoustic report must 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), the childcare voice noise targets nominated in the report and to any other accepted criteria or requirement to the satisfaction of the Responsible Authority.
- 24 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 25 Within 3 months of occupying the building, an updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the endorsed acoustic report. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-occupation Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:
- (a) Confirm the recommendations of the endorsed acoustic report required as part of **Condition 22** have been implemented;
 - (b) Assess mechanical plant noise to SEPP N-1; and
 - (c) If non-compliance with **Condition 22b** is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.
- 26 The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Transport for Victoria Conditions

- 27 The permit holder must take all reasonable steps to ensure that disruption to tram operation along Church Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty five days (35) prior.

- 28 The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Public Transport Victoria at the full cost of the permit holder.

VicRoads Conditions

- 29 Before the use approved by this permit commences the following roadworks on Church Street, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:
- (a) The provision of Keep Clear line-marking at the intersection of Church Street and Shamrock Street, Richmond.
- 30 Prior to the commencement of the development, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implement prior, during and following excavation to prevent any impact on the Burnley Tunnel is to be submitted to VicRoads and CityLink for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including, but not limited to, demonstrating:
- (a) That the development will not compromise the structural integrity of the Burnley Tunnel;
 - (b) What is the load applied to the ground by the development;
 - (c) What is the depth of the excavation;
 - (d) That the development will not cause changes to groundwater conditions that will result in adverse effect on the Burnley Tunnel.
 - (e) Any holding points requiring VicRoads and CityLink inspection and approval prior to releasing the hold points.
- 31 Prior to the commencement of and during the course of construction the following details must be submitted to the satisfaction of VicRoads and CityLink for approval:
- (a) Initial groundwater level;
 - (b) Expected and confirmation of actual flows and total volume drained during the construction of the basement;
 - (c) if the completed basement is tanked or drained;
 - (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water-table.
 - (e) Temporary or permanent groundwater drawdown greater than 2 metres below existing levels requires the developer to demonstrate the impact of the proposed development on the regional groundwater regime. The developer shall describe how groundwater drawdown will be managed, and demonstrate that there will be an insignificant impact on CityLink assets.

Road Infrastructure

- 32 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 no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required)); and

- (b) to the satisfaction of the Responsible Authority.
- 33 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works, including trenching and excavation for utility service connections must be reconstructed and re-sheeted as single full width areas (with any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement):
- (a) at no cost to the Responsible Authority; and
- (b) to the satisfaction of the Responsible Authority.
- 34 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the subject site's Brighton Street, Shamrock Street and Church Street road frontages must be reconstructed:
- (a) with the footpath having a cross-fall of 1 in 40 or unless otherwise specified by Council;
- (b) at no cost to the Responsible Authority; and
- (c) to the satisfaction of the Responsible Authority.
- 35 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicular crossing on the west side of Brighton Street and the new vehicle crossing on the properties Shamrock Street road frontage must be constructed:
- (a) to satisfy the vehicle ground clearance requirements for the B99 design vehicle;
- (b) at no cost to the Responsible Authority; and
- (c) to the satisfaction of the Responsible Authority.

Streetscape Improvement Plan

- 36 Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development's Shamrock Street frontage (inclusive of the widening of Shamrock Street) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.
- 37 Before the building is occupied, all works associated with the Streetscape Improvement plan as shown on the endorsed plans and Streetscapes Improvement plan (referred to in **Condition 36**) must be fully constructed and completed, at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.

Drainage

- 38 Before the development commences, an amended Drainage Investigation report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Drainage Investigation will be endorsed and will form part of this permit. The amended Drainage Investigation must be generally in accordance with the Drainage Investigation prepared by Northrop Pty Ltd prepared on 31 January 2019, but modified to include (or show, or address):
- (a) a plan showing the location of the pits referenced in the CCTV report prepared by Rapid Cam dated 2 November 2018;
- (b) the use of a back-up system such as a flood gate at the driveway or an internal pump system which discharges to Church Street through the property stormwater; and

- (c) an updated flood risk assessment using a 200mm diameter pipe to determine if this will affect the flood level results.

Widened section of Shamrock Street

- 39 Within 6 months of the commencement of development, the design of the widened section of Shamrock Street must be prepared by an independent and suitably qualified engineering professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must be submitted to and approved by the Responsible Authority. The design of the widening of Shamrock Street must provide details including pavement widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage including the installation of any additional drainage pits and associated connecting drainage to the satisfaction of the Responsible Authority.
- 40 Before the building is occupied, all works associated with the widening of Shamrock Street (referred to in **Condition 39**) must be carried out, at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.
- 41 Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the widened section of Shamrock Street between Church Street and the eastern boundary of the development's Shamrock Street frontage;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in **condition 41(a)** at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in **condition 41(a)**.
- 42 The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Car parking

- 43 Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the management of any visitor car parking spaces and security arrangements for occupants of the development, including details on how visitors are to access car parking;
 - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (c) the number and allocation of storage spaces;
 - (d) any policing arrangements and formal agreements;



- (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (f) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by **Condition 11**; and
 - (g) details regarding the management of loading and unloading of goods and materials.
- 44 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 45 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,
- all to the satisfaction of the Responsible Authority.
- 46 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Green Travel Plan

- 47 Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering prepared on 2 July 2018, but modified to include (or show, or address):
- (a) deletion of any language such as 'could be introduced' and instead of 'should' or otherwise committing to a particular action;
 - (b) the Action Plan at Appendix A to references to all actions included in the report, including any carpooling actions;
 - (c) the promotion of various public transport smartphone apps such as the Public Transport Victoria app and/or train or tram tracker;
 - (d) a description of the location in the context of alternative modes of transport;
 - (e) employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (f) the provision of real time passenger information displays for nearby stops within each lobby;

- (g) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (h) a designated 'manager' or 'champion' responsible for coordination and implementation;
- (i) details of bicycle parking and bicycle routes;
- (j) details of GTP funding and management responsibilities;
- (k) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (l) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (m) security arrangements to access the employee bicycle storage spaces;
- (n) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (o) reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
- (p) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

Lighting

49 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity,

all to the satisfaction of the Responsible Authority.

General

50 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

51 The amenity of the area must not be detrimentally affected by the development and use, 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.

52 The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade, N-1 (SEPP N-1).

- 53 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.
- 54 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 55 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.
- 56 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

- 57 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.
- (q) In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
 - (vi) any site-specific requirements.

58 During the construction:

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

Time expiry

59 This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or

- (b) the development is not completed within four years of the date of this permit; or
- (c) the child care centre use has not commenced within five years of the date of this permit.

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

NOTES:

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 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.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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

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.

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

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

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

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.

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

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

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

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

Overhead power lines run along the east side of Church Street and west side of Brighton Street, close to the property boundary.

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>

VicRoads Note

Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/ projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Church Street). Please contact VicRoads prior to commencing any works.

Submissions

Will Pearce (Applicant)
Anna Bennett

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Nguyen

That having considered all objections and relevant planning policies, the Committee resolve to issue a Notice of Decision to Amend a Planning Permit PLN18/0328 at No. 459 – 471 Church Street & 20 – 26 Brighton Street Richmond, with no change to the permit preamble but with the following amendments to the permit conditions:

Conditions (amended and new conditions in bold):

- 1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the architectural plans prepared by Architectus, drawing nos. DA1003, DA1004, DA1007, DA2003, DA2001A, DA2002, DA1006 and the External Finishes Schedule, dated 18 December 2020, but modified to show:**
 - (a) retention of the entirety of the existing boundary wall to 28 Brighton Street and its height shown correctly.**
 - (b) the screen on the boundary to No. 28 Brighton Street deleted.**
 - (c) any requirement of the endorsed Acoustic Report under condition 22 (where relevant to show on plans).**

- 2 The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 3 As part of the ongoing consultant team, Architectus or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee the design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Childcare Centre Use

- 4 Except with the prior written consent of the Responsible Authority, the childcare centre use authorised by this permit may only operate between the hours of 7am and 7pm, Monday to Friday.
- 5 Except with the prior written consent of the Responsible Authority, no more than 22 staff are permitted on the land at any one time.
- 6 **Except with the prior written consent of the Responsible Authority, no more than 104 children are permitted on the land at any one time.**
- 7 **Before the child care use commences, a Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Management Plan will be endorsed and will form part of this permit. The Management Plan must include (or show, or address):**
 - (a) **General programs/schedules for outdoor play, accounting for discrepancies in season, which should be made publicly available for parents and neighbours.**
 - (b) **A contact phone number for the centre's management should be made available to neighbours to facilitate communication and resolve concerns.**
 - (c) **The number of children playing outside be limited to the numbers outlined in the acoustic report.**
 - (d) **Noise minimisation methods to be undertaken by staff, such as comforting crying children and taking them indoors.**
 - (e) **Details of staff training.**

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

Sustainable Management Plan

- 8 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 Cundall in April 2018 and the provisions of the evidence statement of Mr Talacko of Ark Resources dated 4 March 2019, but modified to include or show:
 - (a) a 5 Star Green Star Design and As Built rating generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);

- (b) a 5 Star NABERS Energy rating generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);
- (c) compliance with the Urban Stormwater Best Practice Environmental Management Guidelines generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);
- (d) more information on the expected daylight performance of the buildings and ensure that 30% of floor area can reach a minimum 2% df standard, and provide a suitable VLT for each area to assist achieve this standard generally in accordance with the Statement of Evidence provided by Ark Resources (prepared on 4 March 2019);
- (e) a completed JV3 energy modelling report, or equivalent, demonstrating the 6 points or 30% improvement in NCC requirements;
- (f) include all MUSIC model inputs and outputs including catchment area, storage locations and volume and location and number of toilet connections to ensure that best practice in WSUD can be met;
- (g) ensure the WMP has sufficient spaces allocated to recycling and all waste streams. Ensure recycling is just as convenient as general garbage;
- (h) the provision of a composting system or provision of an organic waste collection service; and
- (i) the provision of any electric vehicle charging facilities.

