



# Minutes

## Planning Decisions Committee

6.30pm, Tuesday 8 February 2022

MICROSOFT TEAMS

## 1. Appointment of Chair

Cr de Vietri nominated Cr Nguyen as chair.

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

Cr Nguyen assumed the chair.

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

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

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

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

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

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

## 3. Attendance and apologies

Attendance

Councillors

Cr Claudia Nguyen

Cr Gabrielle de Vietri

Cr Sophie Wade

Council officers

Ally Huynh (Senior Co-ordinator Statutory Planning)

Jessica Sutherland (Senior Statutory Planner)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

Municipal Monitor

Yehudi Blacher (Municipal Monitor)

## 4. Declarations of conflict of interest

No declarations were made.

## 5. Confirmation of Minutes

### RESOLUTION

**Moved:** Cr Nguyen **Seconded:** Cr Wade

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 18 January 2022 be confirmed.

**CARRIED**

## 6 PLANNING DECISIONS COMMITTEE

<b>Item</b>		<b>Page</b>	<b>Res. Page</b>
6.1	PLN21/0194 - 67-77 Cambridge Street, Collingwood - Construction of a multi-storey building (with roof terrace and basement) use as a residential hotel (with ancillary gym/offices) and food and drink premises (restaurant) and a reduction in the statutory car parking and bicycle facility requirements.	4	20
6.2	PLN21/0512 - 47 Gore Street Fitzroy - Full demolition, construction of one new dwelling and associated reduction in the car parking requirements of the Yarra Planning Scheme.	29	31

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**6.1**      **PLN21/0194 - 67-77 Cambridge Street, Collingwood - Construction of a multi-storey building (with roof terrace and basement) use as a residential hotel (with ancillary gym/offices) and food and drink premises (restaurant) and a reduction in the statutory car parking and bicycle facility requirements.**

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**Reference**      D21/73378  
**Author**          Lara Fiscalini - Principal Planner  
**Authoriser**     Senior Coordinator Statutory Planning

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## **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 PLN21/0194 for *Construction of a multi-storey building (with roof terrace and basement) use as a residential hotel (with ancillary gym/offices) and food and drink premises (restaurant) and a reduction in the statutory car parking and bicycle facility requirements* at 67-77 Cambridge Street, Collingwood subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Telha Clarke and dated 13 October 2021 but modified to show:
  - (a) The transparency (maximum 25%) and height (minimum 1.7m above FFL of Level 2) of the proposed fluted glazing to the Level 2 west-facing windows;
  - (b) Seating for a minimum 75% of patrons within the internal and external areas of the restaurant, with the internal area seating capacity determined by the Patron Capacity Report required at Condition 3;
  - (c) An amended ground floor plan to include the following;
    - (i) Spot levels along the Cambridge Street footpath to demonstrate that seamless and compliant levels transitions are achieved between the footpath and the proposed entrance;
    - (ii) The notation regarding '2 bicycle spaces' amended to read '2 bicycle hoops', with the bicycle hoops to be positioned in accordance with clearance and access-way requirements of AS2890.3. and Council's Standard Detail for Bicycle Hoops;
    - (iii) The waste storage enlarged to accommodate an effective waste stream, as outlined in the submitted Waste Management Plan;
    - (iv) The provision of a convex mirror on the southern side of the carpark entrance;
    - (v) The dimension of the vehicle crossover reduced to only span the width of the garage door;
    - (vi) The removal of any proposed 'seating' or other structures on the footpath (excluding bicycle hoops);
    - (vii) Confirmation of the proposed threshold paving material, with this material to be clearly distinguishable from the footpath material
  - (d) A notation confirming that the ground floor glazing will have a minimum visual light transmission of 50%;
  - (e) Notations on relevant drawings confirming that all construction requirements as outlined in the Enfield Acoustic Report (dated 22 December 2021) will be implemented;
  - (f) Any changes required by the endorsed Façade Strategy at Condition 4;
  - (g) Any changes required by the endorsed Hotel Management at Condition 6;

- (h) Any changes required by the endorsed Sustainable Management Plan at Condition 8;
  - (i) Any changes required by the endorsed Waste Management Plan at Condition 10;
  - (j) Any changes required by the endorsed Acoustic Report at Condition 12;
  - (k) Any changes required by the endorsed Landscape Plan at Condition 15;
  - (l) Any changes required by the endorsed Wind Report at Condition 17.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. A Patron Capacity Report, prepared by a suitably qualified Building Surveyor, confirming the overall number of patrons that can be accommodated in the proposed restaurant.

