



Minutes

Planning Decisions Committee

6.30pm, Wednesday 17 November 2021

MICROSOFT TEAMS

1. Appointment of Chair

Cr Jolly 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 Stephen Jolly (Substitute for Cr Anab Mohamud)

Cr Claudia Nguyen

Cr Amanda Stone

Council officers

Danielle Connell (Senior Coordinator Statutory Planning)

John Theodosakis (Principal Planner)

Gary O'Reilly (Senior 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 Nguyen **Seconded:** Cr Stone

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 27 October 2021 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN20/0868 - 173 -177 Barkly Avenue, Burnley	4	16
6.2	PLN20/0882 - 471-473 Swan Street, Richmond	29	46
6.3	PLN13/0483.05 - 16-18 River Street Richmond	64	73
6.4	PLN20/0456 (Title B), PLN20/0457 (Title C), PLN20/0458 (Title D) and PLN20/0459 (Title A) - 10 Belgravia Street Richmond	78	97
6.5	PLN21/0331 - 32 Spensley Street Clifton Hill	98	99
6.6	PLN21/0184 - 14-18 Smith Street, Collingwood [CONFIDENTIAL ITEM - VCAT COMPULSORY CONFERENCE WITHOUT PREJUDICE POSITION]		

Reference	D21/139419
Author	John Theodosakis - Principal Planner
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Planning Development Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN20/0868 for the development of the land with a multi - storey building; use as a food and drink premises; alterations to access to a Road Zone (Category 1) and a reduction in the car parking requirement of the Yarra Planning Scheme at 173 – 177 Barkly Avenue, Burnley subject to the following conditions:

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 received by Council on 28th April 2021 and prepared by Gray Puksand and labelled TP00, TP001, TP003, TP004, TP005, TP006, TP008, TP009, TP011, TP012, TP013, TP014, TP015, TP016, TP017, TP018, TP019, TP020, TP110, TP111, TP200, TP209, TP210, TP211, TP212, TP213, TP214, TP215, TP216, TP217, TP218, TP219, TP220, TP250, TP251, TP260, TP262, TP263, TP280, TP300 and TP301 but modified to show:

Built Form

- (a) The changes shown to the basement levels as per the “Without Prejudice Sketch Plans” received by Council on 26th October 2021 with regard to the location of columns.
- (b) The terrace in the north-west corner at Level 2 deleted.
- (c) The terrace in the north-west corner of Level 4 to be deleted and the Level 4 and 5 walls to be set back a minimum distance of 16.4m from the northern boundary.
- (d) A plan notation confirming Level 1 planted area is non-trafficable.
- (e) Level 2 terrace screened to a height of 1.7m above the finished floor level and 25% transparency (minimum) if any of its trafficable area is located within 9m of the secluded private open spaces of dwellings to the north.
- (f) A fully dimensioned northern elevation of the on-boundary wall to the north with any opening into the subject site from St Louis Place clearly depicted.
- (g) The provision of wayfinding signage directing visitors to the visitor bicycle parking at the ground floor.
- (h) Provision of a lightweight or glazed canopy over the footpath to both street frontages above the ground floor.
- (i) The gates at the rear of the food and drinks premises (café) brought forward and closer to Adam Street to avoid the creation of a deep alcove.
- (j) The ground floor plan updated to clearly show the vehicle access gate associated with the basement car park.
- (k) The headroom clearance within the car park levels are to be dimensioned on the drawings.
- (l) The ground floor plan to include all sightlines between vehicles and pedestrian access points to the basement car park.
- (m) The depth and setback of columns within the carpark dimensioned on the drawings.

- (n) The ramp grades, changes of grades, and length of each grade section within the car park levels are to be shown on the diagrams, including all vehicle crossing ground clearances.
- (o) A plan notation confirming that any service cabinet door opening onto a Public Highway must swing 180-degrees and be latched to the building when opened.
- (p) Small car spaces to be identified.

Reports and Plans

- (q) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 3) (where relevant to show on plans).
 - (r) Any requirement of the endorsed Acoustic Report (condition 5) (where relevant to show on plans).
 - (s) Any requirement of the endorsed Landscape Plan (condition 7) (where relevant to show on plans).
 - (t) Any requirement of the endorsed Tree Management Plan (condition 9) (where relevant to show on plans).
 - (u) Any requirement of the endorsed Sustainable Management Plan (condition 11) (where relevant to show on plans).
 - (v) Any requirement of the endorsed Wind Assessment Report (condition 14) (where relevant to show on plans).
 - (w) Any requirement of the endorsed Green Travel Plan (condition 16) (where relevant to show on plans).
 - (x) Any requirement of the endorsed Waste Management Plan (condition 19) (where relevant to show on plans).
 - (y) Any requirement of the endorsed Public Lighting Plan (condition 22) (where relevant to show on plans).
 - (z) Any requirement of the endorsed Car Park Management Plan (condition 25) (where relevant to show on plans).
 - (aa) Any requirement of the endorsed Public Realm Plans / Road Infrastructure (condition 32) (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.

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 podium and tower details, entries and doors;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form; and
 - (c) A materials schedule coloured drawings and renders outlining colours, materials (including glare and reflectivity levels from glazing at lower and upper levels at both close and long range spectrums to the natural environs) and finishes and graffiti proofing of walls to the street, including doors, perforations and upper levels (where necessary).

Ongoing architect involvement

4. As part of the ongoing progress and development of the site, Gray Puksand 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.

Amended Acoustic Report Required

5. 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 Acoustic Report prepared by Cogent Acoustics and dated 22 September 2020, but modified to include (or show, or address):

- (a) Traffic measurements closer to the subject development, at an elevated location with a line of sight to the freeway.
- (b) Background noise levels in the residential area to ensure that the identified environmental noise limits are correct.
- (c) A detailed assessment of all noise from mechanical plant, including the carpark entrance.

The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

Ongoing Acoustic Report Requirement

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

Landscape Plan

7. In conjunction with the submission of development plans under Condition 1, 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 be generally in accordance with that prepared by Site Image Landscape Architects and dated November 2020 and modified to:
 - (a) Show the type, location, quantity, height at maturity and botanical names of all proposed plants whilst addressing:
 - (i) Yarra's Significant Landscape Overlay [LSO1 – Yarra (Birrarung) River Corridor Environs] and how proposed vegetation species match the local plant communities, in this case Volcanic Plains Bioregion Ecological Vegetation Class (EVC) is EVC 55 – Plains Grassy Woodland.
 - (ii) How the proposed planting palette aligns with the Plains Grassy Woodland EVC should be provided, or the planting palette modified to include relevant local indigenous species.
 - (b) Provide information on all planter beds, including the depths and widths, as well as information on soil media, drainage and irrigation.
 - (c) Provide a specification of works to be undertaken prior to planting.
 - (d) Confirm the mulch used on higher levels is a wind tolerant material.
 - (e) Include maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

Ongoing Landscape Plan Requirement

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

Tree Management Plan

9. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the street trees along Adam Street and Barkly Avenue with regard to the protection of these trees during:
 - (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.

Ongoing Tree Management Plan Requirement

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

Amended Sustainable Management Plan

11. 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 Wrap Engineering Pty. Ltd. and dated 26 November 2020 but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) The extension of organic waste management to the office component.
 - (c) Operable windows where these can facilitate for improved natural ventilation and provision of breeze paths identified to demonstrate this and a reduced reliance on mechanical systems.

- (d) Clarify VLT. The SMP mentions '>50%' and 'at least 45%'.
- (e) A preliminary JV3 report to support energy claim and include details relating to energy reductions, HWS, and solar PV generation, with a further note on the rooftop plans to include solar absorptance specifications.
- (f) Clarify HVAC system design and include details in preliminary JV3 report.
- (g) Confirm PV system size, and include generation details in preliminary JV3 report.
- (h) Clarification of % of recycled materials proposed.
- (i) A written statement as to how the development responds to and mitigates urban heat with SRI values of external materials included.
- (j) Consideration of an approach to concrete that reduces Portland cement content via recycled aggregates or Ground-granulated blast-furnace slag (GGBFS).
- (k) Consideration of a small pallet of materials and construction techniques that can assist in disassembly.
- (l) Consideration of partnering with a car-share provider to locate a pod outside or within the site for convenience to staff.
- (m) Consideration of pre-wiring additional spaces for EV charging to future proof the development.
- (n) Consideration of a green roof or wall to further improve the ecological value of this site.

Prior to occupation Sustainable Management Plan Requirement

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

Ongoing Sustainable Management Plan Requirement

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

Amended Wind Impact Assessment Required

14. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the "Environmental Wind Speed measurements on a Wind Tunnel Model of the 173 Barkly Avenue Development, Burnley" prepared and authored by MEL Consultants dated February 2020, but modified to:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) The Level 6 terrace balustrade extended to a minimum 2m height above the floor level.
 - (c) Further analysis to verify the application of a sitting criterion for the seating areas north of the food and drinks premises (café) and the courtyard area.

Ongoing Wind Assessment Requirement

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

Amended Green Travel Plan

16. In conjunction with the submission of development plans under Condition 1, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering Pty. Ltd, but modified to reference:
- (a) The proposal as amended pursuant to Condition 1.
 - (b) EV charging infrastructure.
17. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Ongoing Green Travel Plan Requirement

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

Waste Management Plan

19. 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 COVA Thinking Pty. Ltd. and dated 11 September 2020 (Revision 33), but modified to include:
- (a) Reference to the proposal as amended pursuant to Condition 1.
 - (b) Include the total footprint of the bins allocated and the space available in the bin storage room in square metres.
 - (c) Details and management of hard waste and e-waste.
 - (d) Details of food waste diversion for the entire complex.
 - (e) Details of the management of a waste stream dedicated to glass.
 - (f) The bin store plan showing path of access, hard waste and e-waste area etc.
 - (g) Detail all collection processes and include relevant Risk assessments.
 - (h) Diagrams pertaining to the management of waste including the swept path diagram.
20. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Ongoing Waste Management Plan Requirement

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

Public Lighting Plan Required

22. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along Adam Street and Barkly Avenue, including the northern, residential interface. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for (as relevant):

- (a) A lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1.
- (b) The control of light spillage into the windows of existing residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting".
- (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places.
- (d) A maintenance regime for the lighting scheme within the curtilage of the property.
- (e) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

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

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

to the satisfaction of the Responsible Authority.

Ongoing Public Lighting Plan Requirement

24. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Car Park Management Plan Required

25. Before the use 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 the office use (if any);
- (b) any tandem parking spaces allocated to a single tenancy;
- (c) the number and location of car spaces for shared use, including time of shared use;
- (d) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (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;
- (g) 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 19; and
- (h) details regarding the management of loading and unloading of goods and materials.

Ongoing Car Park Management Plan Requirement

26. 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.

Land Use Conditions - Food and drinks premises (café).

27. Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) authorised by this permit may only operate between the hours of 7am to 10pm, 7 days a week.
28. Except with the prior written consent of the Responsible Authority, the outdoor areas for patrons of the food and drinks premises (café) authorised by this permit may only operate between the hours of 7am to 6pm, 7 days a week.
29. The provision of music on the land must be at a background noise level.
30. Speakers external to the building must not be erected or used.
31. 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.

Public Realm Plan(s) / Works / Road Infrastructure / Street trees

32. Prior to the occupation of the building 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) All pedestrian, vehicle and bicycle footpaths, crossings, roads, drainage, infrastructure works and connections and associated landscaping (external to buildings).
 - (b) Include all paving materials with footpath areas outside and for the length of the subject site constructed of asphalt, surface grading and drainage and all existing/proposed fixtures such as paving, trees and the improvements to the Adam Street kerb outstand.
 - (c) The kerb outstand to the north of the vehicle entrance to Adam Street redesigned to not extend into the adjacent property's street frontage and to maximise on-street car parking.
33. 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.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpaths along the property's Adam Street and Barkly Avenue (service road) frontages must be reconstructed (including kerb and channel):
 - (a) at the permit holder's cost; and
 - (b) 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 full width road pavement of the Adam Street and Barkly Avenue outside the property's frontage must be profiled and re-sheeted:
 - (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, 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.
37. 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.
38. 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
39. 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.
40. Before the development commences, the permit holder must make a one-off contribution of \$4,148 to the Responsible Authority to be used for four new street tree plantings that are required as a result of the development.