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

SMP Implementation Report

10 Before the development is occupied or by such later date as agreed to by the responsible authority in writing, 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.

Waste Management Plan

11 Before the development commences, an amended Waste Management Plan prepared 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 Irwin Consult (dated 4 May 2018), but modified to include:

- (a) the collection for the waste associated with Building C to occur within title boundaries as confirmed within the Waste Management Plan prepared by Irwin Consult (dated 4 March 2019); and
- (b) details of how food waste will be diverted from the waste stream from the remaining areas of the development.
- (c) Provision for any waste collected from the childcare to occur from its basement only, and outside peak operating hours of 7 – 9am and 3 – 6pm weekdays.

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

Landscape Plan

- 14 Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by MALA Studio prepared on 28 February 2019, but modified to include (or show, or address):
 - (a) a detailed planting plan indicating the location and quantity of the species proposed;
 - (b) confirm mulch used on the higher levels is a wind tolerant material;
 - (c) further details on the raised planter beds such as information on drainage, waterproofing, irrigation and mulch;
 - (d) details on the custom furniture proposed;
 - (e) deletion of *Pennisetum clandestinum* on Plant Mix C and replacement with a suitable alternative species;
 - (f) additional details regarding the mounded planter beds such as maintenance and how to ensure there is no mulch run off from the slope of the garden bed to the adjacent paving areas;
 - (g) additional details regarding the relationship between the *Jacarada mimosifolia*, associated garden bed and decking in the courtyard including the provision of a section;
 - (h) additional details regarding the landscape feature proposed at the corner of Church and Shamrock Streets;
 - (i) deletion of where the internal paving from the courtyard is shown encroaching into the public realm and replace the public realm paving with an asphalt treatment;
 - (j) that the 300mm bluestone kerb is maintained (provide a section through that treatment);
 - (k) street tree cut outs as being 1m depth x1.5m width and sitting directly behind the bluestone pitcher;
 - (l) confirmation that there is sufficient circulation space around the eastern most proposed street tree and the building, with the minimum path of travel and deletion of any obstructions.
- 15 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority including 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.

Tree Management Plan

16 Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection of the Manchurian Pear trees located on the adjacent property at 28 Brighton Street:

- (a) pre-construction;
- (b) during construction; and
- (c) post construction
- (d) the provision of any barriers;
- (e) any pruning necessary; and
- (f) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

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

Street Trees

18 Before the development commences, the permit holder must provide an Asset Protection Bond of \$10,000 (ex GST) for the three (3) trees in Church Street adjacent the frontage of the development and one (1) tree opposite 22 Brighton Street to the Responsible Authority. The security bond:

- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
- (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
- (c) in accordance with the requirements of this permit; or
- (d) otherwise to the satisfaction of the Responsible Authority.

19 Before the development commences, the permit holder must make a one off contribution of \$17,633.25 to the Responsible Authority to be used for:

- (a) the cost of supply, planting and establishment maintenance four trees (one in Church St and three in Brighton St).

Wind

20 Before the development commences an updated wind assessment must be submitted and approved by the responsible authority.



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

Acoustic report

- 22 Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Endorsed Acoustic Report and updated to include the commitments relating to the child care centre in the acoustic report prepared by Cundall and dated 21 December 2020, but further modified to include (or show, or address):

- (a) the screen on the boundary to No. 28 Brighton Street deleted;
- (b) confirmation that any acoustic fencing, screening and boundary walls may be constructed of any suitable cladding material so long as it has a mass of at least 10kg/m²;
- (c) The northern elevation of the first floor balcony to be enclosed fully (either by a solid barrier, or by providing glass between the top of the barrier and the second floor soffit above), and the entire ceiling of the first floor balcony area is to be provided with an acoustically absorptive finish with a minimum acoustic absorption performance of NRC 0.8;
- (d) confirmation that acoustic fencing and screening will have no gaps or holes in it, or the likelihood of such occurring through natural causes, landscaping or deformations, thus allowing noise to easily pass through.

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

- 24 Within 3 months of occupying the building, an updated post-occupation Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the endorsed acoustic report. The report must be submitted to and approved by the Responsible Authority. When approved, the updated post-occupation Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must (assess) address the following:

- (a) Confirm the recommendations of the endorsed acoustic report required as part of **Condition 22** have been implemented;
- (b) Assess mechanical plant noise to SEPP N-1; and
- (c) If non-compliance with **Condition 22b** is measured, additional acoustic measures as recommended by the amended post-occupation acoustic report are to be implemented within one month of the date of the amended acoustic report.

- 25 The provisions, recommendations and requirements of the endorsed post-occupation Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Transport for Victoria Conditions

- 26 The permit holder must take all reasonable steps to ensure that disruption to tram operation along Church Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria thirty five days (35) prior.
- 27 The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Public Transport Victoria at the full cost of the permit holder.

VicRoads Conditions

- 28 Before the use approved by this permit commences the following roadworks on Church Street, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:
- (a) The provision of Keep Clear line-marking at the intersection of Church Street and Shamrock Street, Richmond.
- 29 Prior to the commencement of the development, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implement prior, during and following excavation to prevent any impact on the Burnley Tunnel is to be submitted to VicRoads and CityLink for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including, but not limited to, demonstrating:
- (a) That the development will not compromise the structural integrity of the Burnley Tunnel;
- (b) What is the load applied to the ground by the development;
- (c) What is the depth of the excavation;
- (d) That the development will not cause changes to groundwater conditions that will result in adverse effect on the Burnley Tunnel.
- (e) Any holding points requiring VicRoads and CityLink inspection and approval prior to releasing the hold points.
- 30 Prior to the commencement of and during the course of construction the following details must be submitted to the satisfaction of VicRoads and CityLink for approval:
- (a) Initial groundwater level;
- (b) Expected and confirmation of actual flows and total volume drained during the construction of the basement;
- (c) if the completed basement is tanked or drained;
- (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water-table.

- (e) Temporary or permanent groundwater drawdown greater than 2 metres below existing levels requires the developer to demonstrate the impact of the proposed development on the regional groundwater regime. The developer shall describe how groundwater drawdown will be managed, and demonstrate that there will be an insignificant impact on CityLink assets.

Road Infrastructure

- 31** 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 no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required); and
 - (b) to the satisfaction of the Responsible Authority.
- 32** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works, including trenching and excavation for utility service connections must be reconstructed and re-sheeted as single full width areas (with any areas of pavement failure as a consequence of construction traffic must be reinstated with full depth pavement):
 - (a) at no cost to the Responsible Authority; and
 - (b) to the satisfaction of the Responsible Authority.
- 33** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the subject site's Brighton Street, Shamrock Street and Church Street road frontages must be reconstructed:
 - (a) with the footpath having a cross-fall of 1 in 40 or unless otherwise specified by Council;
 - (b) at no cost to the Responsible Authority; and
 - (c) to the satisfaction of the Responsible Authority.
- 34** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicular crossing on the west side of Brighton Street and the new vehicle crossing on the properties Shamrock Street road frontage must be constructed:
 - (a) to satisfy the vehicle ground clearance requirements for the B99 design vehicle;
 - (b) at no cost to the Responsible Authority; and
 - (c) to the satisfaction of the Responsible Authority.

Streetscape Improvement Plan

- 35** Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development's Shamrock Street frontage (inclusive of the widening of Shamrock Street) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

- 36 Before the building is occupied, all works associated with the Streetscape Improvement plan as shown on the endorsed plans and Streetscapes Improvement plan (referred to in **Condition 35**) must be fully constructed and completed, at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.

Drainage

- 37 Before the development commences, an amended Drainage Investigation report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Drainage Investigation will be endorsed and will form part of this permit. The amended Drainage Investigation must be generally in accordance with the Drainage Investigation prepared by Northrop Pty Ltd prepared on 31 January 2019, but modified to include (or show, or address):
- (a) a plan showing the location of the pits referenced in the CCTV report prepared by Rapid Cam dated 2 November 2018;
 - (b) the use of a back-up system such as a flood gate at the driveway or an internal pump system which discharges to Church Street through the property stormwater; and
 - (c) an updated flood risk assessment using a 200mm diameter pipe to determine if this will affect the flood level results.

