



# Minutes

## Planning Decisions Committee

6.30pm, Wednesday 13 October 2021

Microsoft Teams

## 1. Appointment of Chair

Cr Jolly nominated Cr Wade as chair.

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

Cr Wade assumed the chair.

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

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

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

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

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

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

## 3. Attendance and apologies

### Councillors

Cr Edward Crossland

Cr Stephen Jolly

Cr Sophie Wade

### Council officers

Ally Huynh (Senior Co-ordinator Statutory Planning)

Lara Fiscalini (Principal Statutory Planner)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

## 4. Declarations of conflict of interest

No declarations were made.

## 5. Confirmation of Minutes

### **RESOLUTION**

**Moved:** Cr Jolly    **Seconded:** Cr Crossland

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 29 September 2021 be confirmed.

**CARRIED**

## 6 PLANNING DECISIONS COMMITTEE

| Item |   | Page | Res.<br>Page |
|------|---|------|--------------|
| 6.1  | PLN21/0271 - 268-272 Church Street, Richmond - Construction of a multi-storey mixed use building, use of the land for office/shop/food and drink premises (no permit required) and dwellings (permit required) and a reduction of standard car parking requirements | 4    | 15           |
| 6.2  | PLN19/0384.01 - 219 Gore Street, Fitzroy - Section 72 amendment for approval to construct a wall on boundary to the existing dwelling (Deferred from PDC Meeting of 29 September 2021)  | 26   | 26           |

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**6.1**      **PLN21/0271 - 268-272 Church Street, Richmond - Construction of a multi-storey mixed use building, use of the land for office/shop/food and drink premises (no permit required) and dwellings (permit required) and a reduction of standard car parking requirements**

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**Reference**      D21/135990  
**Author**          Daniel Herrmann - Co-Ordinator Statutory Planning  
**Authoriser**     Manager Statutory Planning

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**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for construction of multi storey building, use of the land for dwellings and a reduction in the car parking requirements at 268-272 Church Street, Richmond subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the decision plans, prepared by Cera Stribley Pty Ltd (dated September 2021) but modified to show:
  - (a) Dimension the underside of the proposed canopy;
  - (b) Provision of a raised crossing threshold at the intersection of Church and Berry Street, subject to the approval from Council's Engineering and Urban Design Units;
  - (c) A minimum 400mm high plinth to each commercial tenancy;
  - (d) Notate the capacity of the rainwater tank within the basement, consistent with the SMP and annotation stating 'connected to all apartment toilets for flushing purposes'.
  - (e) Allocation of external storage areas;
  - (f) Operable windows to each commercial tenancy to allow for natural ventilation;
  - (g) Specify one use descriptions for each of the two commercial tenancies as one of the following uses office or food and drink premises;
  - (h) Bike hoop along Church Street to be installed in accordance with the City of Yarra Urban Design bicycle hoop standard detail;
  - (i) A minimum of 22 resident / employee bicycle spaces within a secure facility;
  - (j) At minimum 20% of resident / employee bicycle spaces must be provided as a horizontal bicycle rail;
  - (k) Notations indicating the dimensions of bicycle spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the responsible authority;
  - (l) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
    - (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
    - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.

- (m) Sections and internal elevations of habitable room windows orientated to the southern light court to demonstrate treatments that satisfy the Objective of Clause 58.04-2;
  - (n) Location of convex mirrors to the basement entrance to improve the visibility of motor traffic along the laneway;
  - (o) Demonstrate that the columns and car spaces are designed to satisfy Figure 3.2 of AS/NZS 2890.1:2004;
  - (p) Nominate the car stacker model and demonstrate the car stacker can be accommodated inside the car park;
  - (q) Demonstrate by using a B99 design vehicle template that vehicles will not bottom-out or scrape on the pavement of the laneway or internal slab. The actual levels of the laneway are to be used;
  - (r) Provide a minimum length of 2.5 metres for the 1 in 8 transition grade at the base of the 1 in 4 and 1 in 4.1 ramp sections;
  - (s) Details on how vehicle passing movements would be managed (including Swept path diagrams);
  - (t) Details of the proposed traffic signal system;
  - (u) Any changes required by the amended Wind Assessment at Condition 14;
  - (v) Any changes required by the amended Waste Management Plan at Condition 11;
  - (w) Any changes required by the amended Sustainable Management Plan at Condition 5;
  - (x) Any changes required by the Landscape Plan at Condition 21; and
  - (y) Any changes required by the Acoustic Report at Condition 15.
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.