### **Façade Strategy**

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

### **Hotel Management Plan**

6. Before the residential hotel use starts, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will then form part of the permit. The Hotel Management Plan must detail the following:
  - (a) All staffing arrangements, including how the hotel reception will be managed and during which hours it will operate;
  - (b) Security measures to be implemented;
  - (c) Hours of operation of the gym/yoga room and hours of access to the roof terrace, with the exclusive use of these spaces by hotel guests confirmed;
  - (d) Drop off/pick up arrangements, with any on-street parking arrangements to be discussed and approved by Council's Parking Management Unit; and,
  - (e) Details of a complaints register.
7. The hotel use must be managed in accordance with the endorsed Hotel Management Plan.

### **Sustainability Management Plan**

8. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 10 December 2021, but modified to include:

- (a) Clear reference to the Green Star Innovation points claimed via Green Star As Built V1.3.
9. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

10. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Onemilegrid and dated 17 September 2021, but modified to include:
- (a) An increased area for waste storage to effectively accommodate all waste streams outlined in the report;
  - (b) An amended layout plan to reference the updated layout details; and,
  - (c) Any changes required by Condition 1 requirements of this permit.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Acoustic Report**

12. 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 Enfield Acoustics and dated 22 December 2021, but modified to confirm that the following conditions will be met;
- (a) The external terraces associated with the restaurant and the gym will be closed to patrons/guests from 10pm each night;
  - (b) All music associated with the restaurant use shall be provided via a noise limiter, which shall be calibrated by a suitably qualified acoustic consultant prior to commencement of use;
  - (c) Noise from proposed mechanical plant and equipment and music on site will comply with the Noise Protocol at all times.
13. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
14. Within 3 months of the commencement of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

#### **Landscape Plan**

15. 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 John Patrick Landscape Architects and dated 22 September 2021, but modified to include;

- (a) The details and location of proposed wall anchors to enable abseiling for planter maintenance;
  - (b) Clarification on how the plants within the balcony planters will be supported and encouraged to trail beyond the planter box to cover the balcony;
  - (c) Further details on how the soil volume for the tree planting has been calculated;
  - (d) The provision of additional planting on the roof terrace; and,
  - (e) The provision of planter boxes within the podium levels on the western façade.
16. 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.

### **Wind Impact Assessment**

17. Before the development commences, an amended Wind Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared by Vipac Engineers and dated 3 March 2021, but modified to include;
- (a) Potential wind conditions within the new Level 4 terraces addressing Cambridge Street, with recommendations for mitigation measures if required.
18. The provisions, recommendations and requirements of the endorsed Wind Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
19. Before the development commences, the permit holder must make a one-off contribution of \$2,097.81 to the Responsible Authority to be used for the new street tree plantings that are required as a result of the development.

### **Uses**

20. Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this planning permit may only operate between
- (a) Internal - 7am to 11pm – Monday to Sunday; and,
  - (b) External courtyard – 7am to 10pm – Monday to Sunday.
21. No more than the maximum number of patrons specified in the Patron Capacity Report at Condition 3 of this planning permit are permitted within the restaurant at any one time.
22. No more than 20 patrons are permitted within the external restaurant courtyard at any one time.

23. A minimum of 75% seating for patrons must be provided for both internal and external areas of the restaurant when in use.
24. The doors to the ground floor external terraces (restaurant and gym) must be closed after 10pm.
25. The gym/yoga studio must only be used by hotel guests.
26. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
  - (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) The presence of vermin.
27. Music must be at background music levels only, with no external speakers provided.
28. The use and development must comply at all times with the Noise Protocol.
29. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
30. 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.
31. 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.

### **General**

32. 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.
33. All buildings and works must be maintained in good order and appearance 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 new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
35. Before the building is occupied, any wall located facing public land must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
36. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

## **Civil Works**

37. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bike racks must be installed:
  - (a) at the permit holder's cost; and
  - (b) in a location and manner, 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, 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.
40. 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.
41. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken, at the permit holder's cost and to the satisfaction of the Responsible Authority:
  - (a) The footpath immediately outside the site on Cambridge Street must be stripped and re-sheeted.