Widened section of Shamrock Street

- 38 Within 6 months of the commencement of development, the design of the widened section of Shamrock Street must be prepared by an independent and suitably qualified engineering professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must be submitted to and approved by the Responsible Authority. The design of the widening of Shamrock Street must provide details including pavement widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage including the installation of any additional drainage pits and associated connecting drainage to the satisfaction of the Responsible Authority.
- 39 Before the building is occupied, all works associated with the widening of Shamrock Street (referred to in **Condition 38**) must be carried out, at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.
- 40 Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24 hour public access over (and inclusive of the provision of lighting) over that part of the land to be used for the widened section of Shamrock Street between Church Street and the eastern boundary of the development's Shamrock Street frontage;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in **condition 40(a)** at the cost of the owners of the site and to the satisfaction of the Yarra City Council;

- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in **condition 40(a)**.

41 The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Car parking

42 Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the management of any visitor car parking spaces and security arrangements for occupants of the development, including details on how visitors are to access car parking;
- (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (c) the number and allocation of storage spaces;
- (d) any policing arrangements and formal agreements;
- (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
- (f) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by **Condition 11**; and
- (g) details regarding the management of loading and unloading of goods and materials.

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

44 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

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

all to the satisfaction of the Responsible Authority.

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

Green Travel Plan

- 46 Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering prepared on 2 July 2018, but modified to include (or show, or address):

- (a) deletion of any language such as 'could be introduced' and instead of 'should' or otherwise committing to a particular action;
- (b) the Action Plan at Appendix A to references to all actions included in the report, including any carpooling actions;
- (c) the promotion of various public transport smartphone apps such as the Public Transport Victoria app and/or train or tram tracker;
- (d) a description of the location in the context of alternative modes of transport;
- (e) employee welcome packs (e.g. provision of Myki/transport ticketing);
- (f) the provision of real time passenger information displays for nearby stops within each lobby;
- (g) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (h) a designated 'manager' or 'champion' responsible for coordination and implementation;
- (i) details of bicycle parking and bicycle routes;
- (j) details of GTP funding and management responsibilities;
- (k) the types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (l) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (m) security arrangements to access the employee bicycle storage spaces;
- (n) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (o) reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
- (p) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

Lighting

- 48** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- all to the satisfaction of the Responsible Authority.

General

- 49** Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 50** The amenity of the area must not be detrimentally affected by the development and use, 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.
- 51** The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade, N-1 (SEPP N-1).
- 52** 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.
- 53** All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 54** 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.
- 55** Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

- 56** 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.

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

57 During the construction:

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

Time expiry

58 This permit will expire if:

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

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

NOTES:

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 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.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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

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.

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

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

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

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.

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

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

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

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

Overhead power lines run along the east side of Church Street and west side of Brighton Street, close to the property boundary.

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>

VicRoads Note

Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Church Street). Please contact VicRoads prior to commencing any works.

CARRIED UNANIMOUSLY

Reference	D21/35659
Author	Mary Osman - Manager Statutory Planning
Authoriser	Manager Statutory Planning

RECOMMENDATION

1. That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN11/0834 with the following preamble:

THE PERMIT ALLOWS:

Development of the land for buildings and works, including the construction of three buildings, use of the land as accommodation (residential hotel), function centre and restaurant, food and drink premises (café), art gallery, reduction in the car parking requirements and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B8 and B9).

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Staging

- 1 The staging as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Stage 2A

- 2 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 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 application plans; **HV00 – HV13, HV30 – HV32, HV40 – HV42 HV_B8001 and HV_B8002 dated October 2015 and prepared by Lovell Chen and Caydon and TP-000 – TP-003, TP-010 – TP-011, TP-096 – TP-114, TP-130 – TP-144, TP-150 – TP155, TP-166 – TP170, TP-201- TP204, TP-231, TP-251, TP-301 – TP303, TP-500 – TP-501, TP-601 – TP-603, TP-650 – TP-701, TP-720, TP-750 – TP752 and TP-900 – TP-911 received 9 March 2021 and prepared by Caydon** but modified to show:

Staging

- (a) The staging plan for Stage 2A to include:

- i Building B4, B5, B6, B8 and Victoria Bitter Sign and all basement car park levels within Building B9 including all vehicular access and egress ways an loading area;
- ii Building B9 outline on all relevant plans

Land use

- (b) Development schedule to accurately reflect all uses, floor areas and provision of bikes, cars, storage and the like;

Built form

- (c) a complete set of detailed elevation and section drawings of all buildings clearly showing windows, doors, balconies and the like and to correctly label each use;
- (d) details of the fire booster cupboards and treatments;
- (e) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass must be confirmed as meeting the relevant EPA standards for glare;
- (f) treatment of all lower level walls with a graffiti-proof finish;
- (f) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;
- (g) location of all solar panels as outlined within the endorsed SMP;

Building B6

- (h) stair element to south elevation to be treated in another material or detail a patterned concrete finish;
- (i) details of the glazing treatment of B6 and concrete strip pattern to ensure a quality and cohesive design response;
- (j) **design detail of winter gardens to the southern façade of Building B6 to be generally in accordance with sketch plans received 5 May 2021 prepared by Caydon.**

Building B8

- (k) deletion of structural supports at ground level **and along the western elevation** unless no other option is possible as advised by a suitably qualified engineer.
- (l) design detail of proposed wind mitigation screen
- (m) **floor plans to correctly show deletion of windows to Level 7 in locations where they interfere with the proposed retain painted sign and an alternate light source be provided for the internal office space.**
- (n) **update drawing HV_B8001 to show retention of painted signage and deletion of new openings to the west elevation of the silos**

B9 Car parking/bicycle parking

- (o) a maximum of **245 175** spaces on site **with the deletion of a full or part basement level to reduce on site carparking** ;
- (p) ramp grades and lengths dimensioned;
- (q) sectional drawings of the ramps and access ways, demonstrating a minimum headroom clearance of 2.2m, with the exception being a minimum 2.5m height clearance above disabled car parking spaces;
- (r) underside clearance of over-bonnet storage cages;
- (s) all bicycle parking spaces located to the satisfaction of the responsible authority;
- (t) an overall provision of **341** bicycle parking spaces;
- (u) **A minimum of 80 visitor bike spaces to be located at ground level, location and type to be specified on plan**

- (v) number of car parking spaces, storage cages and bicycle parking spaces to correlate between the project area summary and the plans;
- (w) at least 5 car share spaces provided on site;
- (x) electric vehicle charging point locations
- (y) details of the roller/tilt doors to vehicular access and egress point and loading area;

General

- (z) a lighting plan addressing entries and public spaces within the development;
- (aa) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (bb) Location and details of the water tanks as outlined within the SMP (50,000 litre tanks in B6 and B8)
- (cc) changes (as necessary) as per the endorsed, façade strategy, landscape plan Acoustic Report, Wind Report, Sustainable Management Plan, and Waste Management Plan.

Stage 2B

- 3 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 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 application plans; **TP-000 – 003, TP-006, TP-100 – TP-114, TP170 – TP-183, TP-201 – TP-204, TP-271 – TP-273, TP-275 – TP-276, TP-301 – TP-302, TP-502, TP-750 – TP-751 and TP-900 – TP-911 received 9 March 2021 and prepared by Caydon** but modified to show:

Staging

- (a) The staging plan for Stage 2B to include:
 - i Building B9 and Nylex Sign
 - ii Buildings B6 and B8 interface with B9

Land use

- (b) Development schedule to accurately reflect all uses, floor areas and provision of bikes, cars, storage and the like;

Built form

- (c) a complete set of detailed elevation and section drawings of all buildings clearly showing windows, doors, balconies and the like and to correctly label each use;
- (d) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass must be confirmed as meeting the relevant EPA standards for glare;
- (e) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;

Building B9

- (f) deletion of all openings in the wall along the western boundary of B9 and treatment of this interface to avoid its presentation as a blank wall;
- (g) **relocation of substation away from internal square to improve interface with the public square. If that cannot be achieved, instillation of moveable public art which maintain access to the substation and vertical landscaping to improve presentation to the square;**
- (h) **addition of a weather protection canopy to the south-eastern corner of the ground level restaurant;**
- (i) **rationalisation (reduction) of number of air bridges to reduce the number of connection points;**
- (j) **plans to show location and detail of access into the ground level silos art gallery;**
- (k) details of above ground rainwater treatment plant adjacent to silos;

B9 Car parking/bicycle parking

- (l) All car parking and loading areas as endorsed under Stage 2A

Signage

- (m) details of the relocated sign (Nylex), including:
 - i dimensions;
 - ii the colour, materiality and lettering style;
 - iii the type and level of illumination; and
 - iv confirmation that the Nylex sign will be turned on.