#### Façade Strategy and Materials and Finishes Plan

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 or 1:50 illustrating typical street wall and upper level details, entries and doors;
  - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) Design of operable windows via cross-section / detailed plans (i.e. size and operability).
  - (d) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls.
4. As part of the ongoing progress and development of the site, Cera Stribley Pty Ltd 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.

#### Sustainable Management Plan

5. In conjunction with the submission of development plans under Condition 1, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan dated April 2021, prepared by Sustainable Development Consultants, but updated to include the following:



- (a) The amended proposal plans, prepared by Cera Stribley, dated September 2021.
  - (b) Maintain a minimum STORM score of 114%.
  - (c) Operable glazing to the ground floor office/retail areas to facilitate natural ventilation.
  - (d) Consistency with the WMP in relation to the bin chute system.
6. 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

7. 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 Leigh Design and dated 18 December 2021, but modified to include:
- (a) Reference to the amended proposal as shown on the plans prepared by Cera Stribley, dated September 2021.
  - (b) A clause stating that Council does not offer a hard waste drop off service, and include website link that confirm items accepted at the recycling centre.
  - (c) A clause must be included in the plan regarding potential review into the service if operational requirements change.
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. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Wind Report

10. Before the development commences, an amended Wind Impact Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Impact Assessment Report will be endorsed and will form part of this Incorporated Document. The Wind Impact Assessment Report must be generally in accordance with the Wind Impact Assessment prepared by VIPAC, dated 11 June 2021, but modified to refer to:
- (a) The amended proposal, including reconfigured roof terraces, shown on the plans prepared by Cera Stribley Pty Ltd, dated September 2021.
  - (b) Wind mitigation measures for the revised roof terraces.

#### Acoustic Report

11. In conjunction with the submission of development plans under Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Potential noise impacts from nearby licensed premises on the proposed dwellings.
  - (b) Potential noise impacts from services on Site on the proposed dwellings.

The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Authority Publication 1826 and the Environmental Protection Regulations 2021.

12. The recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Street Trees

13. Before the development commences, the permit holder must provide an Asset Protection Bond of \$5,000 (ex GST) for the two street trees on Church Street, unless otherwise advised by the Responsible Authority. The security bond:
  - (a) must be provided to the Responsible Authority in the form of a bank cheque or guarantee;
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) must be in accordance with the requirements of this permit.
14. Any pruning required to be undertaken for the street trees along the subject site's Church Street frontage must be completed by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority) with all associated costs to be borne by the permit holder.

#### Tree Management Plan

15. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority and by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of the permit. The Tree Management Plan must make recommendations for:
  - (a) the protection of street trees adjacent the Church Street frontage:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and
  - (d) watering and maintenance regimes,

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

#### Landscape Plan

17. In conjunction with the submission of development plans under Condition 1, 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 Tract dated December 2020, but modified to include (or show):

- (a) Reference to the amended proposal as shown on the plans prepared by Cera Stribley, dated September 2021.
- (b) Planting schedule - show the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (c) Ensure none of the proposed plants are shown on the *DELWP Advisory List of Environmental Weeds*;
- (d) provide details including sections and spot levels for the atrium and mezzanine gardens,
- (e) provide details on the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
- (f) provide details of the *proposed method for irrigation and drainage*;
- (g) detail the *maintenance (duration, regime) and irrigation*;
- (h) show the materiality of the proposed spaces;
- (i) provide a specification of works to be undertaken prior to planting;
- (j) detail if relevant on any sustainable treatments and water harvesting methods; and
- (k) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

18. 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,

all to the satisfaction of the Responsible Authority.