## **Development Infrastructure Levy**

43. 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.

## **Construction Management Plan**

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

- (h) management of any environmental hazards including, but not limited to,:
  - (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;
  - (iv) stormwater contamination from run-off and wash-waters;
  - (v) sediment from the land on roads;
  - (vi) washing of concrete trucks and other vehicles and machinery; and
  - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with 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.

45. During the construction:

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

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.

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

## **Construction hours & noise**

47. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time

## **Permit Expiry**

48. 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; or
  - (c) the use is not commenced within five years of the date of this permit.

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

## **Notes:**

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

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.

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

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 vehicle crossing permit is required for the construction of the vehicle crossing. 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.

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

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

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

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

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.

#### Submissions made online during the meeting

Thomas Albert, Urban Planning Collective (for the applicant)  
Jacqueline Rayner  
Diane Cronin  
Helen (neighbour of Diane Cronin)  
Santo Genovesi  
Trent Godden-Minette

### **PROPOSED PLANNING DECISIONS COMMITTEE RECOMMENDATION**

**Moved:** Councillor de Vietri

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 PLN21/0194 for *Construction of a multi-storey building (with roof terrace and basement) use as a residential hotel (with ancillary gym/offices) and food and drink premises (restaurant) and a reduction in the statutory car parking and bicycle facility requirements* at 67-77 Cambridge Street, Collingwood subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Telha Clarke and dated 13 October 2021 but modified to show:
  - (a) Deletion of levels 6 & 7;
  - (b) Increased setback of levels 4 & 5 to a minimum of 7.5m from the western boundary;
  - (c) An additional 2 visitor bicycle hoops;
  - (d) The transparency (maximum 25%) and height (minimum 1.7m above FFL of Level 2) of the proposed fluted glazing to the Level 2 west-facing windows;
  - (e) Seating for a minimum 75% of patrons within the internal and external areas of the restaurant, with the internal area seating capacity determined by the Patron Capacity Report required at Condition 3;
  - (f) An amended ground floor plan to include the following:
    - (i) Spot levels along the Cambridge Street footpath to demonstrate that seamless and compliant levels transitions are achieved between the footpath and the proposed entrance;
    - (ii) The notation regarding '2 bicycle spaces' amended to read '2 bicycle hoops', with the bicycle hoops to be positioned in accordance with clearance and access-way requirements of AS2890.3. and Council's Standard Detail for Bicycle Hoops;
    - (iii) The waste storage enlarged to accommodate an effective waste stream, as outlined in the submitted Waste Management Plan;
    - (iv) The provision of a convex mirror on the southern side of the carpark entrance;

- (v) The dimension of the vehicle crossover reduced to only span the width of the garage door;
- (vi) The removal of any proposed 'seating' or other structures on the footpath (excluding bicycle hoops);
- (vii) Confirmation of the proposed threshold paving material, with this material to be clearly distinguishable from the footpath material
- (g) A notation confirming that the ground floor glazing will have a minimum visual light transmission of 50%;
- (h) Notations on relevant drawings confirming that all construction requirements as outlined in the Enfield Acoustic Report (dated 22 December 2021) will be implemented;
- (i) Any changes required by the endorsed Façade Strategy at Condition 4;
- (j) Any changes required by the endorsed Hotel Management at Condition 6;
- (k) Any changes required by the endorsed Sustainable Management Plan at Condition 8;
- (l) Any changes required by the endorsed Waste Management Plan at Condition 10;
- (m) Any changes required by the endorsed Acoustic Report at Condition 12;
- (n) Any changes required by the endorsed Landscape Plan at Condition 15;
- (o) Any changes required by the endorsed Wind Report at Condition 17.

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. A Patron Capacity Report, prepared by a suitably qualified Building Surveyor, confirming the overall number of patrons that can be accommodated in the proposed restaurant.

#### **Façade Strategy**

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

#### **Hotel Management Plan**

6. Before the residential hotel use starts, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will then form part of the permit. The Hotel Management Plan must detail the following:
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  - (c) Hours of operation of the gym/yoga room and hours of access to the roof terrace, with the exclusive use of these spaces by hotel guests confirmed;

- (d) Drop off/pick up arrangements, with any on-street parking arrangements to be discussed and approved by Council's Parking Management Unit; and,
- (e) Details of a complaints register.