General

41. 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.
42. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
43. The use/development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
44. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
45. 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.

46. 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.
47. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
48. 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.

Developer Contribution Plan

49. Prior to the commencement of the development:
 - (a) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or
 - (b) the Owner must enter into an agreement with Yarra City Council to pay the amount of the Development Infrastructure within a time specified in the agreement.

Construction Management Plan

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

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

- (i) using lower noise work practice and equipment;
- (ii) the suitability of the land for the use of an electric crane;
- (iii) silencing all mechanical plant by the best practical means using current technology;
- (iv) fitting pneumatic tools with an effective silencer;
- (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

Ongoing Construction Management Plan Requirement

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

Cultural Heritage

- 52. In the event that the site is identified as an Aboriginal Heritage Site during the construction phase, the mitigation strategy as detailed within the *Significant Ground Disturbance*, authored by Dr Tim Stone (Geomorphologist and Heritage Advisor) and dated September 2020 at page 17 must be undertaken.

Construction Times

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

Time expiry

- 54. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; and
- (c) the food and drink premises (café) is not commenced within five years from the date of this permit.

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

Submissions made online during the meeting

Will Pearce, Human Habitats (for the applicant)
Mark Trescowthick
Adele Hanafin
John Quayle
Katrina Allen
Leann Middlemass
Mark Devlin
Dorothy James

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Cr Jolly

Seconded: Cr Nguyen

That having considered all objections and relevant planning policies, the Planning Development Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN20/0868 for the development of the land with a multi - storey building; use as a food and drink premises; alterations to access to a Road Zone (Category 1) and a reduction in the car parking requirement of the Yarra Planning Scheme at 173 – 177 Barkly Avenue, Burnley subject to the following conditions:

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 received by Council on 28th April 2021 and prepared by Gray Puksand and labelled TP00, TP001, TP003, TP004, TP005, TP006, TP008, TP009, TP011, TP012, TP013, TP014, TP015, TP016, TP017, TP018, TP019, TP020, TP110, TP111, TP200, TP209, TP210, TP211, TP212, TP213, TP214, TP215, TP216, TP217, TP218, TP219, TP220, TP250, TP251, TP260, TP262, TP263, TP280, TP300 and TP301 but modified to show:

Built Form

- (a) The changes shown to the basement levels as per the “Without Prejudice Sketch Plans” received by Council on 26th October 2021 with regard to the location of columns.
- (b) The terrace in the north-west corner at Level 2 deleted.
- (c) The terrace in the north-west corner of Level 4 to be deleted and the Level 4 and 5 walls to be set back a minimum distance of 16.4m from the northern boundary.
- (d) A plan notation confirming Level 1 planted area is non-trafficable.
- (e) The deletion of Levels 6 and 7 with an overall reduction in height.

- (f) Level 2 terrace screened to a height of 1.7m above the finished floor level and 25% transparency (minimum) if any of its trafficable area is located within 9m of the seclude private open spaces of dwellings to the north.
- (g) A fully dimensioned northern elevation of the on-boundary wall to the north with any opening into the subject site from St Louis Place clearly depicted.
- (h) The provision of wayfinding signage directing visitors to the visitor bicycle parking at the ground floor.
- (i) Provision of a lightweight or glazed canopy over the footpath to both street frontages above the ground floor.
- (j) The gates at the rear of the food and drinks premises (café) brought forward and closer to Adam Street to avoid the creation of a deep alcove.
- (k) The ground floor plan updated to clearly show the vehicle access gate associated with the basement car park.
- (l) The headroom clearance within the car park levels are to be dimensioned on the drawings.
- (m) The ground floor plan to include all sightlines between vehicles and pedestrian access points to the basement car park.
- (n) The depth and setback of columns within the carpark dimensioned on the drawings.
- (o) The ramp grades, changes of grades, and length of each grade section within the car park levels are to be shown on the diagrams, including all vehicle crossing ground clearances.
- (p) A plan notation confirming that any service cabinet door opening onto a Public Highway must swing 180-degrees and be latched to the building when opened.
- (q) Small car spaces to be identified.
- (r) The exhaust vent to the car park redesigned to not face north and moved away from the northern boundary.

Reports and Plans

- (s) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 3) (where relevant to show on plans).
 - (t) Any requirement of the endorsed Acoustic Report (condition 5) (where relevant to show on plans).
 - (u) Any requirement of the endorsed Landscape Plan (condition 7) (where relevant to show on plans).
 - (v) Any requirement of the endorsed Tree Management Plan (condition 9) (where relevant to show on plans).
 - (w) Any requirement of the endorsed Sustainable Management Plan (condition 11) (where relevant to show on plans).
 - (x) Any requirement of the endorsed Wind Assessment Report (condition 14) (where relevant to show on plans).
 - (y) Any requirement of the endorsed Green Travel Plan (condition 16) (where relevant to show on plans).
 - (z) Any requirement of the endorsed Waste Management Plan (condition 19) (where relevant to show on plans).
 - (aa) Any requirement of the endorsed Public Lighting Plan (condition 22) (where relevant to show on plans).
 - (bb) Any requirement of the endorsed Car Park Management Plan (condition 25) (where relevant to show on plans).
 - (cc) Any requirement of the endorsed Public Realm Plans / Road Infrastructure (condition 32) (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.

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 podium and tower details, entries and doors;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form; and
 - (c) A materials schedule coloured drawings and renders outlining colours, materials (including glare and reflectivity levels from glazing at lower and upper levels at both close and long range spectrums to the natural environs) and finishes and graffiti proofing of walls to the street, including doors, perforations and upper levels (where necessary).

Ongoing architect involvement

4. As part of the ongoing progress and development of the site, Gray Puksand 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.

Amended Acoustic Report Required

5. 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 Acoustic Report prepared by Cogent Acoustics and dated 22 September 2020, but modified to include (or show, or address):
 - (a) Traffic measurements closer to the subject development, at an elevated location with a line of sight to the freeway.
 - (b) Background noise levels in the residential area to ensure that the identified environmental noise limits are correct.
 - (c) A detailed assessment of all noise from mechanical plant, including the carpark entrance.

The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

Ongoing Acoustic Report Requirement

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

Landscape Plan

7. In conjunction with the submission of development plans under Condition 1, 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 be generally in accordance with that prepared by Site Image Landscape Architects and dated November 2020 and modified to:

- (a) Show the type, location, quantity, height at maturity and botanical names of all proposed plants whilst addressing:
 - (i) Yarra's Significant Landscape Overlay [LSO1 – Yarra (Birrarung) River Corridor Environs] and how proposed vegetation species match the local plant communities, in this case Volcanic Plains Bioregion Ecological Vegetation Class (EVC) is EVC 55 – Plains Grassy Woodland.
 - (ii) How the proposed planting palette aligns with the Plains Grassy Woodland EVC should be provided, or the planting palette modified to include relevant local indigenous species.
- (b) Provide information on all planter beds, including the depths and widths, as well as information on soil media, drainage and irrigation whilst maximising all opportunities for landscaping across the northern interface.
- (c) Provide a specification of works to be undertaken prior to planting.
- (d) Confirm the mulch used on higher levels is a wind tolerant material.
- (e) Include maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

Ongoing Landscape Plan Requirement

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

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

to the satisfaction of the Responsible Authority.

Tree Management Plan

9. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:

- (a) the street trees along Adam Street and Barkly Avenue with regard to the protection of these trees during:
 - (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.

Ongoing Tree Management Plan Requirement

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

Amended Sustainable Management Plan

11. 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 Wrap Engineering Pty. Ltd. and dated 26 November 2020 but modified to include or show:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) The extension of organic waste management to the office component.
 - (c) Operable windows where these can facilitate for improved natural ventilation and provision of breeze paths identified to demonstrate this and a reduced reliance on mechanical systems.
 - (d) Clarify VLT. The SMP mentions '>50%' and 'at least 45%'.
 - (e) A preliminary JV3 report to support energy claim and include details relating to energy reductions, HWS, and solar PV generation, with a further note on the rooftop plans to include solar absorptance specifications.
 - (f) Clarify HVAC system design and include details in preliminary JV3 report.
 - (g) Confirm PV system size, and include generation details in preliminary JV3 report.
 - (h) Clarification of % of recycled materials proposed.
 - (i) A written statement as to how the development responds to and mitigates urban heat with SRI values of external materials included.
 - (j) Consideration of an approach to concrete that reduces Portland cement content via recycled aggregates or Ground-granulated blast-furnace slag (GGBFS).
 - (k) Consideration of a small pallet of materials and construction techniques that can assist in disassembly.
 - (l) Consideration of partnering with a car-share provider to locate a pod outside or within the site for convenience to staff.
 - (m) Consideration of pre-wiring additional spaces for EV charging to future proof the development.
 - (n) Consideration of a green roof or wall to further improve the ecological value of this site.

Prior to occupation Sustainable Management Plan Requirement

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

Ongoing Sustainable Management Plan Requirement

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

Amended Wind Impact Assessment Required

14. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the "Environmental Wind Speed measurements on a Wind Tunnel Model of the 173 Barkly Avenue Development, Burnley" prepared and authored by MEL Consultants dated February 2020, but modified to:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) The Level 6 terrace balustrade extended to a minimum 2m height above the floor level.
 - (c) Further analysis to verify the application of a sitting criterion for the seating areas north of the food and drinks premises (café) and the courtyard area.

Ongoing Wind Assessment Requirement

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

Amended Green Travel Plan

16. In conjunction with the submission of development plans under Condition 1, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering Pty. Ltd, but modified to reference:
 - (a) The proposal as amended pursuant to Condition 1.
 - (b) EV charging infrastructure.
17. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Ongoing Green Travel Plan Requirement

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

Waste Management Plan

19. 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 COVA Thinking Pty. Ltd. and dated 11 September 2020 (Revision 33), but modified to include:

- (a) Reference to the proposal as amended pursuant to Condition 1.
- (b) Include the total footprint of the bins allocated and the space available in the bin storage room in square metres.
- (c) Details and management of hard waste and e-waste.
- (d) Details of food waste diversion for the entire complex.
- (e) Details of the management of a waste stream dedicated to glass.
- (f) The bin store plan showing path of access, hard waste and e-waste area etc.
- (g) Detail all collection processes and include relevant Risk assessments.
- (h) Diagrams pertaining to the management of waste including the swept path diagram.

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

Ongoing Waste Management Plan Requirement

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

Public Lighting Plan Required

22. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along Adam Street and Barkly Avenue, including the northern, residential interface. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for (as relevant):

- (a) A lighting scheme designed for both public highway and new open public area/road/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1.
- (b) The control of light spillage into the windows of existing residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting".
- (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places.
- (d) A maintenance regime for the lighting scheme within the curtilage of the property.
- (e) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

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

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

to the satisfaction of the Responsible Authority.

Ongoing Public Lighting Plan Requirement

24. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Car Park Management Plan Required

25. Before the use 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 the office use (if any);
 - (b) any tandem parking spaces allocated to a single tenancy;
 - (c) the number and location of car spaces for shared use, including time of shared use;
 - (d) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (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;
 - (g) 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 19; and
 - (h) details regarding the management of loading and unloading of goods and materials.

Ongoing Car Park Management Plan Requirement

26. 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.

Land Use Conditions - Food and drinks premises (café).

27. Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) authorised by this permit may only operate between the hours of 10am to 7pm, 7 days a week.
28. Except with the prior written consent of the Responsible Authority, the outdoor areas for patrons of the food and drinks premises (café) authorised by this permit may only operate between the hours of 10am to 7pm, 7 days a week.
29. The provision of music on the land must be at a background noise level.
30. Speakers external to the building must not be erected or used.
31. 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.