General

- (n) a lighting plan addressing entries and public spaces within the development;
- (o) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (p) Location and details of the water tank as outlined within the SMP 60,000 litre tank in B9
- (q) changes (as necessary) as per the endorsed, façade strategy, landscape plan Acoustic Report, Wind Report, Sustainable Management Plan, and Waste Management Plan.

Occupation of Stage 2A

- 4 Prior to the occupation of any of the uses in stage 2A, the car parking, access and loading required for these uses must be constructed, completed and be to the satisfaction of the Responsible Authority.

General

- 5 The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 6 After the relocation of the Nylex sign, the sign must be turned on to the satisfaction of the responsible authority.
- 7 As part of the ongoing consultant team, Fender Katsalidis Architects and Lovell Chen or an architectural firm(s) 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.

Façade Strategy

- 8 In conjunction with the submission of development plans before each stage, a Façade Strategy and Materials and Finishes Plan prepared in consultation with David Local Associates to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical facade details for all buildings;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes to include:
 - i the use of actual bricks (i.e. not snaplock) within the podium level of building B9

Landscape Plan

- 9 Before the plans required by Condition No. 2 or 3 of this permit respectively are endorsed, updated landscape plans generally in accordance with the **Landscape Architecture Plans & Report, prepared by Oculus, dated 9 April 2020** must be submitted to and approved by the Responsible Authority. When approved, the Landscape plans will be endorsed and will form part of this permit. The landscape plan must show:
- (a) Areas proposed to be landscaped (stage 2A or 2B)
 - (b) landscape concepts more consistent with those shown on LP01 – Ground Floor Plan dated 5 June 2017.
 - (c) street tree species for Gough Street to be – *Hymenosporum flavum*, 100L size or a suitable alternative
 - (d) the type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);
 - (e) the location of all areas to be covered by lawn, paving or other surface materials;
 - (f) the specification of works to be undertaken prior to planting;
 - (g) details of the watering and maintenance regime;
 - (h) garden bed dimensions;
 - (i) areas of paving and proposed materials;
 - (j) the location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
 - (k) a clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;

- (l) water sensitive urban design [WSUD] features;
 - (m) a clear delineation of public/private interface;
 - (n) cross-sections of open space areas are required, confirming which areas are raised or sunken;
 - (o) simplification of the ground level paving and lawn treatments (not too busy with larger lawn areas);
 - (p) proposed treatments to unused roof areas;
 - (q) the location of street trees with no loss of on street car parking (excluding for the new crossover);
 - (r) location of bike parking within each landscape precinct;
 - (s) modified landscape treatment to area between B5 and B6 as shown in schematic plan contained within David Lock Associates advice dated 14 February 2020.
 - (t) **additional landscaping proposed to the Gough Street Façade generally in accordance with drawings TP-909 – TP-910 prepared by Caydon dated 3/3/2021**
- 10 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.
 - 11 Before each Stage of 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.
 - 12 All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
 - 13 All pipes except down 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.
 - 14 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any wall located on a boundary facing public property must be treated with a graffiti-proof finish to the satisfaction of the responsible authority.
 - 15 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, laneway and dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
 all to the satisfaction of the responsible authority.
 - 16 The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
 - 17 The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

General Use Conditions

- 18 The amenity of the area must not be detrimentally affected by the uses, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin;
- to the satisfaction of the responsible authority.

B4 café

- 19 Except with the written consent of the responsible authority no more than 84 patrons are permitted in the B4 café at any one time.
- 20 Except with the written consent of the responsible authority the B4 café must only operate between the hours of 7am to 8pm, any day.

B5 restaurant

- 21 Except with the written consent of the responsible authority no more than 195 patrons are permitted in the B5 restaurant at any one time.
- 22 Except with the written consent of the responsible authority the B5 restaurant must only operate between the hours of 7am to 11pm, any day.

B6 restaurants

- 23 Except with the written consent of the responsible authority no more than 120 patrons are permitted in the **ground floor** B6 restaurants at any one time.
- 24 **Except with the written consent of the responsible authority no more than 120 patrons are permitted on the Level 12, B6 restaurants at any one time.**
- 25 Except with the written consent of the responsible authority the B9 restaurants must only operate between the hours of 6am to 11pm, any day.

B9 restaurants

- 26 Except with the written consent of the responsible authority no more than 100 patrons are permitted in the roof top B9 restaurants at any one time.
- 27 **Except with the written consent of the responsible authority no more than 50 patrons are permitted in the ground floor B9 restaurants at any one time.**
- 28 Except with the written consent of the responsible authority the B9 restaurants must only operate between the hours of 7am to 1.00am, any day.

B9 Function centre

- 29 Except with the written consent of the responsible authority no more than 100 patrons are permitted in the function centre at any one time.
- 30 Except with the written consent of the responsible authority the function centre must only operate between the hours of 8am to 11pm, any day.

B9 Art gallery

- 31 Except with the written consent of the responsible authority no more than 50 patrons are permitted in the art gallery at any one time.
- 32 Except with the written consent of the responsible authority the art gallery must only operate between the hours of 8am to 6pm, any day.

Victorian Bitter and Nylex signs

- 33 The location and details of the VB and Nylex signs, including the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 34 The signs must not include any flashing or intermittent light.
- 35 External sign lighting must be designed, baffled and located to the satisfaction of the responsible authority.
- 36 The signage component of this permit will expire if the signs are not erected within six years of the date of this permit. The responsible authority may extend the period referred to if a request is made in writing before the signage component of the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

Structural report requirement

- 37 Before the demolition of either stage (2A or 2B) starts, 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 and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.
- 38 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the responsible authority.

Public Art Management Plan

- 39 Before either stage (2A or 2B) of the development is occupied, a Public Art Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
 - (a) details of the commissioned artist(s);
 - (b) description of art work, including:
 - i materials;
 - ii colours;
 - iii dimensions;
 - iv content;
 - v special features (e.g. lighting);
 - (c) details of the installation process; and
 - (d) details of art work maintenance schedule.
- 40 Before the final Stage of the development is occupied, buildings or by such later date as approved in writing by the responsible authority, the approved public art must be completed or security to the satisfaction of the responsible authority provided to secure its completion. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the responsible authority.

Public realm

- 41 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the Permit holder's expense.
- 42 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the footpaths along the Gough and Cremorne Street frontages of the site must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.
- The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.
- 43 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the road pavements outside the Gough and Cremorne Street frontages of the site must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.
- The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.
- 44 Before each stage of the development 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.
- 45 Before each stage of the buildings are occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossings must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the responsible authority.
- 46 Except with the prior written consent of the responsible authority, Council assets must not be altered in any way. All public works require the consent of the responsible authority prior to any works being undertaken.
- 47 Pit lids and levels must be readjusted to match the surface of the footpath, to the satisfaction of the responsible authority.
- 48 Trees in the road reserves must be provided with structural soils to protect road pavements from damage by roots. The preferred tree cut size is 1.5m x 1.5m.
- 49 The layout of the street trees in Gough Street must show parking spaces between trees.
- 50 All street tree planting works must be carried out by the Council's tree planting contractor. Once tree locations are finalised, a cost to the owner will be determined and the owner is then responsible for payment to Council.

- 51 Prior to the occupation of Stage 2A and subject to obtaining the consent of the responsible authority and any other relevant road authority, all of the proposed network improvements set out in the GTA consultants report dated 18 July 2017 must be the subject of detailed plans and specifications prepared by the owner and then approved by the responsible authority. All works must be carried out in accordance with the approved plans and at the owner's cost in each and every respect.

Public Access Management

- 52 Before each stage of the development starts or at some later time approved by the responsible authority, a Public Access Management Plan must be prepared by the owner and approved by the responsible authority. The Public Access Management Plan must show all areas to be accessible by the public and must provide for the ongoing management and maintenance to the satisfaction of the responsible authority of all publicly accessible areas.
- 53 Once approved, the provisions, recommendations and requirements of the approved Public Access Management Plan must be implemented to the satisfaction of the responsible authority.

Wind Assessment Report

- 54 Before the plans required by Condition No.2 and 3 of this permit are endorsed respectively, an amended Wind Assessment Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority as relevant. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the **Wind Impact Assessment Report, prepared by Vipac Engineers and Scientists, dated 6 May 2020** but modified to:
- (a) reflect the decision plans submitted for endorsement
 - (b) **Stage 2A:**
 - (i) Wind conditions assessment with respect to safety criterion to be plotted on a polar (direction) plot to ensure both comfort and safety criterion have been met;
 - (ii) Confirmation that screen edges have been tested at high wind conditions;
 - (iii) Review wind conditions and any mitigation measures required as a result of development at 1 – 3 Harcourt Parade;
 - (iv) Correct any inconsistency in data included within the report;
 - (v) Review all wind mitigation strategies to ensure satisfactory compliance of wind impacts in the vicinity of these mitigation strategies.
 - (vi) Information of point locations 56 and 59 to be consistent in wind reports for both stages 2A and 2B
 - (c) **Stage 2B**
 - (i) Establishment of walking criteria to be minimum acceptable criterion for the wind effects assessment;
 - (ii) Correction of safety limit and comfort criteria threshold wind speeds as defined at Table 1 of section 3
 - (iii) Wind conditions assessment with respect to safety criterion to be plotted on a polar (direction) plot to ensure both comfort and safety criterion have been met;

- (iv) Information of point locations 56 and 59 to be consistent in wind reports for both stages 2A and 2B
- (v) Information on point locations 60- 63
- (vi) Review all wind mitigation strategies to ensure satisfactory compliance of wind impacts in the vicinity of these mitigation strategies.
- (vii) Review wind conditions and any mitigation measures required as a result of development at 1 – 3 Harcourt Parade;

55 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the responsible authority.