7. The hotel use must be managed in accordance with the endorsed Hotel Management Plan.

#### **Sustainability Management Plan**

8. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 10 December 2021, but modified to include:

- (a) Clear reference to the Green Star Innovation points claimed via Green Star As Built V1.3.

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

#### **Waste Management Plan**

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- (a) An increased area for waste storage to effectively accommodate all waste streams outlined in the report;
- (b) An amended layout plan to reference the updated layout details; and,
- (c) Any changes required by Condition 1 requirements of this permit.

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

#### **Acoustic Report**

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- (b) All music associated with the restaurant use shall be provided via a noise limiter, which shall be calibrated by a suitably qualified acoustic consultant prior to commencement of use;
- (c) Noise from proposed mechanical plant and equipment and music on site will comply with the Noise Protocol at all times.

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

14. Within 3 months of the commencement of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

### **Landscape Plan**

15. 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 John Patrick Landscape Architects and dated 22 September 2021, but modified to include:
  - (a) The details and location of proposed wall anchors to enable abseiling for planter maintenance;
  - (b) Clarification on how the plants within the balcony planters will be supported and encouraged to trail beyond the planter box to cover the balcony;
  - (c) Further details on how the soil volume for the tree planting has been calculated;
  - (d) The provision of additional planting on the roof terrace; and,
  - (e) The provision of planter boxes within the podium levels on the western façade.
16. 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.

### **Wind Impact Assessment**

17. Before the development commences, an amended Wind Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared by Vipac Engineers and dated 3 March 2021, but modified to include:
  - (a) Potential wind conditions within the new Level 4 terraces addressing Cambridge Street, with recommendations for mitigation measures if required.
18. The provisions, recommendations and requirements of the endorsed Wind Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
19. Before the development commences, the permit holder must make a one-off contribution of \$2,097.81 to the Responsible Authority to be used for the new street tree plantings that are required as a result of the development.

## **Uses**

20. Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this planning permit may only operate between
  - (a) Internal - 7am to 11pm – Monday to Sunday; and,
  - (b) External courtyard – 7am to 10pm – Monday to Sunday.
21. No more than the maximum number of patrons specified in the Patron Capacity Report at Condition 3 of this planning permit are permitted within the restaurant at any one time.
22. No more than 20 patrons are permitted within the external restaurant courtyard at any one time.
23. A minimum of 75% seating for patrons must be provided for both internal and external areas of the restaurant when in use.
24. The doors to the ground floor external terraces (restaurant and gym) must be closed after 10pm.
25. The gym/yoga studio must only be used by hotel guests.
26. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
  - (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) The presence of vermin.
27. Music must be at background music levels only, with no external speakers provided.
28. The use and development must comply at all times with the Noise Protocol.
29. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
30. 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.
31. 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.

## **General**

32. 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.

33. All buildings and works must be maintained in good order and appearance 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 new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
35. Before the building is occupied, any wall located facing public land must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
36. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

### **Civil Works**

37. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two bike racks must be installed:
  - (a) at the permit holder's cost; and
  - (b) in a location and manner, 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, any redundant vehicular crossing must be demolished and reinstated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
40. Before the building is occupied, or by such later date as approved, in writing by the Responsible Authority, 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.
41. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken, at the permit holder's cost and to the satisfaction of the Responsible Authority:
  - (a) The footpath immediately outside the site on Cambridge Street must be stripped and re-sheeted.

### **Development Infrastructure Levy**

43. 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.

### **Construction Management Plan**

44. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Construction Management Plan will be endorsed and will form part of this permit. The Construction Management Plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with 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.
45. During the construction:
- (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

- (c) vehicle borne material must not accumulate on the roads abutting the land;
- (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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.

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

#### **Construction hours & noise**

47. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time

#### **Permit Expiry**

48. 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; or
  - (c) the use is not commenced within five years of the date of this permit.

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

#### **Notes:**

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

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.

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

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 vehicle crossing permit is required for the construction of the vehicle crossing. 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.

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

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

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

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

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.