#### Car Park Management Plan

19. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) the management of visitor car parking spaces and security arrangements for occupants and employees of the development, including details on how residential visitors are to access car parking;
  - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (d) The number and allocation of storage spaces;
  - (e) policing arrangements and formal agreements;
  - (f) 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; and
  - (g) details regarding the management of loading and unloading of goods and materials.
20. 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.



### Car parking

21. 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.

### Loading and Unloading

22. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
23. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

### Public Realm Plan

24. Within six (6) months of the commencement of the development or by such later date as is approved by the Responsible Authority, a Public Realm Works plan prepared 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 then form part of the permit. The Public Realm Works plan must show the works associated with:
- (a) A raised threshold crossing at Church Street and Berry Street intersection to be designed in accordance with relevant Council standards and be DDA compliant, including:
    - (i) Drainage details assessing overland flow coming down Berry St under a 100-year event to ensure the depth and spread of the water contained at the raised crossing does not adversely affect the surrounding properties.
  - (b) All pedestrian, vehicle and bicycle footpaths, crossings, roads, drainage, infrastructure works and connections and associated landscaping (external to buildings).
  - (c) Include all paving materials, surface grading and drainage and all existing/proposed fixtures such as public transport shelters, trees, seats, tactiles, handrails and litter bins.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the works shown on the endorsed Public Realm Plan must be carried out and completed to the satisfaction of the Responsible Authority.

### Public Lighting Plan

26. Unless the relevant Authority (i.e. CitiPower) provides written confirmation that the existing public light on pole number 194 can be retained operational during the construction period and will continue to be maintained by the relevant Authority (i.e. Citipower) after the completion of the development, within six months of the commencement of the development authorised by this Permit, or at a later date as agreed in writing by the Responsible Authority the applicant must:
- (a) Provide to Council an alternative Public Lighting Plan to the satisfaction of the Responsible Authority. The Public Lighting Plan must address lighting along Berry Street and the laneway number 808 at the rear of the property; or

- (b) The owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority (Yarra City Council) under Section 173 of the Planning and Environment Act 1987. which provides for the following:
    - (i) The owner of the subject land is responsible for maintaining (in working order) public lighting in Berry Street and the laneway 808 at all times, at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
    - (ii) The owner, or other person in anticipation of becoming the owner, must prepare and submit documentation for title amendments and meet all of the expenses of the preparation and registration of the section 173 Agreement in Land Title Office Victoria, including the costs borne by the Responsible Authority (Yarra City Council).
27. Unless the relevant authority (i.e. CitiPower) provides written confirmation that the existing public light on pole number 194 can be retained operational during the construction period prior to the commencement of construction works, the developer must submit to Yarra City Council a temporary public lighting plan for approval. The temporary lighting scheme should be working until an approved permanent lighting plan (Condition 30) becomes operational.

### Road Infrastructure

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following must occur:
- (a) The kerb and channel along the property's Church Street and Berry Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
  - (b) The footpath along the property's Church Street and Berry Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
  - (c) All redundant vehicle crossings associated with the development must be demolished and reinstated with pavement and kerb and channel to Council's satisfaction and at the Permit Holder's cost
29. 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 Council.
30. 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.
31. Before the building is occupied, or by such later date as approved in writing by the responsible authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
- (a) at developer's cost;
  - (b) the satisfaction of any other relevant authority; and
  - (c) to the satisfaction of the responsible authority.

32. Before the building is occupied, or by such later date as approved in writing by the responsible authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the developer's cost; 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 redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the developer'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, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the developer 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 developer.

#### General

35. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
36. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
37. 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.
38. 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.
39. 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.
40. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
41. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

## Construction Management Plan

42. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to, :
  - (i) contaminated soil;
  - (j) materials and waste;
  - (k) dust;
  - (l) stormwater contamination from run-off and wash-waters;
  - (m) sediment from the land on roads;
  - (n) washing of concrete trucks and other vehicles and machinery; and
  - (o) spillage from refuelling cranes and other vehicles and machinery;
- (p) the construction program;
- (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (r) parking facilities for construction workers;
- (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (u) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (v) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (w) 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;

During the construction:

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

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

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

#### Development Infrastructure Levy

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

#### Community Infrastructure Levy

- 46. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

#### Time Expiry

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

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.