Public Realm Plan(s) / Works / Road Infrastructure / Street trees

32. Prior to the occupation of the building 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) All pedestrian, vehicle and bicycle footpaths, crossings, roads, drainage, infrastructure works and connections and associated landscaping (external to buildings).
 - (b) Include all paving materials with footpath areas outside and for the length of the subject site constructed of asphalt, surface grading and drainage and all existing/proposed fixtures such as paving, trees and the improvements to the Adam Street kerb outstand.
 - (c) The kerb outstand to the north of the vehicle entrance to Adam Street redesigned to not extend into the adjacent property's street frontage and to maximise on-street car parking.
33. 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.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpaths along the property's Adam Street and Barkly Avenue (service road) frontages must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
 - (b) 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 full width road pavement of the Adam Street and Barkly Avenue outside the property's frontage must be profiled and re-sheeted:
- (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, 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.
37. 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.
38. 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
39. 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.

40. Before the development commences, the permit holder must make a one-off contribution of \$4,148 to the Responsible Authority to be used for four new street tree plantings that are required as a result of the development.

General

41. 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.
42. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
43. The use/development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
44. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
45. 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.
46. 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.
47. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
48. 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.
49. Speakers external to the building must not be erected.

Developer Contribution Plan

50. Prior to the commencement of the development:
- (a) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or
 - (b) the Owner must enter into an agreement with Yarra City Council to pay the amount of the Development Infrastructure within a time specified in the agreement.

Construction Management Plan

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

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.
In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

Ongoing Construction Management Plan Requirement

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

Cultural Heritage

53. In the event that the site is identified as an Aboriginal Heritage Site during the construction phase, the mitigation strategy as detailed within the *Significant Ground Disturbance*, authored by Dr Tim Stone (Geomorphologist and Heritage Advisor) and dated September 2020 at page 17 must be undertaken.

Construction Times

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

Time expiry

55. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; and
 - (c) the food and drink premises (café) is not commenced within five years from the date of this permit.

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

CARRIED UNANIMOUSLY

Reference	D21/141378
Author	Daniel Herrmann - Co-Ordinator Statutory Planning
Authoriser	Manager Statutory Planning

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 a multi storey building, use of the land for a residential hotel (permit required), use of the land for office and motor vehicle sales (no permit required), a reduction in the car parking requirements, a reduction of the visitor bicycle parking requirements and a removal of access to a Road Zone Category 1 at 471-473 Swan 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 Rothelowman (Revision B, dated 31 August 2021) but modified to show:
 - (a) The changes as depicted on the "Sketch" plans prepared by Rothelowman, received by Council on 13 October 2020 that show:
 - (i) Inclusion of 300mm deep vertical blades adjacent upper level windows of the southern elevation; and
 - (ii) Alternating colours on the blade sides, depending on which direction you approach the building.
 - (b) Demonstrate compliance with the Overlooking Objective of Clause 55.04-6 for the hotel rooms and terraces on Level 03 and 04;
 - (c) Confirm location of the pedestrian entry for the proposed motor vehicles sales showroom to Swan Street;
 - (d) Annotation for the landscape buffer strip separating the port cochere access and Stawell Street footpath to feature a raised kerb edging;
 - (e) Annotation for the pedestrian forecourt between the residential hotel and office lobbies to have a raised level above the port cochere accessway;
 - (f) Bench seating clearly shown adjacent the Swan Street frontage (as depicted on the originally advertised plans);
 - (g) Ground level and Level 1 plans to be annotated to show location 'motor vehicles sales' use;
 - (h) Annotation on Level 2 plan to confirm no access will be provided from the function centre room to the north east light court;
 - (i) Details of the materials/colours of vertical and horizontal fins to all elevations;
 - (j) Depict the location of all side entry pits and other relevant assets along Stawell Street.
 - (k) The vehicle crossings are to be depicted on the drawings as standard Council vehicle crossings. The existing side entry pit on the east side of Stawell Street must have a clearance of no less 1.0 metre from the edge of the new vehicle crossing (southern crossing).

- (l) Car parking spaces 54 and 55 in Basement Level 02 be designated as Small Car Spaces.
 - (m) Car stacker details to be provided, including detail to demonstrate that the floor to ceiling height is adequate for the stacker to be used.
 - (n) The finished floor levels at the front edges of the slabs of entrances for the loading bay and Back of House are to be set 40 mm higher than the south edge of the laneway.
 - (o) A vehicle crossing ground clearance check, including a 1 in 20 scale cross sectional drawing showing the reduced level within 2 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement. All levels are to be shown on a cross sectional drawing, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access into and out of the development;
 - (p) 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.
 - (q) The increased terrace balustrade heights, required by the wind assessment report at Condition 10, to be clear glass (or of an appearance to the satisfaction of the responsible authority).
 - (r) Any changes required by the amended Wind Assessment Report at Condition 10;
 - (s) Any changes required by the amended Waste Management Plan at Condition 7;
 - (t) Any changes required by the amended Sustainable Management Plan at Condition 5;
 - (u) Any changes required by the amended Landscape Plan at Condition 17; and
 - (v) Any changes required by the amended Acoustic Report at Condition 11.
- 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) Details of the materials/colours of vertical and horizontal fins to all elevations;
 - (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, Rothelowman 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 19 August 2021, prepared by Sustainable Development Consultants, but updated to include the following:
- (a) A JV3 report prior to construction to support achievement against NCC and consider improving upon the NCC 2019 minimum requirements.
 - (b) Revised BESS report and JV3 modelling to indicate reductions in heating and cooling of more than 1% and in-line with GHG emission reductions of 15%.
 - (c) Include details of GHG emissions reductions in JV3 report, noting that energy and GHG emission reductions for building fabric and services (not only solar offsets) should be presented.
 - (d) Include details of peak energy demand reductions in JV3 report.
 - (e) Confirm that post-development stormwater flows will not exceed pre-development levels.
 - (f) Clarify whether any water filtration devices are proposed, and if so provide details.
 - (g) Confirm extent of recycled materials and products with post-consumer content included within the design'.
 - (h) Confirm strategy to reduce embodied carbon in concrete through recycled aggregates and other alternatives.
 - (i) Include Green Travel Plan with performance targets and monitoring and reporting components.
- 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 7 July 2020, but modified to include:
- (a) Reference to the amended proposal as shown on the plans prepared by Rothelowman, Revision B, Dated 31 August 2021.
- 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 Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Incorporated Document. The Wind Assessment Report must be generally in accordance with the Pedestrian Wind Assessment prepared by RDWI, dated 15 February 2021, but modified to refer to:
- (a) An updated assessment to include the wind conditions outside the entrance and on the terraces.
 - (b) Apply standing criterion to the drop-off area (port cochere).
 - (c) The landscaping mitigation strategies to be contained wholly within the title boundaries of the Site, while also maintain appropriate pedestrian sightlines to existing and proposed footpaths.
 - (d) Assess wind conditions on terraces in terms of the defined comfort criteria.

Acoustic Report

- 11 In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this permit. The Report must be generally in accordance the acoustic report prepared by RWDI, dated 9 September 2021, but modified to include
- (a) The report updated to include the hours of operation and hours for the sale and consumption of liquor as allowed by this permit and the proposal as amended pursuant to Condition 1.
 - (b) Detailed assessment of mechanical equipment.
 - (c) Review of wall construction of the function centre.
 - (d) Removal of the requirement for an acoustic screen for the Level 2 outdoor terrace.
 - (e) All music in the function room to be played through a calibrated noise limiter / compressor and the monitoring equipment to include an external microphone.

Once endorsed, the Report must not be modified except with the written consent of the Responsible Authority.

- 12 The recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 13 Following completion of the development, and prior to its occupation, a Post Development Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the music noise, mechanical plant, loading dock and roller doors with both Environment Protection Authority Publication 1826 and the Environmental Protection Regulations 2021 and sleep disturbance targets at existing dwellings. When approved, the Report will be endorsed and will then form part of this permit.

- 14 The provisions, recommendations and requirements of the endorsed Post Development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 15 Within 3 months of the commencement of the food and drinks premises uses (restaurant and bar), a Post Commencement 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 Report will be endorsed and will form part of this permit. The Report must assess the following:
- (a) Confirm that the recommendations of the endorsed Acoustic Report required by Condition 11 have been implemented;
 - (b) Assess their effectiveness in meeting the predicted patron noise level and Environment Protection Authority Publication 1826 and the Environmental Protection Regulations 2021 requirements as outlined within the endorsed Acoustic Report required by Condition 11;
 - (c) Include measurements taken on nights where events with amplified background music and maximum patron occupancy (indoors and outdoors) occurs;
 - (d) if non-compliance is measured, recommendations for additional acoustic measures to ensure compliance with the endorsed Acoustic Report required by Condition 11.
- 16 The provisions, recommendations and requirements of the endorsed Post Commencement Acoustic Report be implemented within one month of the endorsement, or as otherwise agreed in writing by the Responsible Authority and complied with to the satisfaction of the Responsible Authority. During the time the additional acoustic measures are being implemented no operations which would cause non-compliance are to take place.

Landscape Plan

- 17 In conjunction with the submission of development plans under Condition 1, an updated landscape plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must be generally in accordance with the landscape concept plans, prepared by Florian Wild, dated Februarys 2021, but modified to show:
- (a) Consistency with the landscaping areas shown on the amended architectural plans, prepared by Rothelowman, Revision B, dated 31 August 2021;
 - (b) Detail the landscape buffer strip separating the port cochere access and Stawell Street footpath to feature a raised kerb;
 - (c) Detail the pedestrian forecourt between the residential hotel and office lobbies has a raised level above the port cochere accessway;
 - (d) Provide a plant schedule and detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants, ensuring none listed on the DELWP list of advisory weeds species;
 - (e) provide details of 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; and
- (j) 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,

to the satisfaction of the Responsible Authority.

Green Travel Plan

- 19 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 Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group dated July 2020, but modified to include:

- (a) Details of bicycle parking shown on the final endorsed plans.

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

Residential Hotel Use

- 21 Except with the prior written consent of the Responsible Authority, the Level 2 internal hotel amenity areas (bar/lounge, restaurant/lounge, gym, pre-function and function centre areas) authorised by this permit may only operate between the following hours:

- (a) Monday to Sunday 6:00am – 1:00am (the following day).

- 22 Except with the prior written consent of the Responsible Authority, the Level 2 and level 4 outdoor terraces associated with the residential hotel authorised by this permit may only operate between the following hours:

- (a) Monday to Sunday 6:00am – 10:00pm.
- (b) Saturday and Sunday 6:00am – 11:00pm.

- 23 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.

24 Before the uses commence, a HMP 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 include or show, but is not limited to, the following:

- (a) A General or Duty Manager will be onsite at all times, providing immediate oversight of security, noise issues, maintenance and actioning of any complaints;
- (b) Ground floor concierge to be staffed between 6am and 1:30am;
- (c) CCTV surveillance to be provided across the premises at all times;
- (d) The gym is restricted to hotel guests only;
- (e) Reception operating hours;
- (f) Hours of operation for Level 2 hotel amenities;
- (g) Staffing/management arrangements;
- (h) Provision for 'after hours' arrivals and departures;
- (i) Security arrangements;
- (j) Initiatives to direct hotel guests to the wider area from Swan Street and not the residential areas to the north (including Stawell and Belgravia Street), with a strategy provided outlining how this will be communicated to guests;
- (k) Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
- (l) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
- (m) An outline of all house rules intended to be used to manage residents and guests including:
 - (i) guest behaviour;
 - (ii) noise;
 - (iii) use of private terraces; and
 - (iv) methods of eviction if house rules are broken;
- (n) Details of eviction process in the event house rules are broken.

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

Sale and Consumption of Liquor

26 The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

27 Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor for Level 2 internal amenity areas (bar/lounge, restaurant/lounge, pre-function and function centre areas) may only occur between the following hours:

- (a) Monday to Saturday 9:00am – 1:00am (the following day).