*Motion lapsed for want of a seconder.*

## PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Councillor Wade

**Seconded:** Councillor 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 PLN21/0194 for *Construction of a multi-storey building (with roof terrace and basement) use as a residential hotel (with ancillary gym/offices) and food and drink premises (restaurant) and a reduction in the statutory car parking and bicycle facility requirements* at 67-77 Cambridge Street, Collingwood subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Telha Clarke and dated 13 October 2021 but modified to show:
  - (a) Increased setback of levels 4 & 5 to a minimum of 7.5m from the western boundary;
  - (b) An additional 2 visitor bicycle hoops;
  - (c) The transparency (maximum 25%) and height (minimum 1.7m above FFL of Level 2) of the proposed fluted glazing to the Level 2 west-facing windows;
  - (d) Seating for a minimum 75% of patrons within the internal and external areas of the restaurant, with the internal area seating capacity determined by the Patron Capacity Report required at Condition 3;
  - (e) An amended ground floor plan to include the following:
    - (i) Spot levels along the Cambridge Street footpath to demonstrate that seamless and compliant levels transitions are achieved between the footpath and the proposed entrance;
    - (ii) The notation regarding '2 bicycle spaces' amended to read '2 bicycle hoops', with the bicycle hoops to be positioned in accordance with clearance and access-way requirements of AS2890.3. and Council's Standard Detail for Bicycle Hoops;

- (iii) The waste storage enlarged to accommodate an effective waste stream, as outlined in the submitted Waste Management Plan;
  - (iv) The provision of a convex mirror on the southern side of the carpark entrance;
  - (v) The dimension of the vehicle crossover reduced to only span the width of the garage door;
  - (vi) The removal of any proposed 'seating' or other structures on the footpath (excluding bicycle hoops);
  - (vii) Confirmation of the proposed threshold paving material, with this material to be clearly distinguishable from the footpath material
- (f) A notation confirming that the ground floor glazing will have a minimum visual light transmission of 50%;
  - (g) Notations on relevant drawings confirming that all construction requirements as outlined in the Enfield Acoustic Report (dated 22 December 2021) will be implemented;
  - (h) Any changes required by the endorsed Façade Strategy at Condition 4;
  - (i) Any changes required by the endorsed Hotel Management at Condition 6;
  - (j) Any changes required by the endorsed Sustainable Management Plan at Condition 8;
  - (k) Any changes required by the endorsed Waste Management Plan at Condition 10;
  - (l) Any changes required by the endorsed Acoustic Report at Condition 12;
  - (m) Any changes required by the endorsed Landscape Plan at Condition 15;
  - (n) Any changes required by the endorsed Wind Report at Condition 17.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. A Patron Capacity Report, prepared by a suitably qualified Building Surveyor, confirming the overall number of patrons that can be accommodated in the proposed restaurant.

### **Façade Strategy**

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

### **Hotel Management Plan**

6. Before the residential hotel use starts, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will then form part of the permit. The Hotel Management Plan must detail the following:
  - (a) All staffing arrangements, including how the hotel reception will be managed and during which hours it will operate;
  - (b) Security measures to be implemented;
  - (c) Hours of operation of the gym/yoga room and hours of access to the roof terrace, with the exclusive use of these spaces by hotel guests confirmed;

- (d) Drop off/pick up arrangements, with any on-street parking arrangements to be discussed and approved by Council's Parking Management Unit; and,
  - (e) Details of a complaints register.
7. The hotel use must be managed in accordance with the endorsed Hotel Management Plan.

### **Sustainability Management Plan**

8. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 10 December 2021, but modified to include:
- (a) Clear reference to the Green Star Innovation points claimed via Green Star As Built V1.3.
9. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

10. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Onemilegrid and dated 17 September 2021, but modified to include:
- (a) An increased area for waste storage to effectively accommodate all waste streams outlined in the report;
  - (b) An amended layout plan to reference the updated layout details; and,
  - (c) Any changes required by Condition 1 requirements of this permit.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Acoustic Report**

12. 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 Enfield Acoustics and dated 22 December 2021, but modified to confirm that the following conditions will be met:
- (a) The external terraces associated with the restaurant and the gym will be closed to patrons/guests from 10pm each night;
  - (b) All music associated with the restaurant use shall be provided via a noise limiter, which shall be calibrated by a suitably qualified acoustic consultant prior to commencement of use;
  - (c) Noise from proposed mechanical plant and equipment and music on site will comply with the Noise Protocol at all times.
13. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

14. Within 3 months of the commencement of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

### **Landscape Plan**

15. 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 John Patrick Landscape Architects and dated 22 September 2021, but modified to include;
  - (a) The details and location of proposed wall anchors to enable abseiling for planter maintenance;
  - (b) Clarification on how the plants within the balcony planters will be supported and encouraged to trail beyond the planter box to cover the balcony;
  - (c) Further details on how the soil volume for the tree planting has been calculated;
  - (d) The provision of additional planting on the roof terrace; and,
  - (e) The provision of planter boxes within the podium levels on the western façade.
16. 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.