Acoustic report

56 Before the plans required by Condition No. 2 and 3 of this permit are endorsed respectively, an amended Acoustic Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority as relevant. 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 Octave Acoustics, dated **25 September 2020** and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met and must:

- (a) be amended to reflect the decision plans;
- (b) address the impact of the restaurants, food and drinks premises (cafes), function centre, exhibition centre, art gallery and venue on residents on and off the site; and
- (c) demonstrate compliance with the requirements of Schedule 3 to the Comprehensive Development Zone of the Yarra Planning Scheme to ensure that new development or refurbished / converted buildings for new residential and other noise sensitive uses, located on the southern part of the site directly adjacent to City Link, include appropriate acoustic measures as outlined in AS 3671 – 1999 “Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction” to attenuate noise levels internally within the building;

57 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.

58 On the completion of any works required by the endorsed Acoustic Report and before the **occupation** of any Stage of the of the development, an updated Acoustic Report prepared by a suitably qualified acoustic consultant to the satisfaction of the responsible authority must be submitted to the responsible authority demonstrating by measurement that the required level of noise attenuation has been achieved. The report must:

- (a) confirm compliance with relevant conditions of this permit;

59 The recommendations and any works contained in the approved Acoustic Report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the responsible authority.

Residential Hotel Management Plan

- 60 Before the residential hotel use starts, a Residential Hotel Management Plan must be submitted to, and approved by the responsible authority. When approved, the Residential Hotel Management Plan will be endorsed and will then form part of the permit. The Residential Hotel Management Plan must detail the following:
- (a) procedures, and standards for guests to minimise amenity and parking impacts in the neighbourhood.
 - (b) measures to be taken by the operator to ensure that residential hotel guests and visitors do not cause nuisance or annoyance to persons beyond the land;
 - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
 - (d) an outline of all house rules intended to be used to manage residents and guests including:
 - i guest behaviour;
 - ii noise;
 - iii alcohol consumption; and
 - iv methods of eviction if house rules are broken;
 - (e) Management of communal terraces;
 - (f) details of eviction process in the event house rules are broken;
 - (g) standards for property maintenance, health and cleanliness; and
 - (h) security against thefts and break-ins, including security of guests' belongings.

Sustainable Management Plan

- 61 Before each stage of the development starts as relevant an amended Sustainable Management Plans for all buildings (B4, B5, B6, B8 and B9) 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 Irwin Consult dated **18 November 2020**, but modified to show/reflect/demonstrate:
- (a) the decision plans;
 - (b) the changes required as per condition 1 (where relevant);
 - (c) ***Provide a STORM report for each building identifying a score >100% or target outcomes listed in column B (in Green Star table 26.2***
 - (d) a minimum 4 star green star rating for each building;
- 62 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

- 63 Before each stage of 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.

Waste Management Plan

- 64 The provisions, recommendations and requirements of the Waste Management Plans for **Buildings B4 and B5 prepared by WSP dated 22 October 2020 and B6, B8 and B9 prepared by Irwin Consultants dated 18 November 2020** be endorsed and must be implemented and complied with to the satisfaction of the responsible authority.
- 65 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

- 66 Before each stage of the development is occupied, as relevant, or such later date as is approved by the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority, unless security to the satisfaction of the responsible authority is provided for its completion.
- 67 The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants;
- all to the satisfaction of the responsible authority.

Car parking

- 68 Before the development starts, a Car Park Management Plan prepared to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Car Park Management Plan will be endorsed and will then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the development schedule to accurately reflect all uses and floor areas
 - (b) the provision of a maximum of **175** car spaces;
 - (c) the allocation of car parking spaces as follows:
 - (i) 1 café space;
 - (ii) 21 restaurant spaces;
 - (iii) 12 function centres spaces; and
 - (iv) 2 art gallery spaces
 - (v) 121 office space
 - (vi) 13 hotel spaces
 - (vii) 5 car share spaces

The allocation of car spaces can be varies with the written consent of the Responsible Authority.

- (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (f) any policing arrangements and formal agreements;
- (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
- (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the endorsed Waste Management Plan (refer to Condition No. 57 of this permit);
- (i) details regarding the management of loading and unloading of goods and materials for the commercial uses.
- (j) at least five car share spaces to be provided on site.

69 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

70 Before each stage of the development is occupied, as relevant, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

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

to the satisfaction of the responsible authority.

Traffic, roads and footpaths

71 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.

72 Before the development starts, the permit holder must pay a bank guarantee to the value of \$50,000 to the City of Yarra for traffic, car parking, road improvements and associated studies in the Cremorne area.

The bank guarantee may be drawn down by Council and used for the proposed works and study by the responsible authority for traffic/road/car parking improvements in the Cremorne area, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the traffic/road/car parking improvements are not commenced by the relevant authorities before the final Stage of the development is occupied.

Green Travel Plan

- 73 Before each stage of the development is occupied, as relevant, 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 include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
 - (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
 - (c) employee / resident welcome packs (e.g. provision of Myki);
 - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of Green Travel Plan funding and management responsibilities; and
 - (g) include provisions to be updated not less than every five years.
- 74 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

Developer Contribution Plan

- 75 **Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.**

Construction

- 76 Before each stage of the development starts, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management Plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;

- (h) a lighting plan which must include:
 - i details if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
 - ii confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
 - iii confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.
- (i) 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;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) 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;
- (p) 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;
- (q) 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; and
- v other relevant considerations.

77 During the construction:

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

78 Before each stage of the development 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.

79 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossings must be constructed:

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

80 No parking restriction signs must be removed, adjusted, changed or relocated without approval or authorisation from the responsible authority.

81 Except with the prior written consent of the responsible authority, demolition or construction works must not be carried out:

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

Public lighting plan

82 Before each stage of the development starts, as relevant, a Public Lighting Plan must be submitted to and approved by the responsible authority. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must:

- (a) confirm that all primary pedestrian access to a residential/ multi-purpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
- (b) confirm that any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
- (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
- (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
- (e) include a commitment that the permit holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
- (f) confirm that the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the permit holder.

83 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with to the satisfaction of the responsible authority.

VicRoads Conditions

- 84 VicRoads prohibits the construction of building/s or the carrying out of works within the Road Zone Category 1 (i.e. Punt Road and Harcourt Parade).
- 85 VicRoads prohibits vehicular, pedestrian or cycling access to the site along Harcourt Parade.
- 86 The luminance of the advertising sign/s (including The Victoria Bitter and Nylex signs) must be such it does not give a veiling of luminance to the driver, of greater than 0.25cdm², throughout the driver’s approach to the advertising sign/s.
- 87 Before the development starts, a truck wheel wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting land.
- 88 The truck wheel wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Council.

CityLink Conditions

- 89 There should be no interruption to traffic flow on CityLink assets.
- 90 CityLink assets should not be exposed to any waste generated from the project.
- 91 New buildings should not cause any adverse impacts on the users of CityLink (e.g. reflective glare from the buildings).

Melbourne Water Conditions

- 92 The ground floor areas of the new buildings must be constructed with finished floor levels set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.

- 93 All lifts and stairwells, windows, openings, vents or other entry and exit points that could allow entry of floodwaters to the basement must be set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 94 The entry / exit driveway of the basement car park at the north west corner of the site must incorporate a flood proof apex set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 95 Flood resistant materials must be used for the construction of floor levels and walls (including any glass/glazing window panels) below the applicable flood level.
- 96 Signage and flood gauge boards must be provided at the basement car park entrance at the north western end of Gough Street to provide warning for flood depths during extreme flood events, to the satisfaction of Melbourne Water.
- 97 Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
- 98 Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 99 Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Expiry

- 100 This permit will expire if one of the following circumstances applies:
- (a) the development is not started within three years of the issued date of this permit;
 - (b) the development is not completed within six years of the issued date of this permit;
 - (c) the uses are not commenced within nine years from the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

NOTES:

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

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

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

A 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.

This application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria.

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

Submissions

Vicky Grillakis (Applicant)

Huw Richardson

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Nguyen

1. That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN11/0834 with the following preamble:

THE PERMIT ALLOWS:

Development of the land for buildings and works, including the construction of three buildings, use of the land as accommodation (residential hotel), function centre and restaurant, food and drink premises (café), art gallery, reduction in the car parking requirements and construction and display of signs (relocation of Nylex and Victoria Bitter signs on top of silos B8 and B9).