- (b) Sunday 9:00am – 1:00am (the following day).
- 28 Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor for Level 2 outdoor terrace may only occur between the following hours:
- (a) Sunday to Thursday 9:00am – 10:00pm.
- (b) Friday and Saturday 9:00am – 11:00pm.
- 29 Except with the prior written consent of the Responsible Authority, no more than the following maximum number of patrons are permitted on the land at any time liquor is being sold and consumed:
- (a) Function Centre – 450
- (b) Bar/Lounge – 60
- (c) Restaurant/Lounge – 120
- (d) Outdoor Terrace:
- (i) 9am – 10pm – 80 (Monday to Sunday)
- (ii) 10pm – 11pm – 30 (Friday and Saturday only)
- 30 Speakers external to the building must not be erected or used.
- 31 Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent uses and to leave in a quiet and orderly manner.
- 32 No more than six (6) functions are to be held on the land per week.

Noise and Amenity Action Plan (NAAP)

- 33 Before the uses commence, an amended NAAP for the level two bar/lounge, restaurant/lounge and function centre 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 be generally in accordance with the NAAP, dated September 2021, but modified to include or show (but is not limited to), the following:
- (a) Hours of operation for Level 2 hotel amenities;
- (b) The ground floor concierge to be staffed between 9am and 1:30am (the following day);
- (c) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Commission for Gambling and Liquor Regulation.
- (d) The management and dispersal of patrons to Swan Street, including patrons loitering around the venue after the venue has closed including installation of signage at exit points reminding patrons to leave in a quiet and orderly manner.
- (e) Speakers external to the building must not be erected or used.
- (f) The management of large group bookings.
- (g) The measures to be prevent external queues.

- (h) The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time).
- (i) How the movement and exit of patrons is to be managed, particularly for closing different sections of the venue at different times.
- (j) Details of the provision of music.
- (k) Provision for the internal areas to call 'last drinks' at 12:45am on each night.
- (l) Provision for the internal Level 2 amenity areas to disallow entry and pass outs from 12:30am.
- (m) Any other measures to be undertaken to ensure no unreasonable amenity impacts from the licensed premises.

Once endorsed, the Noise and Amenity Action Plan must not be modified except with the written consent of the Responsible Authority.

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

Public Art

- 35 Within 6 months of the development commencement, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) The location of the artwork (to be consistent with the northern elevation of the endorsed development plans);
 - (b) Outline of methodology for commission;
 - (c) Details of the commissioned artist(s);
 - (d) Description of art work, including:
 - (i) Materials;
 - (ii) Colours;
 - (iii) Dimensions;
 - (iv) Conceptual and site context rationale;
 - (v) Special features (for example lighting);
 - (e) Details of the installation process; and
 - (f) Details of art work maintenance schedule and ongoing ownership/caretaker details.
- 36 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Car parking

- 37 Before the use commences, 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.
- 38 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.

Loading and Unloading

- 39 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.
- 40 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.

Environmental Audit

- 41 Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970* (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
- 42 If the assessment required by Condition 41 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

43 If the assessment required by Condition 41 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
- (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

If, pursuant to Condition 43, a Statement is issued:

(c) the:

- (i) use; and
- (ii) development,

authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;

- (d) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (development pre-commencement conditions);
- (e) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (use pre-commencement conditions);
- (f) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (g) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
- (h) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (iii) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Street trees

- 44 Before the development commences, the permit holder must provide an Asset Protection Bond of \$50,000 (ex GST) for the four (4) existing street trees along Swan 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.
- 45 Any pruning required to be undertaken for the four (4) street trees along the subject site's Swan 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.
- 46 In conjunction with the submission of development plans under Condition 1, an amended 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 amended Tree Management Plan will be endorsed and will form part of the permit. The amended Tree Management Plan must be generally in accordance with the Arboricultural Assessment Report prepared by Glenn Water Arboriculture, dated 21 April 2020 but modified to include (or show):
- (a) All four (4) existing street trees along the Swan Street frontage.

to the satisfaction of the Responsible Authority.
- 47 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.

Public Lighting

- 48 Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the northern boundary laneway and the entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) all pedestrian access to a residential/multipurpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1158.3.1:2020 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements; or higher lighting level as recommended by AS1158.3.1 2020.
 - (b) new poles and luminaires will be sourced from CitiPower standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
 - (c) consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
 - (d) light spillage into the windows of existing and proposed residences will be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 — 2019 Control of the obtrusive effects of outdoor lighting;

- (e) the locations of any new light poles will not obstruct vehicular access into private property;
- (f) the provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority
- (g) if any of the existing public lighting need to be removed it must be replaced with the temporary Light to the satisfaction of the Responsible Authority until the new permanent public lighting is operational.

49 Unless the relevant authority (i.e. CitiPower) provides written confirmation that the permanent replacement light will continue to be maintained by the relevant authority (i.e. Citipower), 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 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:

- (a) The owner of the subject land is responsible for maintaining (in working order) public lighting to Lane No. 1779 as relocated in accordance with Condition [2], at all times, at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
- (b) 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).

Road Infrastructure

50 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following must occur:

- (a) The footpaths along the property's Swan Street, Stawell Street and Belgravia Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
- (b) The existing kerbs are to be retained (fixed control points).
- (c) The new footpaths must have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 33 (for asphalt) and 1 in 40 (for concrete) or unless otherwise specified by Council.
- (d) In providing the new footpaths, the finished floor levels at the development's pedestrian entries must be readjusted to match the new footpath levels.
- (e) 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.

51 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) A lateral clearance of no less than 1.0 metre shall be provided in between the existing side entry pit on the east side of Stawell Street (just north of Swan Street) and the south edge of the southern vehicle crossing;
 - (d) At the Permit Holder's cost; and
 - (e) To the satisfaction of Council.
- 52 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.
- 53 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.
- 54 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.
- 55 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.
- 56 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

- 57 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.

- 58 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 59 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.
- 60 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.
- 61 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.
- 62 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 63 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

- 64 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.

Removal of Section 173 Agreement

65 Before the development commences, the Section 173 Agreement – R169000K in the Register of Titles is to be ended and removed from title.

Development Infrastructure Levy

- 66 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.

Time Expiry

- 67 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 use and the sale and consumption of liquor 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.

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

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.

Submissions made online during the meeting

Vaughan Connor, Contour Consultants (for the applicant)
Bronwyn Gowty

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Cr Nguyen

Seconded: Cr Jolly

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 a multi storey building, use of the land for a residential hotel (permit required), use of the land for office and motor vehicle sales (no permit required), a reduction in the car parking requirements, a reduction of the visitor bicycle parking requirements and a removal of access to a Road Zone Category 1 at 471-473 Swan 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 Rothelowman (Revision B, dated 31 August 2021) but modified to show:
 - (a) The changes as depicted on the "Sketch" plans prepared by Rothelowman, received by Council on 13 October 2020 that show:
 - (i) Inclusion of 300mm deep vertical blades adjacent upper level windows of the southern elevation; and
 - (ii) Alternating colours on the blade sides, depending on which direction you approach the building.
 - (b) All bicycle parking and associated end of trip facilities to be consolidated in one location on Basement Level 01, unless otherwise agreed to by the Responsible Authority.
 - (c) Demonstrate compliance with the Overlooking Objective of Clause 55.04-6 for the hotel rooms and terraces on Level 03 and 04;
 - (d) Confirm location of the pedestrian entry for the proposed motor vehicles sales showroom to Swan Street;

- (e) Annotation for the landscape buffer strip separating the port cochere access and Stawell Street footpath to feature a raised kerb edging;
- (f) Annotation for the pedestrian forecourt between the residential hotel and office lobbies to have a raised level above the port cochere accessway;
- (g) Bench seating clearly shown adjacent the Swan Street frontage (as depicted on the originally advertised plans);
- (h) Ground level and Level 1 plans to be annotated to show location 'motor vehicles sales' use;
- (i) Annotation on Level 2 plan to confirm no access will be provided from the function centre room to the north east light court;
- (j) Details of the materials/colours of vertical and horizontal fins to all elevations;
- (k) Depict the location of all side entry pits and other relevant assets along Stawell Street.
- (l) The vehicle crossings are to be depicted on the drawings as standard Council vehicle crossings. The existing side entry pit on the east side of Stawell Street must have a clearance of no less 1.0 metre from the edge of the new vehicle crossing (southern crossing).
- (m) Car parking spaces 54 and 55 in Basement Level 02 be designated as Small Car Spaces.
- (n) Car stacker details to be provided, including detail to demonstrate that the floor to ceiling height is adequate for the stacker to be used.
- (o) The finished floor levels at the front edges of the slabs of entrances for the loading bay and Back of House are to be set 40 mm higher than the south edge of the laneway.
- (p) A vehicle crossing ground clearance check, including a 1 in 20 scale cross sectional drawing showing the reduced level within 2 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement. All levels are to be shown on a cross sectional drawing, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access into and out of the development;
- (q) 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.
- (r) The increased terrace balustrade heights, required by the wind assessment report at Condition 10, to be clear glass (or of an appearance to the satisfaction of the responsible authority).
- (s) Any changes required by the amended Wind Assessment Report at Condition 10;
- (t) Any changes required by the amended Waste Management Plan at Condition 7;
- (u) Any changes required by the amended Sustainable Management Plan at Condition 5;
- (v) Any changes required by the amended Landscape Plan at Condition 17; and
- (w) Any changes required by the amended Acoustic Report at Condition 11.

- 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) Details of the materials/colours of vertical and horizontal fins to all elevations;
 - (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, Rothelowman 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 19 August 2021, prepared by Sustainable Development Consultants, but updated to include the following:
 - (a) A JV3 report prior to construction to support achievement against NCC and consider improving upon the NCC 2019 minimum requirements.
 - (b) Revised BESS report and JV3 modelling to indicate reductions in heating and cooling of more than 1% and in-line with GHG emission reductions of 15%.
 - (c) Include details of GHG emissions reductions in JV3 report, noting that energy and GHG emission reductions for building fabric and services (not only solar offsets) should be presented.
 - (d) Include details of peak energy demand reductions in JV3 report.
 - (e) Confirm that post-development stormwater flows will not exceed pre-development levels.
 - (f) Clarify whether any water filtration devices are proposed, and if so provide details.
 - (g) Confirm extent of recycled materials and products with post-consumer content included within the design'.
 - (h) Confirm strategy to reduce embodied carbon in concrete through recycled aggregates and other alternatives.
 - (i) Include Green Travel Plan with performance targets and monitoring and reporting components.

- 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 7 July 2020, but modified to include:
 - (a) Reference to the amended proposal as shown on the plans prepared by Rothelowman, Revision B, Dated 31 August 2021.
- 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 Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Incorporated Document. The Wind Assessment Report must be generally in accordance with the Pedestrian Wind Assessment prepared by RDWI, dated 15 February 2021, but modified to refer to:
 - (a) An updated assessment to include the wind conditions outside the entrance and on the terraces.
 - (b) Apply standing criterion to the drop-off area (port cochere).
 - (c) The landscaping mitigation strategies to be contained wholly within the title boundaries of the Site, while also maintain appropriate pedestrian sightlines to existing and proposed footpaths.
 - (d) Assess wind conditions on terraces in terms of the defined comfort criteria.

Acoustic Report

- 11 In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this permit. The Report must be generally in accordance the acoustic report prepared by RWDI, dated 9 September 2021, but modified to include

- (a) The report updated to include the hours of operation and hours for the sale and consumption of liquor as allowed by this permit and the proposal as amended pursuant to Condition 1.
- (b) Detailed assessment of mechanical equipment.
- (c) Review of wall construction of the function centre.
- (d) Removal of the requirement for an acoustic screen for the Level 2 outdoor terrace.
- (e) All music in the function room to be played through a calibrated noise limiter / compressor and the monitoring equipment to include an external microphone.

Once endorsed, the Report must not be modified except with the written consent of the Responsible Authority.