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.

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

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

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

### Submissions made online during the meeting

Joseph Indomenico, Tract (for the applicant)

Ryan Fenwick

Jun Khoo

Guy Evans

Lindy Grahm

Helen Semmler

John Durham

Sauna-Marie Wilson

Stuart Noakes



## PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Cr Crossland

**Seconded:** Cr Wade

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for construction of multi storey building, use of the land for dwellings and a reduction in the car parking requirements at 268-272 Church Street, Richmond subject to the following conditions:

### Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the decision plans, prepared by Cera Stribley Pty Ltd (dated September 2021) but modified to show:
  - (a) Provision of operable external blinds (or similar shading device) to the northern and western apartment windows of the three upper levels;
  - (b) Dimension the underside of the proposed canopy;
  - (c) Provision of a raised crossing threshold at the intersection of Church and Berry Street, subject to the approval from Council's Engineering and Urban Design Units;
  - (d) A minimum 400mm high plinth to each commercial tenancy;
  - (e) Notate the capacity of the rainwater tank within the basement, consistent with the SMP and annotation stating 'connected to all apartment toilets for flushing purposes'.
  - (f) Allocation of external storage areas;
  - (g) Operable windows to each commercial tenancy to allow for natural ventilation;
  - (h) Specify one use descriptions for each of the two commercial tenancies as one of the following uses office or food and drink premises;
  - (i) Bike hoop along Church Street to be installed in accordance with the City of Yarra Urban Design bicycle hoop standard detail;
  - (j) A minimum of 42 resident and 2 employee (1 x per tenancy) bicycle spaces within a secure facility, located on Basement Level 01;
  - (k) At minimum 20% of resident / employee bicycle spaces must be provided as a horizontal bicycle rail;
  - (l) A minimum of two (2) electric bicycle charging points on Basement Level 01;
  - (m) Notations indicating the dimensions of bicycle spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the responsible authority;
  - (n) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
    - (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space.
    - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.
  - (o) Sections and internal elevations of habitable room windows orientated to the southern light court to demonstrate treatments that satisfy the Objective of Clause 58.04-2;
  - (p) Location of convex mirrors to the basement entrance to improve the visibility of motor traffic along the laneway;
  - (q) Demonstrate that the columns and car spaces are designed to satisfy Figure 3.2 of AS/NZS 2890.1:2004;
  - (r) Nominate the car stacker model and demonstrate the car stacker can be accommodated inside the car park;

- (s) Demonstrate by using a B99 design vehicle template that vehicles will not bottom-out or scrape on the pavement of the laneway or internal slab. The actual levels of the laneway are to be used;
- (t) Provide a minimum length of 2.5 metres for the 1 in 8 transition grade at the base of the 1 in 4 and 1 in 4.1 ramp sections;
- (u) Details on how vehicle passing movements would be managed (including Swept path diagrams);
- (v) Details of the proposed traffic signal system;
- (w) Demonstrate safe pedestrian ingress/egress to lift on Basement Levels 01, 02 and 03.
- (x) Provide a minimum of one (1) accessible toilet communally accessible to both commercial tenancies on the ground floor.
- (y) Any changes required by the amended Wind Assessment at Condition 14;
- (z) Any changes required by the amended Waste Management Plan at Condition 11;
- (aa) Any changes required by the amended Sustainable Management Plan at Condition 5;
- (bb) Any changes required by the Landscape Plan at Condition 21;
- (cc) Any changes required by the Acoustic Report at Condition 15; and
- (dd) Explore the possibility to underground overhead services along the Church St and Berry St frontages, if possible.

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.

#### Façade Strategy and Materials and Finishes Plan

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 or 1:50 illustrating typical street wall and upper level details, entries and doors;
  - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) Design of operable windows via cross-section / detailed plans (i.e. size and operability).
  - (d) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls.
4. As part of the ongoing progress and development of the site, Cera Stribley Pty Ltd 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.