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Staging

- 1 The staging as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Stage 2A

- 2 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 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 application plans;

HV00 – HV13, HV30 – HV32, HV40 – HV42 HV_B8001 and HV_B8002 dated October 2015 and prepared by Lovell Chen and Caydon and TP-000 – TP-003, TP-010 – TP-011, TP-096 – TP-114, TP-130 – TP-144, TP-150 – TP155, TP-166 – TP170, TP-201-TP204, TP-231, TP-251, TP-301 – TP303, TP-500 – TP-501, TP-601 – TP-603, TP-650 – TP-701, TP-720, TP-750 – TP752 and TP-900 – TP-911 received 9 March 2021 and prepared by Caydon but modified to show:

Staging

- (a) The staging plan for Stage 2A to include:
 - i Building B4, B5, B6, B8 and Victoria Bitter Sign and all basement car park levels within Building B9 including all vehicular access and egress ways an loading area;
 - ii Building B9 outline on all relevant plans

Land use

- (b) Development schedule to accurately reflect all uses, floor areas and provision of bikes, cars, storage and the like;

Built form

- (c) a complete set of detailed elevation and section drawings of all buildings clearly showing windows, doors, balconies and the like and to correctly label each use;
- (d) details of the fire booster cupboards and treatments;
- (e) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass must be confirmed as meeting the relevant EPA standards for glare;
- (f) treatment of all lower level walls with a graffiti-proof finish;
- (f) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;
- (g) location of all solar panels as outlined within the endorsed SMP;

Building B6

- (h) stair element to south elevation to be treated in another material or detail a patterned concrete finish;
- (i) details of the glazing treatment of B6 and concrete strip pattern to ensure a quality and cohesive design response;
- (j) **design detail of winter gardens to the southern façade of Building B6 to be generally in accordance with sketch plans received 5 May 2021 prepared by Caydon.**

Building B8

- (k) deletion of structural supports at ground level **and along the western elevation** unless no other option is possible as advised by a suitably qualified engineer.
- (l) design detail of proposed wind mitigation screen.

- (m) **floor plans to correctly show deletion of windows to Level 7 in locations where they interfere with the proposed retain painted sign.**
- (n) **update drawing HV_B8001 to show retention of painted signage and new window location to match architectural drawing TP-251 prepared by Caydon.**

B9 Car parking/bicycle parking

- (o) a maximum of ~~245~~ **175** spaces on site **with the deletion of a full or part basement level to reduce on site carparking;**
- (p) ramp grades and lengths dimensioned;
- (q) sectional drawings of the ramps and access ways, demonstrating a minimum headroom clearance of 2.2m, with the exception being a minimum 2.5m height clearance above disabled car parking spaces;
- (r) underside clearance of over-bonnet storage cages;
- (s) all bicycle parking spaces located to the satisfaction of the responsible authority;
- (t) an overall provision of **341** bicycle parking spaces;
- (u) **A minimum of 80 visitor bike spaces to be located at ground level, location and type to be specified on plan**
- (v) number of car parking spaces, storage cages and bicycle parking spaces to correlate between the project area summary and the plans;
- (w) at least 5 car share spaces provided on site;
- (x) electric vehicle charging point locations
- (y) details of the roller/tilt doors to vehicular access and egress point and loading area;

General

- (z) a lighting plan addressing entries and public spaces within the development;
- (aa) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (bb) Location and details of the water tanks as outlined within the SMP (50,000 litre tanks in B6 and B8)
- (cc) changes (as necessary) as per the endorsed, façade strategy, landscape plan Acoustic Report, Wind Report, Sustainable Management Plan, and Waste Management Plan.

Stage 2B

- 3 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 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 application plans; **TP-000 – 003, TP-006, TP-100 – TP-114, TP170 – TP-183, TP-201 – TP-204, TP-271 – TP-273, TP-275 – TP-276, TP-301 – TP-302, TP-502, TP-750 – TP-751 and TP-900 – TP-911 received 9 March 2021 and prepared by Caydon** but modified to show:

Staging

- (a) The staging plan for Stage 2B to include:
 - i Building B9 and Nylex Sign
 - ii Buildings B6 and B8 interface with B9

Land use

- (b) Development schedule to accurately reflect all uses, floor areas and provision of bikes, cars, storage and the like;

Built form

- (c) a complete set of detailed elevation and section drawings of all buildings clearly showing windows, doors, balconies and the like and to correctly label each use;
- (d) a schedule of external colours and materials, including samples, coloured elevations and perspectives. The façades of all buildings proposing the use of glass must be confirmed as meeting the relevant EPA standards for glare;
- (e) detailed plans showing the interface between the retained/modified heritage fabric and the ground level open space areas;

Building B9

- (f) deletion of all openings in the wall along the western boundary of B9 and treatment of this interface to avoid its presentation as a blank wall;
- (g) **relocation of substation away from internal square to improve interface with the public square. If that cannot be achieved, instillation of moveable public art which maintain access to the substation and vertical landscaping to improve presentation to the square;**
- (h) **addition of a weather protection canopy to the south-eastern corner of the ground level restaurant;**
- (i) **rationalisation of number of air bridges to reduce the number of connection points;**
- (j) **plans to show location and detail of access into the ground level silos art gallery;**
- (k) details of above ground rainwater treatment plant adjacent to silos;

B9 Car parking/bicycle parking

- (l) All car parking and loading areas as endorsed under Stage 2A

Signage

- (m) details of the relocated sign (Nylex), including:
 - i dimensions;
 - ii the colour, materiality and lettering style;
 - iii the type and level of illumination; and
 - iv confirmation that the Nylex sign will be turned on.

General

- (n) a lighting plan addressing entries and public spaces within the development;
- (o) a circulation and public access plan, detailing all fixed elements (including seats) to ensure clear and unfettered public movement is provided through the open space areas;
- (p) Location and details of the water tank as outlined within the SMP 60,000 litre tank in B9
- (q) changes (as necessary) as per the endorsed, façade strategy, landscape plan Acoustic Report, Wind Report, Sustainable Management Plan, and Waste Management Plan.

Occupation of Stage 2A

- 4 Prior to the occupation of any of the uses in stage 2A, the car parking, access and loading required for these uses must be constructed, completed and be to the satisfaction of the Responsible Authority.

General

- 5 The development and uses as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 6 After the relocation of the Nylex sign, the sign must be turned on to the satisfaction of the responsible authority.
- 7 As part of the ongoing consultant team, Fender Katsalidis Architects and Lovell Chen or an architectural firm(s) 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.

Façade Strategy

- 8 In conjunction with the submission of development plans before each stage, a Façade Strategy and Materials and Finishes Plan prepared in consultation with David Local Associates to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical facade details for all buildings;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes to include:
 - i the use of actual bricks (i.e. not snaplock) within the podium level of building B9

Landscape Plan

- 9 Before the plans required by Condition No. 2 or 3 of this permit respectively are endorsed, updated landscape plans generally in accordance with the **Landscape Architecture Plans & Report, prepared by Oculus, dated 9 April 2020** must be submitted to and approved by the Responsible Authority. When approved, the Landscape plans will be endorsed and will form part of this permit. The landscape plan must show:
- (a) Areas proposed to be landscaped (stage 2A or 2B)
 - (b) landscape concepts more consistent with those shown on LP01 – Ground Floor Plan dated 5 June 2017.
 - (c) street tree species for Gough Street to be – *Hymenosporum flavum*, 100L size or a suitable alternative
 - (d) the type, location, quantity, pot size, height at maturity and botanical names of all proposed plants. Species within the landscape buffer must be shade tolerant and must provide clear visual links with the pedestrian link (low level shrubs/plants);
 - (e) the location of all areas to be covered by lawn, paving or other surface materials;
 - (f) the specification of works to be undertaken prior to planting;
 - (g) details of the watering and maintenance regime;
 - (h) garden bed dimensions;
 - (i) areas of paving and proposed materials;
 - (j) the location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
 - (k) a clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
 - (l) water sensitive urban design [WSUD] features;
 - (m) a clear delineation of public/private interface;
 - (n) cross-sections of open space areas are required, confirming which areas are raised or sunken;
 - (o) simplification of the ground level paving and lawn treatments (not too busy with larger lawn areas);
 - (p) proposed treatments to unused roof areas;
 - (q) the location of street trees with no loss of on street car parking (excluding for the new crossover);
 - (r) location of bike parking within each landscape precinct;
 - (s) modified landscape treatment to area between B5 and B6 as shown in schematic plan contained within David Lock Associates advice dated 14 February 2020.
 - (t) **additional landscaping proposed to the Gough Street Façade generally in accordance with drawings TP-909 – TP-910 prepared by Caydon dated 3/3/2021.**

- 10 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.
- 11 Before each Stage of 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.
- 12 All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
- 13 All pipes except down 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.
- 14 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any wall located on a boundary facing public property must be treated with a graffiti-proof finish to the satisfaction of the responsible authority.
- 15 Before each Stage of the development is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, laneway and dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,all to the satisfaction of the responsible authority.
- 16 The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 17 The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

General Use Conditions

- 18 The amenity of the area must not be detrimentally affected by the uses, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) the presence of vermin;to the satisfaction of the responsible authority.