- 12 The recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 13 Following completion of the development, and prior to its occupation, a Post Development Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the music noise, mechanical plant, loading dock and roller doors with both Environment Protection Authority Publication 1826 and the Environmental Protection Regulations 2021 and sleep disturbance targets at existing dwellings. When approved, the Report will be endorsed and will then form part of this permit.
- 14 The provisions, recommendations and requirements of the endorsed Post Development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 15 Within 3 months of the commencement of the food and drinks premises uses (restaurant and bar), a Post Commencement 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 Report will be endorsed and will form part of this permit. The Report must assess the following:
 - (a) Confirm that the recommendations of the endorsed Acoustic Report required by Condition 11 have been implemented;
 - (b) Assess their effectiveness in meeting the predicted patron noise level and Environment Protection Authority Publication 1826 and the Environmental Protection Regulations 2021 requirements as outlined within the endorsed Acoustic Report required by Condition 11;
 - (c) Include measurements taken on nights where events with amplified background music and maximum patron occupancy (indoors and outdoors) occurs;
 - (d) if non-compliance is measured, recommendations for additional acoustic measures to ensure compliance with the endorsed Acoustic Report required by Condition 11.
- 16 The provisions, recommendations and requirements of the endorsed Post Commencement Acoustic Report be implemented within one month of the endorsement, or as otherwise agreed in writing by the Responsible Authority and complied with to the satisfaction of the Responsible Authority. During the time the additional acoustic measures are being implemented no operations which would cause non-compliance are to take place.

Landscape Plan

17 In conjunction with the submission of development plans under Condition 1, an updated landscape plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must be generally in accordance with the landscape concept plans, prepared by Florian Wild, dated Februarys 2021, but modified to show:

- (a) Consistency with the landscaping areas shown on the amended architectural plans, prepared by Rothelowman, Revision B, dated 31 August 2021;
- (b) Detail the landscape buffer strip separating the port cochere access and Stawell Street footpath to feature a raised kerb;
- (c) Detail the pedestrian forecourt between the residential hotel and office lobbies has a raised level above the port cochere accessway;
- (d) Provide a plant schedule and detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants, ensuring none listed on the DELWP list of advisory weeds species;
- (e) provide details of 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; and
- (j) 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,

to the satisfaction of the Responsible Authority.

Green Travel Plan

19 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 Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group dated July 2020, but modified to include:

- (a) Details of bicycle parking shown on the final endorsed plans.

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

Residential Hotel Use

- 21 Except with the prior written consent of the Responsible Authority, the Level 2 internal hotel amenity areas (bar/lounge, restaurant/lounge, gym, pre-function and function centre areas) authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6:00am – 1:00am (the following day).
- 22 Except with the prior written consent of the Responsible Authority, the Level 2 and level 4 outdoor terraces associated with the residential hotel authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6:00am – 10:00pm.
 - (b) Saturday and Sunday 6:00am – 11:00pm.
- 23 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.
- 24 Before the uses commence, a HMP 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 include or show, but is not limited to, the following:
- (a) A General or Duty Manager will be onsite at all times, providing immediate oversight of security, noise issues, maintenance and actioning of any complaints;
 - (b) Ground floor concierge to be staffed between 6am and 1:30am;
 - (c) CCTV surveillance to be provided across the premises at all times;
 - (d) The gym is restricted to hotel guests only;
 - (e) Reception operating hours;
 - (f) Hours of operation for Level 2 hotel amenities;
 - (g) Staffing/management arrangements;
 - (h) Provision for 'after hours' arrivals and departures;
 - (i) Security arrangements;
 - (j) Initiatives to direct hotel guests to the wider area from Swan Street and not the residential areas to the north (including Stawell and Belgravia Street), with a strategy provided outlining how this will be communicated to guests;
 - (k) Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
 - (l) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;

- (m) An outline of all house rules intended to be used to manage residents and guests including:
 - (i) guest behaviour;
 - (ii) noise;
 - (iii) use of private terraces; and
 - (iv) methods of eviction if house rules are broken;
 - (n) Details of eviction process in the event house rules are broken.
- 25 The provisions, recommendations and requirements of the endorsed HMP must be implemented and complied with to the satisfaction of the Responsible Authority.

Sale and Consumption of Liquor

- 26 The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 27 Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor for Level 2 internal amenity areas (bar/lounge, restaurant/lounge, pre-function and function centre areas) may only occur between the following hours:
- (a) Monday to Saturday 9:00am – 1:00am (the following day).
 - (b) Sunday 9:00am – 1:00am (the following day).
- 28 Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor for Level 2 outdoor terrace may only occur between the following hours:
- (a) Sunday to Thursday 9:00am – 10:00pm.
 - (b) Friday and Saturday 9:00am – 11:00pm.
- 29 Except with the prior written consent of the Responsible Authority, no more than the following maximum number of patrons are permitted on the land at any time liquor is being sold and consumed:
- (a) Function Centre – 450
 - (b) Bar/Lounge – 60
 - (c) Restaurant/Lounge – 120
 - (d) Outdoor Terrace:
 - (i) 9am – 10pm – 80 (Monday to Sunday)
 - (ii) 10pm – 11pm – 30 (Friday and Saturday only)
- 30 Speakers external to the building must not be erected or used.
- 31 Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent uses and to leave in a quiet and orderly manner.
- 32 No more than six (6) functions are to be held on the land per week.

Noise and Amenity Action Plan (NAAP)

33 Before the uses commence, an amended NAAP for the level two bar/lounge, restaurant/lounge and function centre 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 be generally in accordance with the NAAP, dated September 2021, but modified to include or show (but is not limited to), the following:

- (a) Hours of operation for Level 2 hotel amenities;
- (b) The ground floor concierge to be staffed between 9am and 1:30am (the following day);
- (c) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Commission for Gambling and Liquor Regulation.
- (d) The management and dispersal of patrons to Swan Street, including patrons loitering around the venue after the venue has closed including installation of signage at exit points reminding patrons to leave in a quiet and orderly manner.
- (e) Speakers external to the building must not be erected or used.
- (f) The management of large group bookings.
- (g) The measures to be prevent external queues.
- (h) The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time).
- (i) How the movement and exit of patrons is to be managed, particularly for closing different sections of the venue at different times.
- (j) Details of the provision of music.
- (k) Provision for the internal areas to call 'last drinks' at 12:45am on each night.
- (l) Provision for the internal Level 2 amenity areas to disallow entry and pass outs from 12:30am.
- (m) Any other measures to be undertaken to ensure no unreasonable amenity impacts from the licensed premises.

Once endorsed, the Noise and Amenity Action Plan must not be modified except with the written consent of the Responsible Authority.

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

Public Art

35 Within 6 months of the development commencement, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:

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

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

Car parking

37 Before the use commences, 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.

38 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.

Loading and Unloading

39 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.

40 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.

Environmental Audit

- 41 Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970* (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
- 42 If the assessment required by Condition 41 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
- 43 If the assessment required by Condition 41 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
 - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
- and the Certificate or Statement must be provided to the Responsible Authority.
- If, pursuant to Condition 43, a Statement is issued:
- (c) the:
 - (i) use; and
 - (ii) development,
- authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
- (d) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (development pre-commencement conditions);

- (e) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (use pre-commencement conditions);
- (f) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (g) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;
- (h) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (iii) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Street trees

- 44 Before the development commences, the permit holder must provide an Asset Protection Bond of \$50,000 (ex GST) for the four (4) existing street trees along Swan 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.
- 45 Any pruning required to be undertaken for the four (4) street trees along the subject site's Swan 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.
- 46 In conjunction with the submission of development plans under Condition 1, an amended 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 amended Tree Management Plan will be endorsed and will form part of the permit. The amended Tree Management Plan must be generally in accordance with the Arboricultural Assessment Report prepared by Glenn Water Arboriculture, dated 21 April 2020 but modified to include (or show):
 - (a) All four (4) existing street trees along the Swan Street frontage.

to the satisfaction of the Responsible Authority.

- 47 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.

Public Lighting

- 48 Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the northern boundary laneway and the entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) all pedestrian access to a residential/multipurpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1158.3.1:2020 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements; or higher lighting level as recommended by AS1158.3.1 2020.
 - (b) new poles and luminaires will be sourced from CitiPower standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
 - (c) consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
 - (d) light spillage into the windows of existing and proposed residences will be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 — 2019 Control of the obtrusive effects of outdoor lighting;
 - (e) the locations of any new light poles will not obstruct vehicular access into private property;
 - (f) the provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority
 - (g) if any of the existing public lighting need to be removed it must be replaced with the temporary Light to the satisfaction of the Responsible Authority until the new permanent public lighting is operational.
- 49 Unless the relevant authority (i.e. CitiPower) provides written confirmation that the permanent replacement light will continue to be maintained by the relevant authority (i.e. Citipower), 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 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:
- (a) The owner of the subject land is responsible for maintaining (in working order) public lighting to Lane No. 1779 as relocated in accordance with Condition [2], at all times, at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (b) 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).

Road Infrastructure

- 50 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following must occur:
- (a) The footpaths along the property's Swan Street, Stawell Street and Belgravia Street frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
 - (b) The existing kerbs are to be retained (fixed control points).
 - (c) The new footpaths must have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 33 (for asphalt) and 1 in 40 (for concrete) or unless otherwise specified by Council.
 - (d) In providing the new footpaths, the finished floor levels at the development's pedestrian entries must be readjusted to match the new footpath levels.
 - (e) 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.
- 51 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) A lateral clearance of no less than 1.0 metre shall be provided in between the existing side entry pit on the east side of Stawell Street (just north of Swan Street) and the south edge of the southern vehicle crossing;
 - (d) At the Permit Holder's cost; and
 - (e) To the satisfaction of Council.
- 52 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.
- 53 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.
- 54 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.

55 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.

56 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

57 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.

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

59 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.

60 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.

61 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.

62 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

- 63 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

- 64 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.

Removal of Section 173 Agreement

- 65 Before the development commences, the Section 173 Agreement – R169000K in the Register of Titles is to be ended and removed from title.

Development Infrastructure Levy

- 66 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.

Time Expiry

- 67 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 use and the sale and consumption of liquor 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.

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

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 UNANIMOUSLY

Reference	D21/160139
Author	Madeleine Moloney - Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning controls, the Committee resolve to issue a Notice of Decision to Amend a Planning Permit PLN13/0483 to allow for an extension to the hours of operation and associated sale and consumption of liquor of the existing food and drink premises (café) at No. 16 – 18 River Street Richmond with no changes to the permit pre-amble and subject to the following conditions (**amended and new conditions and text in bold**):

1. Before the sale and consumption of liquor 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 24 May 2019 but modified to show:
 - (a) WIN1, WIN2 (northern façade only) and WIN3 to be reinstated as fixed in accordance with the window schedule on the existing endorsed plans (dated 27/10/2017).
 - (b) Deletion of reference to signage.
 - (c) Reinstatement of notations as shown on the existing endorsed plans (dated 27/10/2017), including the note: all new ground floor windows on the east and north facades are to remain closed whilst the coffee roaster is operational.
 - (d) Elevations of the roof access catwalk with the location of the roof access catwalk finalised on all plans (deletion of reference to nominal location).
 - (e) Sectional diagram demonstrating that the roof access catwalk is concealed from view when taken from the eastern footpath of River Street.
 - (f) The north point is to be reinstated on the plans.
 - (g) Plans must be provided at A1 size.
2. **Prior to the increase in hours of operations of the café use**, an amended acoustic report prepared by a suitably qualified expert to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the Renzo Tonin & Associates report, **dated 18 March 2021**, but modified to:
 - (a) **Be consistent with the hours of operation of the café permitted under condition 8 of this permit.**
 - (b) **Provide details of the sound system (including number, location and type of sound speakers) upon which the acoustic testing within the report was based.**
3. Prior to the commencement of the use, a report prepared by a NATA (National Association of Testing Authorities Australia) accredited professional, or a suitably qualified professional to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. This report must assess the emissions from the site and the impacts to adjoining properties.