#### Sustainable Management Plan

5. In conjunction with the submission of development plans under Condition 1, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan dated April 2021, prepared by Sustainable Development Consultants, but updated to include the following:

- (a) The amended proposal plans, prepared by Cera Stribley, dated September 2021.
- (b) Maintain a minimum STORM score of 114%.
- (c) Operable glazing to the ground floor office/retail areas to facilitate natural ventilation.
- (d) Consistency with the WMP in relation to the bin chute system.

6. 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

7. 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 Leigh Design and dated 18 December 2021, but modified to include:

- (a) Reference to the amended proposal as shown on the plans prepared by Cera Stribley, dated September 2021.
- (b) A clause stating that Council does not offer a hard waste drop off service, and include website link that confirm items accepted at the recycling centre.
- (c) A clause must be included in the plan regarding potential review into the service if operational requirements change.

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. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Wind Report

10. Before the development commences, an amended Wind Impact Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Impact Assessment Report will be endorsed and will form part of this Incorporated Document. The Wind Impact Assessment Report must be generally in accordance with the Wind Impact Assessment prepared by VIPAC, dated 11 June 2021, but modified to refer to:

- (a) The amended proposal, including reconfigured roof terraces, shown on the plans prepared by Cera Stribley Pty Ltd, dated September 2021.
- (b) Wind mitigation measures for the revised roof terraces.

#### Acoustic Report

11. In conjunction with the submission of development plans under Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:

- (a) Potential noise impacts from nearby licensed premises on the proposed dwellings.
- (b) Potential noise impacts from services on Site on the proposed dwellings.

The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Authority Publication 1826 and the Environmental Protection Regulations 2021.

12. The recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Street Trees

13. Before the development commences, the permit holder must provide an Asset Protection Bond of \$5,000 (ex GST) for the two street trees on Church Street, unless otherwise advised by the Responsible Authority. The security bond:
  - (a) must be provided to the Responsible Authority in the form of a bank cheque or guarantee;
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) must be in accordance with the requirements of this permit.
14. Any pruning required to be undertaken for the street trees along the subject site's Church Street frontage must be completed by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority) with all associated costs to be borne by the permit holder.

#### Tree Management Plan

15. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority and by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of the permit. The Tree Management Plan must make recommendations for:
  - (a) the protection of street trees adjacent the Church Street frontage:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and
  - (d) watering and maintenance regimes,

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

#### Landscape Plan

17. In conjunction with the submission of development plans under Condition 1, 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 Tract dated December 2020, but modified to include (or show):
  - (a) Reference to the amended proposal as shown on the plans prepared by Cera Stribley, dated September 2021.

- (b) Planting schedule - show the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (c) Ensure none of the proposed plants are shown on the *DELWP Advisory List of Environmental Weeds*;
- (d) provide details including sections and spot levels for the atrium and mezzanine gardens,
- (e) provide details on the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
- (f) provide details of the *proposed method for irrigation and drainage*;
- (g) detail the *maintenance (duration, regime) and irrigation*;
- (h) show the materiality of the proposed spaces;
- (i) provide a specification of works to be undertaken prior to planting;
- (j) detail if relevant on any sustainable treatments and water harvesting methods; and
- (k) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

18. 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,

all to the satisfaction of the Responsible Authority.

#### Car Park Management Plan

19. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) the management of visitor car parking spaces and security arrangements for occupants and employees of the development, including details on how residential visitors are to access car parking;
  - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (d) The number and allocation of storage spaces;
  - (e) policing arrangements and formal agreements;
  - (f) 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; and
  - (g) details regarding the management of loading and unloading of goods and materials.
20. 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.

### Car parking

21. 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.

### Loading and Unloading

22. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
23. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

### Public Realm Plan

24. Within six (6) months of the commencement of the development or by such later date as is approved by the Responsible Authority, a Public Realm Works plan prepared 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 then form part of the permit. The Public Realm Works plan must show the works associated with:
- (a) A raised threshold crossing at Church Street and Berry Street intersection to be designed in accordance with relevant Council standards and be DDA compliant, including:
    - (i) Drainage details assessing overland flow coming down Berry St under a 100-year event to ensure the depth and spread of the water contained at the raised crossing does not adversely affect the surrounding properties.
  - (b) All pedestrian, vehicle and bicycle footpaths, crossings, roads, drainage, infrastructure works and connections and associated landscaping (external to buildings).
  - (c) Include all paving materials, surface grading and drainage and all existing/proposed fixtures such as public transport shelters, trees, seats, tactiles, handrails and litter bins.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the works shown on the endorsed Public Realm Plan must be carried out and completed to the satisfaction of the Responsible Authority.