### **Wind Impact Assessment**

17. Before the development commences, an amended Wind Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared by Vipac Engineers and dated 3 March 2021, but modified to include;
  - (a) Potential wind conditions within the new Level 4 terraces addressing Cambridge Street, with recommendations for mitigation measures if required.
18. The provisions, recommendations and requirements of the endorsed Wind Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
19. Before the development commences, the permit holder must make a one-off contribution of \$2,097.81 to the Responsible Authority to be used for the new street tree plantings that are required as a result of the development.

## **Uses**

20. Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this planning permit may only operate between
  - (a) Internal - 7am to 11pm – Monday to Sunday; and,
  - (b) External courtyard – 7am to 10pm – Monday to Sunday.
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23. A minimum of 75% seating for patrons must be provided for both internal and external areas of the restaurant when in use.
24. The doors to the ground floor external terraces (restaurant and gym) must be closed after 10pm.
25. The gym/yoga studio must only be used by hotel guests.
26. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
  - (a) The transport of materials, goods or commodities to or from land.
  - (b) The appearance of any buildings, works or materials.
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
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31. 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.

## **General**

32. 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
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to the satisfaction of the Responsible Authority.
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### **Civil Works**

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  - (a) at the permit holder's cost; and
  - (b) in a location and manner, to the satisfaction of the Responsible Authority.
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  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
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42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken, at the permit holder's cost and to the satisfaction of the Responsible Authority:
  - (a) The footpath immediately outside the site on Cambridge Street must be stripped and re-sheeted.

### **Development Infrastructure Levy**

43. 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.

### **Construction Management Plan**

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

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

45. During the construction:

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

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.

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

#### **Construction hours & noise**

47. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time

#### **Permit Expiry**

48. 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; or
  - (c) the use is not commenced within five years of the date of this permit.

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

#### **Notes:**

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

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.

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

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 vehicle crossing permit is required for the construction of the vehicle crossing. 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.

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

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

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

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

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

**CARRIED**

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## 6.2 [PLN21/0512 - 47 Gore Street Fitzroy - Full demolition, construction of one new dwelling and associated reduction in the car parking requirements of the Yarra Planning Scheme.](#)

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<b>Reference</b>	D22/2337
<b>Author</b>	Jessica Sutherland - Statutory Planner
<b>Authoriser</b>	Coordinator Statutory Planning

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### **RECOMMENDATION**

That a Notice of Decision to Grant a Planning Permit PLN21/0512 be issued for the full demolition and construction of a two storey dwelling and a reduction in the car parking requirements of the Yarra Planning Scheme at No. 47 Gore Street Fitzroy, generally in accordance with the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans as prepared by Rob Kennon Architects, Drawings 0-100, 0-101, 0-201, 1-101, 1-102, 2-101, 2-102, 3-101 and 10-101 and dated 12 October 2021 but modified to show:
  - (a) The ground floor screen of the front façade with a transparency of 50%.
  - (b) The front fence dimensioned above NGL, with a height no greater than 1.5 metres.
  - (c) The lip between the proposed garage and Little Gore Street no greater than 60mm.
  - (d) A notation confirming the garage door will not protrude into Little Gore Street.
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. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:

- (a) the protection of the tree at No. 43 Gore Street:
  - (i) pre-construction;
  - (ii) during construction; and
  - (iii) post construction
- (b) the provision of any barriers;
- (c) any pruning necessary; and
- (d) watering and maintenance regimes,

to the satisfaction of the Responsible Authority.

- 7. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
- 8. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit; 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, residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

Submissions made online during the meeting

Rob Kennon & Jim Gard'ner, GJM Heritage (for the applicants)  
Sivvy Orr

**PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor de Vietri

**Seconded:** Councillor Wade

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**

The meeting closed at 7.52pm.

**Confirmed at the meeting held on Tuesday 1 March 2022**

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**Chair**