The report must demonstrate that the food/beverage production operation is in compliance with the State Environment Protection Policy (Air Quality Management) and that the criteria of 1 Odour Unit will not be exceeded beyond the site boundary; or recommend methods to ensure compliance with the State Environment Protection Policy (Air Quality Management) can be achieved and maintained throughout the operation of the business, to the satisfaction of the Responsible Authority.

4. Prior to the commencement of the **extended café hours**, an **amended** operation management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will then form part of the permit. **The amended plan must be generally in accordance with the plan submitted to Council on 26 April 2021 but updated to:**
 - (a) **Be consistent with the hours of operation of the café permitted under condition 8 of this permit.**
5. **Before the café use or sale and consumption of liquor for the extended hours commences**, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by onemilegrid and dated **6 April 2021**, but modified to include:
 - (a) **The existing and proposed hours of operation of the café to commence from 7am on all days.**
 - (b) **Removal of “Draft” from the report.**
6. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
7. 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.
8. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:

Coffee roasting (all components)

 - (a) 7.00am to 9.00pm, Monday to Friday
 - (b) 9.00am to 7.00pm Saturday
 - (c) 10.00am to 5.00pm Sunday

Food and drinks premises (café)

 - (a) 7.00am to **10.00pm**
9. The two minor roaster (15kg and 5kg capacity) will not be operated when Roaster No. 1 is in operation, neither will they be operated at the following time:
 - (a) Monday – Friday - after 6 p.m.

(b) Saturday and Sunday – after 5 p.m.

10. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor from the food and drinks premises (café) may only occur between 9am and **10pm**, seven days per week.
11. No more than 80 patrons associated with the café are permitted on the land at any one time .
12. Not more than 20 staff may be present on the premises at any one time, unless with the prior written consent of the Responsible Authority.
13. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
14. The amenity of the area must not be detrimentally affected by the use or development, 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;
 - (e) to the satisfaction of the Responsible Authority.
15. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
16. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
17. Except with the prior written consent of the Responsible Authority, the provision of music must be at a background noise level.
18. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
19. Windows and doors in the north and east facades must remain closed during roasting operations (the rear delivery entry may be left opened and doors may be opened to allow for pedestrian ingress and egress).
20. **External windows and doors associated with the food and drink premises (café) must remain closed from 4pm, other than to allow for the ingress/egress of patrons and staff.**
21. All delivery and collection of goods (other than waste) associated with the business must be conducted between 7.30am and 5pm Monday to Friday.
22. Parking and loading areas and access lanes must be kept available for those purposes at all times and must not be used for any other purpose (such as storage).

23. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority. The loading bay must be kept clear at all times for reception of goods.
24. Waste (rubbish and recycling) may only be collected between
 - (a) 7.00 am – 8.00 pm Monday to Saturday;
 - (b) 9.00 am – 8.00 pm Sunday and public holidays.
25. Bottles must not be broken up on the site and compaction must be carried out while the waste collection vehicle is moving, to the satisfaction of the Responsible Authority.
26. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.

EPA conditions **(27 – 31)**

27. Offensive odours must not be discharged beyond the boundary of the premises.
28. Nuisance dust must not be discharged beyond the boundary of the premises.
29. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
30. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, to the satisfaction of the Responsible Authority.
31. There must be no discharge or seepage of waste from the premises to the land or water (including stormwater) environments.
32. Any new vehicular crossing must be constructed in accordance with Council's standard vehicular crossing specifications, prior to completion of the development, and to the satisfaction of the Responsible Authority.
33. This permit will expire if:
 - (a) the development is not commenced within two years of the date of the amended permit;
 - (b) the development is not completed within four years of the date of the amended permit; or
 - (c) **the extended operation hours of the café is not commenced within two years of the date of this amended permit.**
 - (d) **the extended hours of sale and consumption of liquor is not commenced within two years of the date of this amended permit.**

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

NOTE: This premises must comply with the Food Act 1984. The use must not commence until plans have been approved by Council's Community Amenity and Health Branch.

NOTE: This premises must comply with the Health Act 1984. The use must not commence until plans have been approved by Council's Community Amenity and Health Branch.

NOTE: A building permit maybe required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

NOTE: All future employees within the development and use approved under this permit will not be permitted to obtain employee or visitor parking permits.

EPA NOTE: Details of appropriate secondary containment for the storage and transfer of liquids can be found in the Bunding Guidelines (EPA publication 347).

Submissions made online during the meeting

Andrew Clarke, Clarke Planning (for the applicant)
Courtenay Lee Shoy
Mary-Ann Elliott
Thijs van der Heijden

PROPOSED PLANNING DECISIONS COMMITTEE RECOMMENDATION

Moved: Cr Nguyen

That having considered all objections and relevant planning controls, the Committee resolve to issue a Notice of Decision to Amend a Planning Permit PLN13/0483 to allow for an extension to the hours of operation and associated sale and consumption of liquor of the existing food and drink premises (café) at No. 16 – 18 River Street Richmond with no changes to the permit preamble and subject to the following conditions (**amended and new conditions and text in bold**):

1. Before the sale and consumption of liquor 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 24 May 2019 but modified to show:
 - (a) WIN1, WIN2 (northern façade only) and WIN3 to be reinstated as fixed in accordance with the window schedule on the existing endorsed plans (dated 27/10/2017).
 - (b) Deletion of reference to signage.
 - (c) Reinstatement of notations as shown on the existing endorsed plans (dated 27/10/2017), including the note: all new ground floor windows on the east and north facades are to remain closed whilst the coffee roaster is operational.
 - (d) Elevations of the roof access catwalk with the location of the roof access catwalk finalised on all plans (deletion of reference to nominal location).
 - (e) Sectional diagram demonstrating that the roof access catwalk is concealed from view when taken from the eastern footpath of River Street.
 - (f) The north point is to be reinstated on the plans.
 - (g) Plans must be provided at A1 size.

2. **Prior to the increase in hours of operations of the café use**, an amended acoustic report prepared by a suitably qualified expert to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the Renzo Tonin & Associates report, **dated 18 March 2021**, but modified to:
 - (a) **Be consistent with the hours of operation of the café permitted under condition 8 of this permit.**
 - (b) **Provide details of the sound system (including number, location and type of sound speakers) upon which the acoustic testing within the report was based.**
3. Prior to the commencement of the use, a report prepared by a NATA (National Association of Testing Authorities Australia) accredited professional, or a suitably qualified professional to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. This report must assess the emissions from the site and the impacts to adjoining properties.

The report must demonstrate that the food/beverage production operation is in compliance with the State Environment Protection Policy (Air Quality Management) and that the criteria of 1 Odour Unit will not be exceeded beyond the site boundary; or recommend methods to ensure compliance with the State Environment Protection Policy (Air Quality Management) can be achieved and maintained throughout the operation of the business, to the satisfaction of the Responsible Authority.

4. Prior to the commencement of the **extended café hours**, an **amended** operation management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will then form part of the permit. **The amended plan must be generally in accordance with the plan submitted to Council on 26 April 2021 but updated to:**
 - (a) **Be consistent with the hours of operation of the café permitted under condition 8 of this permit.**
5. **Before the café use or sale and consumption of liquor for the extended hours commences**, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by onemilegrid and dated **6 April 2021**, but modified to include:
 - (a) **The existing and proposed hours of operation of the café to commence from 7am on all days.**
 - (b) **Removal of “Draft” from the report.**
6. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
7. 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.

8. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:

Coffee roasting (all components)

- (a) 7.00am to 9.00pm, Monday to Friday
- (b) 9.00am to 7.00pm Saturday
- (c) 10.00am to 5.00pm Sunday

Food and drinks premises (café)

- (a) 7.00am to 10.00pm**

9. The two minor roaster (15kg and 5kg capacity) will not be operated when Roaster No. 1 is in operation, neither will they be operated at the following time:
- (a) Monday – Friday - after 6 p.m.
 - (b) Saturday and Sunday – after 5 p.m.
10. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor from the food and drinks premises (café) may only occur between 9am and **10pm**, seven days per week.
11. No more than 80 patrons associated with the café are permitted on the land at any one time.
12. Not more than 20 staff may be present on the premises at any one time, unless with the prior written consent of the Responsible Authority.
13. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
14. The amenity of the area must not be detrimentally affected by the use or development, 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;
 - (e) to the satisfaction of the Responsible Authority.
15. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
16. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
17. Except with the prior written consent of the Responsible Authority, the provision of music must be at a background noise level.

18. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
19. Windows and doors in the north and east facades must remain closed during roasting operations (the rear delivery entry may be left opened and doors may be opened to allow for pedestrian ingress and egress).
20. **External windows and doors associated with the food and drink premises (café) must remain closed from 4pm, other than to allow for the ingress/egress of patrons and staff.**
21. All delivery and collection of goods (other than waste) associated with the business must be conducted between 7.30am and 5pm Monday to Friday.
22. Parking and loading areas and access lanes must be kept available for those purposes at all times and must not be used for any other purpose (such as storage).
23. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority. The loading bay must be kept clear at all times for reception of goods.
24. Waste (rubbish and recycling) may only be collected between
 - (a) 7.00 am – 8.00 pm Monday to Saturday;
 - (b) 9.00 am – 8.00 pm Sunday and public holidays.
25. Bottles must not be broken up on the site and compaction must be carried out while the waste collection vehicle is moving, to the satisfaction of the Responsible Authority.
26. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.

EPA conditions (27 – 31)

27. Offensive odours must not be discharged beyond the boundary of the premises.
28. Nuisance dust must not be discharged beyond the boundary of the premises.
29. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
30. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, to the satisfaction of the Responsible Authority.
31. There must be no discharge or seepage of waste from the premises to the land or water (including stormwater) environments.

32. Any new vehicular crossing must be constructed in accordance with Council's standard vehicular crossing specifications, prior to completion of the development, and to the satisfaction of the Responsible Authority.
33. This permit will expire if:
- (a) the development is not commenced within two years of the date of the amended permit;
 - (b) the development is not completed within four years of the date of the amended permit;
 - or
 - (c) **the extended operation hours of the café is not commenced within two years of the date of this amended permit.**
 - (d) **the extended hours of sale and consumption of liquor is not commenced within two years of the date of this amended permit.**

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

NOTE: This premises must comply with the Food Act 1984. The use must not commence until plans have been approved by Council's Community Amenity and Health Branch.

NOTE: This premises must comply with the Health Act 1984. The use must not commence until plans have been approved by Council's Community Amenity and Health Branch.

NOTE: A building permit maybe required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

NOTE: All future employees within the development and use approved under this permit will not be permitted to obtain employee or visitor parking permits.

EPA NOTE: Details of appropriate secondary containment for the storage and transfer of liquids can be found in the Bunding Guidelines (EPA publication 347).

Motion lapsed for want of a Seconder.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Cr Jolly

Seconded: Cr Stone

That having considered all objections and relevant planning controls, the Committee resolve to issue a Notice of Decision to Amend a Planning Permit PLN13/0483 to allow for an extension to the hours of operation and associated sale and consumption of liquor of the existing food and drink premises (café) at No. 16 – 18 River Street Richmond with no changes to the permit pre-amble and subject to the following conditions (**amended and new conditions and text in bold**):

1. Before the sale and consumption of liquor 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 24 May 2019 but modified to show:

- (a) WIN1, WIN2 (northern façade only) and WIN3 to be reinstated as fixed in accordance with the window schedule on the existing endorsed plans (dated 27/10/2017).
- (b) Deletion of reference to signage.
- (c) Reinstatement of notations as shown on the existing endorsed plans (dated 27/10/2017), including the note: all new ground floor windows on the east and north facades are to remain closed whilst the coffee roaster is operational.
- (d) Elevations of the roof access catwalk with the location of the roof access catwalk finalised on all plans (deletion of reference to nominal location).
- (e) Sectional diagram demonstrating that the roof access catwalk is concealed from view when taken from the eastern footpath of River Street.
- (f) The north point is to be reinstated on the plans.
- (g) Plans must be provided at A1 size.