### Public Lighting Plan

26. Unless the relevant Authority (i.e. CitiPower) provides written confirmation that the existing public light on pole number 194 can be retained operational during the construction period and will continue to be maintained by the relevant Authority (i.e. Citipower) after the completion of the development, within six months of the commencement of the development authorised by this Permit, or at a later date as agreed in writing by the Responsible Authority the applicant must:



- (a) Provide to Council an alternative Public Lighting Plan to the satisfaction of the Responsible Authority. The Public Lighting Plan must address lighting along Berry Street and the laneway number 808 at the rear of the property; or
- (b) The owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority (Yarra City Council) under Section 173 of the Planning and Environment Act 1987. which provides for the following:
  - (i) The owner of the subject land is responsible for maintaining (in working order) public lighting in Berry Street and the laneway 808 at all times, at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
  - (ii) The owner, or other person in anticipation of becoming the owner, must prepare and submit documentation for title amendments and meet all of the expenses of the preparation and registration of the section 173 Agreement in Land Title Office Victoria, including the costs borne by the Responsible Authority (Yarra City Council).

27. Unless the relevant authority (i.e. CitiPower) provides written confirmation that the existing public light on pole number 194 can be retained operational during the construction period prior to the commencement of construction works, the developer must submit to Yarra City Council a temporary public lighting plan for approval. The temporary lighting scheme should be working until an approved permanent lighting plan (Condition 30) becomes operational.

#### Road Infrastructure

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following must occur:
- (a) The kerb and channel along the property's Church Street and Berry Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
  - (b) The footpath along the property's Church Street and Berry Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
  - (c) All redundant vehicle crossings associated with the development must be demolished and reinstated with pavement and kerb and channel to Council's satisfaction and at the Permit Holder's cost
29. 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 Council.
30. 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.
31. Before the building is occupied, or by such later date as approved in writing by the responsible authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
- (a) at developer's cost;

- (b) the satisfaction of any other relevant authority; and
  - (c) to the satisfaction of the responsible authority.
32. Before the building is occupied, or by such later date as approved in writing by the responsible authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the developer's cost; 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 redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the developer'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, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the developer 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 developer.

#### General

35. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
36. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
37. 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.
38. 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.
39. 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.
40. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

41. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

#### Construction Management Plan

42. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (j) materials and waste;
    - (k) dust;
    - (l) stormwater contamination from run-off and wash-waters;
    - (m) sediment from the land on roads;
    - (n) washing of concrete trucks and other vehicles and machinery; and
    - (o) spillage from refuelling cranes and other vehicles and machinery;
  - (p) the construction program;
  - (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (r) parking facilities for construction workers;
  - (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (u) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (v) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (w) 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;

During the construction:

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

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

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

#### Development Infrastructure Levy

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

#### Community Infrastructure Levy

- 46. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

#### Time Expiry

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

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.

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.

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

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

All future employees, residents, future owners and occupiers within the development approved under this permit will not be permitted to obtain business, resident 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.

**CARRIED**

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6.2      [PLN19/0384.01 - 219 Gore Street, Fitzroy - Section 72 amendment for approval to construct a wall on boundary to the existing dwelling](#)

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|                   |                                       |
|-------------------|---------------------------------------|
| <b>Reference</b>  | D21/137552                            |
| <b>Author</b>     | Erryn Megennis - Statutory Planner    |
| <b>Authoriser</b> | Senior Coordinator Statutory Planning |

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**This matter was withdrawn by the Applicant prior to the meeting.**



The meeting closed at 7.45pm.

**Confirmed at the meeting held on Wednesday 27 October 2021**

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**Chair**