B4 café

- 19 Except with the written consent of the responsible authority no more than 84 patrons are permitted in the B4 café at any one time.
- 20 Except with the written consent of the responsible authority the B4 café must only operate between the hours of 7am to 8pm, any day.

B5 restaurant

- 21 Except with the written consent of the responsible authority no more than 195 patrons are permitted in the B5 restaurant at any one time.
- 22 Except with the written consent of the responsible authority the B5 restaurant must only operate between the hours of 7am to 11pm, any day.

B6 restaurants

- 23 Except with the written consent of the responsible authority no more than 120 patrons are permitted in the **ground floor** B6 restaurants at any one time.
- 24 **Except with the written consent of the responsible authority no more than 120 patrons are permitted on the Level 12, B6 restaurants at any one time.**
- 25 Except with the written consent of the responsible authority the B9 restaurants must only operate between the hours of 6am to 11pm, any day.

B9 restaurants

- 26 Except with the written consent of the responsible authority no more than 100 patrons are permitted in the roof top B9 restaurants at any one time.
- 27 **Except with the written consent of the responsible authority no more than 50 patrons are permitted in the ground floor B9 restaurants at any one time.**
- 28 Except with the written consent of the responsible authority the B9 restaurants must only operate between the hours of 7am to 1.00am, any day.

B9 Function centre

- 29 Except with the written consent of the responsible authority no more than 100 patrons are permitted in the function centre at any one time.
- 30 Except with the written consent of the responsible authority the function centre must only operate between the hours of 8am to 11pm, any day.

B9 Art gallery

- 31 Except with the written consent of the responsible authority no more than 50 patrons are permitted in the art gallery at any one time.
- 32 Except with the written consent of the responsible authority the art gallery must only operate between the hours of 8am to 6pm, any day.

Victorian Bitter and Nylex signs

- 33 The location and details of the VB and Nylex signs, including the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 34 The signs must not include any flashing or intermittent light.
- 35 External sign lighting must be designed, baffled and located to the satisfaction of the responsible authority.
- 36 The signage component of this permit will expire if the signs are not erected within six years of the date of this permit. The responsible authority may extend the period referred to if a request is made in writing before the signage component of the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

Structural report requirement

- 37 Before the demolition of either stage (2A or 2B) starts, 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 and demonstrate the means by which the retained portions of the buildings on-site will be supported during demolition and construction works to ensure their retention.
- 38 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the responsible authority.

Public Art Management Plan

- 39 Before either stage (2A or 2B) of the development is occupied, a Public Art Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) details of the commissioned artist(s);
 - (b) description of art work, including:
 - i materials;
 - ii colours;
 - iii dimensions;
 - iv content;
 - v special features (e.g. lighting);
 - (c) details of the installation process; and
 - (d) details of art work maintenance schedule.
- 40 Before the final Stage of the development is occupied, buildings or by such later date as approved in writing by the responsible authority, the approved public art must be completed or security to the satisfaction of the responsible authority provided to secure its completion. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the responsible authority.

Public realm

- 41 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the Permit holder's expense.
- 42 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the footpaths along the Gough and Cremorne Street frontages of the site must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the responsible authority.

The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40.

43 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the road pavements outside the Gough and Cremorne Street frontages of the site must be profiled and re-sheeted:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the responsible authority.

The cross-fall of the reconstructed footpaths must be no steeper than 1 in 40. Any isolated areas of pavement failure will require full depth road pavement reconstruction.

44 Before each stage of the development 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.

45 Before each stage of the buildings are occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossings must be constructed:

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

46 Except with the prior written consent of the responsible authority, Council assets must not be altered in any way. All public works require the consent of the responsible authority prior to any works being undertaken.

47 Pit lids and levels must be readjusted to match the surface of the footpath, to the satisfaction of the responsible authority.

48 Trees in the road reserves must be provided with structural soils to protect road pavements from damage by roots. The preferred tree cut size is 1.5m x 1.5m.

49 The layout of the street trees in Gough Street must show parking spaces between trees.

50 All street tree planting works must be carried out by the Council's tree planting contractor. Once tree locations are finalised, a cost to the owner will be determined and the owner is then responsible for payment to Council.

51 Prior to the occupation of Stage 2A and subject to obtaining the consent of the responsible authority and any other relevant road authority, all of the proposed network improvements set out in the GTA consultants report dated 18 July 2017 must be the subject of detailed plans and specifications prepared by the owner and then approved by the responsible authority. All works must be carried out in accordance with the approved plans and at the owner's cost in each and every respect.

Public Access Management

52 Before each stage of the development starts or at some later time approved by the responsible authority, a Public Access Management Plan must be prepared by the owner and approved by the responsible authority. The Public Access Management Plan must show all areas to be accessible by the public and must provide for the ongoing management and maintenance to the satisfaction of the responsible authority of all publicly accessible areas.

- 53 Once approved, the provisions, recommendations and requirements of the approved Public Access Management Plan must be implemented to the satisfaction of the responsible authority.

Wind Assessment Report

- 54 Before the plans required by Condition No.2 and 3 of this permit are endorsed respectively, an amended Wind Assessment Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority as relevant. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the **Wind Impact Assessment Report, prepared by Vipac Engineers and Scientists, dated 6 May 2020** but modified to:

- (a) reflect the decision plans submitted for endorsement

(b) Stage 2A:

- (i) Wind conditions assessment with respect to safety criterion to be plotted on a polar (direction) plot to ensure both comfort and safety criterion have been met;
- (ii) Confirmation that screen edges have been tested at high wind conditions;
- (iii) Review wind conditions and any mitigation measures required as a result of development at 1 – 3 Harcourt Parade;
- (iv) Correct any inconsistency in data included within the report;
- (v) Review all wind mitigation strategies to ensure satisfactory compliance of wind impacts in the vicinity of these mitigation strategies.
- (vi) Information of point locations 56 and 59 to be consistent in wind reports for both stages 2A and 2B

(c) Stage 2B

- (i) Establishment of walking criteria to be minimum acceptable criterion for the wind effects assessment;
- (ii) Correction of safety limit and comfort criteria threshold wind speeds as defined at Table 1 of section 3
- (iii) Wind conditions assessment with respect to safety criterion to be plotted on a polar (direction) plot to ensure both comfort and safety criterion have been met;
- (iv) Information of point locations 56 and 59 to be consistent in wind reports for both stages 2A and 2B
- (v) Information on point locations 60- 63
- (vi) Review all wind mitigation strategies to ensure satisfactory compliance of wind impacts in the vicinity of these mitigation strategies.
- (vii) Review wind conditions and any mitigation measures required as a result of development at 1 – 3 Harcourt Parade;

- 55 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the responsible authority.

Acoustic report

- 56 Before the plans required by Condition No. 2 and 3 of this permit are endorsed respectively, an amended Acoustic Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority as relevant. 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 Octave Acoustics, dated **25 September 2020** and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade, No. N-1), the State Environment Protection Policy (Control of Music Noise from Public Premises No. N-2) and relevant Australian Standards will be met and must:
- (a) be amended to reflect the decision plans;
 - (b) address the impact of the restaurants, food and drinks premises (cafes), function centre, exhibition centre, art gallery and venue on residents on and off the site; and
 - (c) demonstrate compliance with the requirements of Schedule 3 to the Comprehensive Development Zone of the Yarra Planning Scheme to ensure that new development or refurbished / converted buildings for new residential and other noise sensitive uses, located on the southern part of the site directly adjacent to City Link, include appropriate acoustic measures as outlined in AS 3671 – 1999 “Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction” to attenuate noise levels internally within the building;
- 57 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.
- 58 On the completion of any works required by the endorsed Acoustic Report and before the **occupation** of any Stage of the of the development, an updated Acoustic Report prepared by a suitably qualified acoustic consultant to the satisfaction of the responsible authority must be submitted to the responsible authority demonstrating by measurement that the required level of noise attenuation has been achieved. The report must:
- (a) confirm compliance with relevant conditions of this permit;
- 59 The recommendations and any works contained in the approved Acoustic Report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the responsible authority.

Residential Hotel Management Plan

- 60 Before the residential hotel use starts, a Residential Hotel Management Plan must be submitted to, and approved by the responsible authority. When approved, the Residential Hotel Management Plan will be endorsed and will then form part of the permit. The Residential Hotel Management Plan must detail the following:
- (a) procedures, and standards for guests to minimise amenity and parking impacts in the neighbourhood.
 - (b) measures to be taken by the operator to ensure that residential hotel guests and visitors do not cause nuisance or annoyance to persons beyond the land;
 - (c) establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;

- (d) an outline of all house rules intended to be used to manage residents and guests including:
 - i guest behaviour;
 - ii noise;
 - iii alcohol consumption; and
 - iv methods of eviction if house rules are broken;
- (e) Management of communal terraces;
- (f) details of eviction process in the event house rules are broken;
- (g) standards for property maintenance, health and cleanliness; and
- (h) security against thefts and break-ins, including security of guests' belongings.