2. **Prior to the increase in hours of operations of the café use**, an amended acoustic report prepared by a suitably qualified expert to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the Renzo Tonin & Associates report, **dated 18 March 2021**, but modified to:
 - (a) **Be consistent with the hours of operation of the café permitted under condition 8 of this permit.**
 - (b) **Provide details of the sound system (including number, location and type of sound speakers) upon which the acoustic testing within the report was based.**
3. Prior to the commencement of the use, a report prepared by a NATA (National Association of Testing Authorities Australia) accredited professional, or a suitably qualified professional to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. This report must assess the emissions from the site and the impacts to adjoining properties.

The report must demonstrate that the food/beverage production operation is in compliance with the State Environment Protection Policy (Air Quality Management) and that the criteria of 1 Odour Unit will not be exceeded beyond the site boundary; or recommend methods to ensure compliance with the State Environment Protection Policy (Air Quality Management) can be achieved and maintained throughout the operation of the business, to the satisfaction of the Responsible Authority.

4. Prior to the commencement of the **extended café hours**, an **amended** operation management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will then form part of the permit. **The amended plan must be generally in accordance with the plan submitted to Council on 26 April 2021 but updated to:**
 - (a) **Be consistent with the hours of operation of the café permitted under condition 8 of this permit.**

5. **Before the café use or sale and consumption of liquor for the extended hours commences**, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by onemilegrid and dated **6 April 2021**, but modified to include:
- (a) **The existing and proposed hours of operation of the café to commence from 7am on all days.**
 - (b) **Removal of “Draft” from the report.**
6. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
7. 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.
8. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- Coffee roasting (all components)
- (a) 7.00am to 9.00pm, Monday to Friday
 - (b) 9.00am to 7.00pm Saturday
 - (c) 10.00am to 5.00pm Sunday
- Food and drinks premises (café)
- (a) 7.00am to **9.00pm**
9. The two minor roaster (15kg and 5kg capacity) will not be operated when Roaster No. 1 is in operation, neither will they be operated at the following time:
- (a) Monday – Friday - after 6 p.m.
 - (b) Saturday and Sunday – after 5 p.m.
10. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor from the food and drinks premises (café) may only occur between 9.00am and **9.00pm**, seven days per week.
11. No more than 80 patrons associated with the café are permitted on the land at any one time .
12. Not more than 20 staff may be present on the premises at any one time, unless with the prior written consent of the Responsible Authority.

13. Before the commencement of the extended café hours and sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to be mindful of at all times, and leave in a quiet and orderly manner.
14. The amenity of the area must not be detrimentally affected by the use or development, 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;
 - (e) to the satisfaction of the Responsible Authority.
15. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
16. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
17. Except with the prior written consent of the Responsible Authority, the provision of music must be at a background noise level.
18. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
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21. All delivery and collection of goods (other than waste) associated with the business must be conducted between 7.30am and 5pm Monday to Friday.
22. Parking and loading areas and access lanes must be kept available for those purposes at all times and must not be used for any other purpose (such as storage).
23. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority. The loading bay must be kept clear at all times for reception of goods.
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25. Bottles must not be broken up on the site and compaction must be carried out while the waste collection vehicle is moving, to the satisfaction of the Responsible Authority.
26. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.

EPA conditions **(27 – 31)**

27. Offensive odours must not be discharged beyond the boundary of the premises.
28. Nuisance dust must not be discharged beyond the boundary of the premises.
29. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
30. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, to the satisfaction of the Responsible Authority.
31. There must be no discharge or seepage of waste from the premises to the land or water (including stormwater) environments.
32. Any new vehicular crossing must be constructed in accordance with Council's standard vehicular crossing specifications, prior to completion of the development, and to the satisfaction of the Responsible Authority.
33. This permit will expire if:
 - (a) the development is not commenced within two years of the date of the amended permit;
 - (b) the development is not completed within four years of the date of the amended permit;or
 - (c) **the extended operation hours of the café is not commenced within two years of the date of this amended permit.**
 - (d) **the extended hours of sale and consumption of liquor is not commenced within two years of the date of this amended permit.**

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

NOTE: This premises must comply with the Food Act 1984. The use must not commence until plans have been approved by Council's Community Amenity and Health Branch.

NOTE: This premises must comply with the Health Act 1984. The use must not commence until plans have been approved by Council's Community Amenity and Health Branch.

NOTE: A building permit maybe required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

NOTE: All future employees within the development and use approved under this permit will not be permitted to obtain employee or visitor parking permits.

EPA NOTE: Details of appropriate secondary containment for the storage and transfer of liquids can be found in the Bunding Guidelines (EPA publication 347).

CARRIED

6.4 PLN20/0456 (Title B), PLN20/0457 (Title C), PLN20/0458 (Title D) and PLN20/0459 (Title A) - 10 Belgravia Street Richmond

Reference	D21/156463
Author	Jessica Sutherland - Statutory Planner
Authoriser	Coordinator Statutory Planning

RECOMMENDATION FOR PLN20/0459 (Title A) OF 10 BELGRAVIA STREET RICHMOND

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 lodged pursuant to Section 57A of the Act, prepared by Cera Stribley, Plan no. 0100-A, 0101-A, 1000-A, 1001-A, 1002-A, 1003-A, 2000-A, 2001-A, 3000-A, 3001-A, 5000-A, 5001-A, 5002-A, 5003-A and 5004-A and dated September 2021 but modified to show:
 - (a) The materiality, depth and transparency of the screen provided to the second floor west-facing window of TH01 in accordance with the objectives of Standard B22 (Overlooking).
 - (b) The garage doors with transparency or permeability.
 - (c) Asphalt in lieu of 'grasscrete' within the front setback to Belgravia Street, east of the front fence.
 - (d) A South Elevation and North Elevation.
 - (e) The length of walls on boundaries dimensioned on the floorplans.
 - (f) Both dwellings with 6 cubic metres of storage.
 - (g) Both dwellings with a mailbox.
 - (h) The front setback to Belgravia Street, east of the front fence, as common property.
 - (i) Internal dimensions for both garages.
 - (j) The bin area with a capacity of 240Lt.
 - (k) A motion sensor light to both dwelling entries.
 - (l) Any changes required to comply with Condition 13 (Sustainable Design Assessment).
 - (m) Any changes required to comply with Condition 11 (Civil works plan).
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. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the 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.
5. 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.
6. 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.
7. 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.
8. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
9. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of Belgravia Street and footpath on the eastern side of Belgravia Street for the width of the property frontage if required by the Responsible Authority):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Development Contributions Levy

10. Prior to the issue of a Statement of Compliance 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.

Civil Works Plan

11. Before the development commences, a Civil Works Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Civil Works Plan will be endorsed and will form part of this permit. The Civil Works Plan must incorporate all works proposed within Council road reserve, including the laneway to the south of the development, all proposed demolition works, the relocation of the powerline on Belgravia Street and proposed public lighting, and must include or show:
- (a) The asphalt road pavement on the east side of Belgravia Street roto-milled and re-sheeted in accordance with Council Engineering standards and to Council satisfaction.
 - (b) Vehicle crossing profiles in accordance with Council requirements at 1 in 20 scale for every vehicle entry point into the development to confirm vehicles will not scrape entering and leaving the development. Where a driveway is more than 3m wide two profiles (one on each side of the driveway) are to be provided.
 - (c) A streetscape design for the Belgravia Street and laneway frontages demonstrating ways of improving pedestrian and disability access along the street, minimising conflict between pedestrians and vehicles and enhancing pedestrian priority.
 - (d) The provision of public lighting in accordance with Council standards and AS1158.3.1 at the developers cost.
 - (e) Should the existing power pole in front of title not be retained than power supply to the existing properties on the east site of Belgravia Street needs to be provided underground at the developer costs.

Removal of Section 173 Agreement

12. Before the development commences, the Section 173 Agreement – R169000K in the Register of Titles is removed.

Sustainable Design Assessment (SDA)

13. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Sustainable Development Consultants and dated May 2021, but modified to include or show:
- (a) Each dwelling to achieves a NatHERS rating of at least 6.6 stars.
 - (b) A 10% improvement on NCC 2019 illumination power densities (IPD).
 - (c) Breeze paths to support claims regarding natural ventilation. If the bedrooms cannot meet BESS minimum requirements, it is recommended that further IEQ strategies be applied.
 - (d) The materiality of external shading.
14. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

Landscaping Plan

16. 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 May 2021, but modified to include (or show):
- (a) Asphalt in lieu of grasscrete within the front setback of the front fences to Belgravia Street.
17. 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.

Construction Management Required

18. 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;

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.

- 19. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 20. 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

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

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

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

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

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

Prior to the issue of a building permit the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

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 works permitted under the permit.

RECOMMENDATION FOR PLN20/0456 (Title B) OF 10 BELGRAVIA STREET RICHMOND

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 lodged pursuant to Section 57A of the Act, prepared by Cera Stribley, Plan no. 0100-A, 0101-A, 1000-A, 1001-A, 1002-A, 1003-A, 2000-A, 2001-A, 3000-A, 3001-A, 5000-A, 5001-A, 5002-A, 5003-A and 5004-A and dated May 2021 but modified to show:
 - (a) The garage doors with transparency or permeability.
 - (b) Asphalt in lieu of 'grasscrete' within the front setback to Belgravia Street, east of the front fence.
 - (c) A South Elevation and North Elevation.
 - (d) The length of walls on boundaries dimensioned on the floorplans.
 - (e) Both dwellings with 6 cubic metres of storage.
 - (f) Both dwellings with a mailbox.
 - (g) The front setback to Belgravia Street, east of the front fence, as common property.
 - (h) Internal dimensions for both garages.
 - (i) The bin area with a capacity of 240Lt.
 - (j) A motion sensor light to both dwelling entries.
 - (k) Any changes required to comply with Condition 13 (Sustainable Design Assessment).
 - (l) Any changes required to comply with Condition 11 (Civil works plan).
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. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the 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.

5. 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.
6. 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.
7. 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.

8. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
9. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of Belgravia Street and footpath on the eastern side of Belgravia Street for the width of the property frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Development Contributions Levy

10. Prior to the issue of a Statement of Compliance 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.

Civil Works Plan

11. Before the development commences, a Civil Works Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Civil Works Plan will be endorsed and will form part of this permit. The Civil Works Plan must incorporate all works proposed within Council road reserve, including the laneway to the south of the development, all proposed demolition works, the relocation of the powerline on Belgravia Street and proposed public lighting, and must include or show:
 - (a) The asphalt road pavement on the east side of Belgravia Street roto-milled and re-sheeted in accordance with Council Engineering standards and to Council satisfaction.

- (b) Vehicle crossing profiles in accordance with Council requirements at 1 in 20 scale for every vehicle entry point into the development to confirm vehicles will not scrape entering and leaving the development. Where a driveway is more than 3m wide two profiles (one on each side of the driveway) are to be provided.
- (c) A streetscape design for the Belgravia Street and laneway frontages demonstrating ways of improving pedestrian and disability access along the street, minimising conflict between pedestrians and vehicles and enhancing pedestrian priority.
- (d) The provision of public lighting in accordance with Council standards and AS1158.3.1 at the developers cost.
- (e) Should the existing power pole in front of title not be retained than power supply to the existing properties on the east site of Belgravia Street needs to be provided underground at the developer costs.

Removal of Section 173 Agreement

12. Before the development commences, the Section 173 Agreement – R169000K in the Register of Titles is removed.

Sustainable Design Assessment (SDA)

13. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Sustainable Development Consultants and dated May 2021, but modified to include or show:
 - (a) Each dwelling to achieves a NatHERS rating of at least 6.6 stars.
 - (b) A 10% improvement on NCC 2019 illumination power densities (IPD).
 - (c) Breeze paths to support claims regarding natural ventilation. If the bedrooms cannot meet BESS minimum requirements, it is recommended that further IEQ strategies be applied.
 - (d) The materiality of external shading.
14. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

Landscaping Plan

16. 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 May 2021, but modified to include (or show):
 - (a) Asphalt in lieu of grasscrete within the front setback of the front fences to Belgravia Street.

17. 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.

Construction Management Required

18. 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;

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.

19. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
20. 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

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

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

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

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

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

Prior to the issue of a building permit the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

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 works permitted under the permit.

RECOMMENDATION FOR PLN20/0457 (Title C) OF 10 BELGRAVIA STREET RICHMOND

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 lodged pursuant to Section 57A of the Act, prepared by Cera Stribley, Plan no. 0100-A, 0101-A, 1000-A, 1001-A, 1002-A, 1003-A, 2000-A, 2001-A, 3000-A, 3001-A, 5000-A, 5001-A, 5002-A, 5003-A and 5004-A and dated May 2021 but modified to show:

- (a) The garage doors with transparency or permeability.
 - (b) Asphalt in lieu of 'grasscrete' within the front setback to Belgravia Street, east of the front fence.
 - (c) A South Elevation and North Elevation.
 - (d) The length of walls on boundaries dimensioned on the floorplans.
 - (e) Both dwellings with 6 cubic metres of storage.
 - (f) Both dwellings with a mailbox.
 - (g) The front setback to Belgravia Street, east of the front fence, as common property.
 - (h) Internal dimensions for both garages.
 - (i) The bin area with a capacity of 240Lt.
 - (j) A motion sensor light to both dwelling entries.
 - (k) Any changes required to comply with Condition 13 (Sustainable Design Assessment).
 - (l) Any changes required to comply with Condition 11 (Civil works plan).
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. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
 4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the 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.
 5. 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.

6. 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.
7. 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.

8. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
9. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of Belgravia Street and footpath on the eastern side of Belgravia Street for the width of the property frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Development Contributions Levy

10. Prior to the issue of a Statement of Compliance 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.

Civil Works Plan

11. Before the development commences, a Civil Works Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Civil Works Plan will be endorsed and will form part of this permit. The Civil Works Plan must incorporate all works proposed within Council road reserve, including the laneway to the south of the development, all proposed demolition works, the relocation of the powerline on Belgravia Street and proposed public lighting, and must include or show:
 - (a) The asphalt road pavement on the east side of Belgravia Street roto-milled and re-sheeted in accordance with Council Engineering standards and to Council satisfaction.
 - (b) Vehicle crossing profiles in accordance with Council requirements at 1 in 20 scale for every vehicle entry point into the development to confirm vehicles will not scrape entering and leaving the development. Where a driveway is more than 3m wide two profiles (one on each side of the driveway) are to be provided.
 - (c) A streetscape design for the Belgravia Street and laneway frontages demonstrating ways of improving pedestrian and disability access along the street, minimising conflict between pedestrians and vehicles and enhancing pedestrian priority.
 - (d) The provision of public lighting in accordance with Council standards and AS1158.3.1 at the developers cost.

- (e) Should the existing power pole in front of title not be retained than power supply to the existing properties on the east site of Belgravia Street needs to be provided underground at the developer costs.

Removal of Section 173 Agreement

- 12. Before the development commences, the Section 173 Agreement – R169000K in the Register of Titles is removed.

Sustainable Design Assessment (SDA)

- 13. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Sustainable Development Consultants and dated May 2021, but modified to include or show:
 - (a) Each dwelling to achieves a NatHERS rating of at least 6.6 stars.
 - (b) A 10% improvement on NCC 2019 illumination power densities (IPD).
 - (c) Breeze paths to support claims regarding natural ventilation. If the bedrooms cannot meet BESS minimum requirements, it is recommended that further IEQ strategies be applied.
 - (d) The materiality of external shading.
- 14. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

Landscaping Plan

- 16. 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 May 2021, but modified to include (or show):
 - (a) Asphalt in lieu of grasscrete within the front setback of the front fences to Belgravia Street.
- 17. 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.

Construction Management Required

18. 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;

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.

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

20. 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

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

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

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

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

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

Prior to the issue of a building permit the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

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 works permitted under the permit.

RECOMMENDATION FOR PLN20/0458 (Title D) OF 10 BELGRAVIA STREET RICHMOND

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 lodged pursuant to Section 57A of the Act, prepared by Cera Stribley, Plan no. 0100-A, 0101-A, 1000-A, 1001-A, 1002-A, 1003-A, 2000-A, 2001-A, 3000-A, 3001-A, 5000-A, 5001-A, 5002-A, 5003-A and 5004-A and dated September 2021 but modified to show:
 - (a) The first-floor screen on the northern boundary wall of TH08 relocated to the north-facing first-floor dining room window, resulting in a northern boundary wall with a height of 3.43 metres.
 - (b) An Overlooking Diagram demonstrating views to No. Farmer Street's and No. 189 Stawell Streets area of POS from the first floor west facing terrace of TH08 are limited in accordance with the objective of the Standard B22 (Overlooking) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
 - (c) The screen on the west-facing dining room window of TH08 with a maximum transparency of 25% in accordance with Standard B22 (Overlooking).
 - (d) The angle and length of the screen associated with the second floor west-facing bedroom window of (TH08) in accordance with the objective of Standard B22 (Overlooking).

- (e) The height of the screen associated with the second floor west-facing bedroom window of TH08 dimensioned on the West Elevation and the depth of the ledge dimensioned in the overlooking diagram (Section 4) in accordance with the objective of Standard B22 (Overlooking).
 - (f) The garage doors with transparency or permeability.
 - (g) Asphalt in lieu of 'grasscrete' within the front setback to Belgravia Street, east of the front fence.
 - (h) A South Elevation and North Elevation.
 - (i) The length of walls on boundaries dimensioned on the floorplans.
 - (j) Both dwellings with 6 cubic metres of storage.
 - (k) Both dwellings with a mailbox.
 - (l) The front setback to Belgravia Street, east of the front fence, as common property.
 - (m) Internal dimensions for both garages.
 - (n) The bin area with a capacity of 240Lt.
 - (o) A motion sensor light to both dwelling entries.
 - (p) Any changes required to comply with Condition 13 (Sustainable Design Assessment).
 - (q) Any changes required to comply with Condition 11 (Civil works plan).
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. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
 4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the 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.
 5. 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.

6. 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.
7. 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.

8. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
9. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of Belgravia Street and footpath on the eastern side of Belgravia Street for the width of the property frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Development Contributions Levy

10. Prior to the issue of a Statement of Compliance 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.

Civil Works Plan

11. Before the development commences, a Civil Works Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Civil Works Plan will be endorsed and will form part of this permit. The Civil Works Plan must incorporate all works proposed within Council road reserve, including the laneway to the south of the development, all proposed demolition works, the relocation of the powerline on Belgravia Street and proposed public lighting, and must include or show:
 - (a) The asphalt road pavement on the east side of Belgravia Street roto-milled and re-sheeted in accordance with Council Engineering standards and to Council satisfaction.
 - (b) Vehicle crossing profiles in accordance with Council requirements at 1 in 20 scale for every vehicle entry point into the development to confirm vehicles will not scrape entering and leaving the development. Where a driveway is more than 3m wide two profiles (one on each side of the driveway) are to be provided.
 - (c) A streetscape design for the Belgravia Street and laneway frontages demonstrating ways of improving pedestrian and disability access along the street, minimising conflict between pedestrians and vehicles and enhancing pedestrian priority.

- (d) The provision of public lighting in accordance with Council standards and AS1158.3.1 at the developers cost.
- (e) Should the existing power pole in front of title not be retained than power supply to the existing properties on the east site of Belgravia Street needs to be provided underground at the developer costs.

Removal of Section 173 Agreement

- 12. Before the development commences, the Section 173 Agreement – R169000K in the Register of Titles is removed.

Sustainable Design Assessment (SDA)

- 13. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Sustainable Development Consultants and dated May 2021, but modified to include or show:
 - (a) Each dwelling to achieves a NatHERS rating of at least 6.6 stars.
 - (b) A 10% improvement on NCC 2019 illumination power densities (IPD).
 - (c) Breeze paths to support claims regarding natural ventilation. If the bedrooms cannot meet BESS minimum requirements, it is recommended that further IEQ strategies be applied.
 - (d) The materiality of external shading.
- 14. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

Landscaping Plan

- 16. 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 May 2021, but modified to include (or show):
 - (a) Asphalt in lieu of grasscrete within the front setback of the front fences to Belgravia Street.
- 17. 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.

Construction Management Required

18. 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;

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.

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

20. 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

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

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

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

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

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

Prior to the issue of a building permit the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

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 works permitted under the permit.

Submission made online during the meeting

Michael Henderson, Contour Consultants (for the applicant)

PLANNING DECISIONS COMMITTEE RESOLUTION FOR PLN20/0459 (Titles A,B,C,D) OF 10 BELGRAVIA STREET RICHMOND

Moved: Cr Jolly

Seconded: Cr Nguyen

That the Recommendations be adopted.

CARRIED UNANIMOUSLY

Reference	D21/169650
Author	Corey Wooldridge - Statutory Planner
Authoriser	Coordinator Statutory Planning

RECOMMENDATION

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 SKAr, Drawings TP04B - TP16 dated 26 June 2020, but modified to show:
 - (a) The changes to the development in accordance with the Sketch Plans submitted on 1 October 2021, dated 26 June 2020, prepared by SKAr which show a reduction to the north-eastern first floor wall and correction to existing wall height on north-eastern boundary, minor alterations to dimensions to accurately reflect survey data

But modified to show:

 - (b) The Hebel panels at first floor to be of a colour matching or similar to existing brickwork at ground floor or concrete finish; and
 - (c) A notation confirming rainwater tanks are connected to toilet flushing or irrigation systems.
 - (d) Remove all references to 'APPROX' heights on existing and proposed plans.
 - (e) Provide multiple RL heights at different points along the natural ground level, ground finished floor level, wall heights and overall heights for each elevation to account for the slope of the land. Multiple dimensions to all wall and overall heights must also be provided for each elevation.
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 building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

6. 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.
7. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
8. 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:

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

A local law permit may be required for tree lopping, pruning or removal. Please contact Council's Compliance Branch on 9205 5555.

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

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

Submissions made online during the meeting

Stanton Kroenert (for the applicant)
June Smith
Tom Gallagher

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Cr Jolly

Seconded: Cr Stone

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 SKAr, Drawings TP04B - TP16 dated 26 June 2020, but modified to show:

- (a) The changes to the development in accordance with the Sketch Plans submitted on 1 October 2021, dated 26 June 2020, prepared by SKAr which show a reduction to the north-eastern first floor wall and correction to existing wall height on north-eastern boundary, minor alterations to dimensions to accurately reflect survey data

But modified to show:

- (b) The first floor north-east wall set back in accordance with the requirements of Standard A10 at Clause 54.04-1 as measured from a 1 metre setback from the adjoining ground floor wall at 32C Spensley Street.
 - (c) The Hebel panels at first floor to be of a colour matching or similar to existing brickwork at ground floor or concrete finish;
 - (d) A notation confirming rainwater tanks are connected to toilet flushing or irrigation systems.
 - (e) Remove all references to 'APPROX' heights on existing and proposed plans.
 - (f) Provide multiple RL heights at different points along the natural ground level, ground finished floor level, wall heights and overall heights for each elevation to account for the slope of the land. Multiple dimensions to all wall and overall heights must also be provided for each elevation.
 - (g) All measurements be consistent with the land survey data (TP-04a).
 - (f) The area of wall on south-western corner of the building (former door) as building fabric for demolition.
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 building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
 5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 6. 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
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 7. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).

8. 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:

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

A local law permit may be required for tree lopping, pruning or removal. Please contact Council's Compliance Branch on 9205 5555.

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

CARRIED

The meeting closed at 9.13pm.

Confirmed at the meeting held on Wednesday 1 December 2021

Chair