Sustainable Management Plan

- 61 Before each stage of the development starts as relevant an amended Sustainable Management Plans for all buildings (B4, B5, B6, B8 and B9) 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 Irwin Consult dated **18 November 2020**, but modified to show/reflect/demonstrate:
- (a) the decision plans;
 - (b) the changes required as per condition 1 (where relevant);
 - (c) ***Provide a STORM report for each building identifying a score >100% or target outcomes listed in column B (in Green Star table 26.2***
 - (d) a minimum 4 star green star rating for each building;
- 62 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 63 Before each stage of 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.

Waste Management Plan

- 64 The provisions, recommendations and requirements of the Waste Management Plans for **Buildings B4 and B5 prepared by WSP dated 22 October 2020 and B6, B8 and B9 prepared by Irwin Consultants dated 18 November 2020** be endorsed and must be implemented and complied with to the satisfaction of the responsible authority.
- 65 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

- 66 Before each stage of the development is occupied, as relevant, or such later date as is approved by the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority, unless security to the satisfaction of the responsible authority is provided for its completion.
- 67 The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants;
- all to the satisfaction of the responsible authority.

Car parking

- 68 Before the development starts, a Car Park Management Plan prepared to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Car Park Management Plan will be endorsed and will then form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the development schedule to accurately reflect all uses and floor areas
 - (b) the provision of a maximum of **175** car spaces;
 - (c) the allocation of car parking spaces as follows:
 - (i) 1 café space;
 - (ii) 21 restaurant spaces;
 - (iii) 12 function centres spaces; and
 - (iv) 2 art gallery spaces
 - (v) 121 office space
 - (vi) 13 hotel spaces
 - (vii) 5 car share spaces

The allocation of car spaces can be varies with the written consent of the Responsible Authority.
 - (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
 - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (f) any policing arrangements and formal agreements;
 - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;

- (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the endorsed Waste Management Plan (refer to Condition No. 57 of this permit);
- (i) details regarding the management of loading and unloading of goods and materials for the commercial uses.
- (j) at least five car share spaces to be provided on site.

69 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

70 Before each stage of the development is occupied, as relevant, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

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

to the satisfaction of the responsible authority.

Traffic, roads and footpaths

71 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.

72 Before the development starts, the permit holder must pay a bank guarantee to the value of \$50,000 to the City of Yarra for traffic, car parking, road improvements and associated studies in the Cremorne area.

The bank guarantee may be drawn down by Council and used for the proposed works and study by the responsible authority for traffic/road/car parking improvements in the Cremorne area, in consultation with the permit holder. The bank guarantee will be returned to the permit holder if the traffic/road/car parking improvements are not commenced by the relevant authorities before the final Stage of the development is occupied.

Green Travel Plan

73 Before each stage of the development is occupied, as relevant, 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 include, but not be limited to, the following:

- (a) a description of the location in the context of alternative modes of transport;
- (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
- (c) employee / resident welcome packs (e.g. provision of Myki);

- (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (e) details of bicycle parking and bicycle routes;
- (f) details of Green Travel Plan funding and management responsibilities; and
- (g) include provisions to be updated not less than every five years.

74 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

Developer Contribution Plan

75 Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction

76 Before each stage of the development starts, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management Plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) a lighting plan which must include:
 - i details if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority;
 - ii confirmation that existing public lighting would only be disconnected once temporary alternative lighting scheme becomes operational;
 - iii confirmation that the temporary lighting scheme will remain operational until a permanent lighting scheme is reinstated.

- (i) 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;
 - (j) the construction program;
 - (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (l) parking facilities for construction workers;
 - (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (o) 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;
 - (p) 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;
 - (q) 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; and
 - v other relevant considerations.

77 During the construction:

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

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

78 Before each stage of the development 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.

79 Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossings must be constructed:

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

80 No parking restriction signs must be removed, adjusted, changed or relocated without approval or authorisation from the responsible authority.

81 Except with the prior written consent of the responsible authority, demolition or construction works must not be carried out:

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

Public lighting plan

82 Before each stage of the development starts, as relevant, a Public Lighting Plan must be submitted to and approved by the responsible authority. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must:

- (a) confirm that all primary pedestrian access to a residential/ multi-purpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
- (b) confirm that any new poles and luminaires required for the development will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;

- (c) confirm that light spillage into the windows of any existing and proposed residences will be avoided or minimised and must comply with the requirements of Australian Standard AS 4282 – 1997 Control of the obtrusive effects of outdoor lighting;
- (d) confirm that the locations of any new light poles will not obstruct vehicular access into private property;
- (e) include a commitment that the permit holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to “No Go Zone” requirements from the relevant power authority;
- (f) confirm that the supply and installation of any additional or upgraded lighting, electrical hardware and poles will be funded by the permit holder.

83 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with to the satisfaction of the responsible authority.

VicRoads Conditions

84 VicRoads prohibits the construction of building/s or the carrying out of works within the Road Zone Category 1 (i.e. Punt Road and Harcourt Parade).

85 VicRoads prohibits vehicular, pedestrian or cycling access to the site along Harcourt Parade.

86 The luminance of the advertising sign/s (including The Victoria Bitter and Nylex signs) must be such it does not give a veiling of luminance to the driver, of greater than 0.25cdm², throughout the driver’s approach to the advertising sign/s.

87 Before the development starts, a truck wheel wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting land.

88 The truck wheel wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Council.

CityLink Conditions

89 There should be no interruption to traffic flow on CityLink assets.

90 CityLink assets should not be exposed to any waste generated from the project.

91 New buildings should not cause any adverse impacts on the users of CityLink (e.g. reflective glare from the buildings).

Melbourne Water Conditions

92 The ground floor areas of the new buildings must be constructed with finished floor levels set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.

93 All lifts and stairwells, windows, openings, vents or other entry and exit points that could allow entry of floodwaters to the basement must be set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.

- 94 The entry / exit driveway of the basement car park at the north west corner of the site must incorporate a flood proof apex set no lower than 4.37 metres to Australian Height Datum, which is 600mm above the applicable flood level.
- 95 Flood resistant materials must be used for the construction of floor levels and walls (including any glass/glazing window panels) below the applicable flood level.
- 96 Signage and flood gauge boards must be provided at the basement car park entrance at the north western end of Gough Street to provide warning for flood depths during extreme flood events, to the satisfaction of Melbourne Water.
- 97 Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
- 98 Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 99 Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Expiry

100 This permit will expire if one of the following circumstances applies:

- (a) the development is not started within three years of the issued date of this permit;
- (b) the development is not completed within six years of the issued date of this permit;
- (c) the uses are not commenced within nine years from the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

NOTES:

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

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

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

A 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.

This application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria.

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

CARRIED UNANIMOUSLY

-
- 6.5 VCAT application P1878/2020 - 45 Wangaratta Street Richmond - Amend Planning Permit PLN15/1260 pursuant to section 87A of the Planning and Environment Act 1987 to amend the permit which allows 'Use of the land for office, demolition, and construction of a 7 storey building containing offices and food and drinks premises (café) above one basement level in the Mixed Use Zone and Heritage Overlay, reduction in the car parking requirements in clause 52.06 and in accordance with the endorsed plans' by deleting condition 8 which restricts the operating hours of the office use.
-

Reference	D21/32586
Author	Katrina Thomas - Planning Appeals Advocate
Authoriser	Manager Statutory Planning

RECOMMENDATION

1. That having considered all statements of grounds and relevant planning policies, the Planning Decisions Committee resolves to advise VCAT and the parties to VCAT Proceeding P1878/2020 that Council consents to Planning Permit PLN15/1260 being amended as follows:
 - (a) Condition 8 is amended to:

Except with the prior written consent of the Responsible Authority, the outdoor terraces may only be used between the following hours:

 - (a) 7.00am – 10.00pm, 7 days per week.
 - (b) No other changes to the permit conditions.

Submissions

Tim McBride-Burgess (Applicant)
Carol Pelham-Thorman
Michell Shaw
Stephen McCulloch
Michael Phillipson

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Landes **Seconded:** Councillor Stone

That having considered all statements of grounds and relevant planning policies, the Planning Decisions Committee resolves to advise VCAT and the parties to VCAT Proceeding P1878/2020 that Council Objects to Planning Permit PLN15/1260 being amended on the following ground:

1. The deletion of condition 8 of the permit will unreasonably impact the residential amenity of the adjoining area.

CARRIED UNANIMOUSLY

The meeting closed at 9.20pm.

Confirmed at the meeting held on Wednesday 26 May 2021

Chair