



Minutes

Planning Decisions Committee

6.30pm, Tuesday 12 April 2022

Richmond Town Hall

1. Appointment of Chair

Cr Jolly nominated Cr Crossland as chair.

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

Cr Crossland assumed the chair.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

3. Attendance and apologies

Councillors

Cr Edward Crossland

Cr Anab Mohamud

Cr Stephen Jolly (substitute for Cr O'Brien)

Council officers

Julian Larkins (Co-ordinator Statutory Planning)

Samantha Tham (Senior Statutory Planner)

Ivan Gilbert (Group Manager Chief Executive's Office)

Mel Nikou (Governance Officer)

Municipal Monitor

Yehudi Blacher

Municipal Monitor

Apology

Cr Bridgid O'Brien

4. Declarations of conflict of interest

No declarations were made.

5. Confirmation of Minutes

RESOLUTION

Moved: Cr Jolly **Seconded:** Cr Mohamud

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 22 March 2022 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN21/0807 - 371-385 Gore Street and 195 and 197 Argyle Street, Fitzroy	4	16
6.2	PLN21/0666 - 25-29 and 31-43 Wangaratta Street Richmond	29	30

6.1 PLN21/0807 - 371-385 Gore Street and 195 and 197 Argyle Street, Fitzroy

Reference	D22/49043
Author	Julian Larkins - Coordinator Statutory Planning
Authoriser	Manager Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for Demolition of all existing buildings on site and construction of an multi-storey (plus two basement levels) building containing dwellings; removal of easements (two carriageway easements extending along the rear boundary of 197 Argyle St) at 371-385 Gore Street, 195 Argyle Street and 197 Argyle, Fitzroy generally in accordance with the plans noted previously as 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, prepared by Woods Bagot, dated 03.12.21, but modified to show:

Layout

- (a) Five visitor spaces adjacent to the vehicle entrance relocated to the Gore Street footpath and provided as 3 horizontal bicycle hoops. Visitor spaces must be positioned in accordance with Council's Standard Bicycle Hoop detail or to the satisfaction of the relevant authority.
- (b) 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.

Built Form

- (c) The upper level terrace setback to Gore Street increased to 6 metres for Level 07.
- (d) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the northernmost upper level windows into secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown.
- (e) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the northernmost west-facing upper level windows into secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown.
- (f) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note – 3D Digital Modelling.

Reports and Plans

- (g) Any changes required by the amended Sustainable Management Plan at Condition 5;
 - (h) Any changes required by the amended Acoustic Report at Condition 7;
 - (i) Any changes required by the amended Landscape Plan at Condition 11;
 - (j) Any changes required by the amended Wind Report at Condition 15; and
 - (k) Any changes required by the amended Waste Management Plan at Condition 17
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample schedule and coloured drawings outlining colours, materials and finishes including:
 - (i) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface.
4. As part of the ongoing consultant team, Woods Bagot 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. 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 ADP Consulting and dated 27 October 2021, but modified to include or show
- (a) For glazed areas on the east, north and south façade that aren't protected by balcony overhangs, additional external shading should be provided (either fixed awnings, fins or operable blinds).
 - (b) The waste management approach should be revised to include food organics (given they make up to 40% of general waste) with each apartment provided with a kitchen caddy and private collection organised and detailed within the WMP.
 - (c) While operable windows are evident throughout, some of the breeze paths indicated on the BADS assessment show non-compliant distances (i.e. apt 2B.10, 3B.04, 3B.06, 3B.10 and PH.03). In addition to BESS report claiming 100% of apartments are naturally ventilated.
 - (d) Revise breeze paths to align with BESS requirements, provide a table summary of apartments, and amend achievement in BESS accordingly (i.e. 60% [if still compliant after changes]).

- (e) Any room can achieve daylight with a higher level of internal reflectance. Amend daylight modelling with more realistic internal finishes (i.e. <80%).
 - (f) Clarify VOC approach for all internal sealants, adhesives, and carpets, and formaldehyde limits for any engineered wood products.
 - (g) Clarify % reduction in GHG emissions as a result of building design, services and rooftop solar PV to support credit claim.
 - (h) Clarify % reduction in peak energy demand to support credit claim.
 - (i) Clarify heating and cooling system/s for the development.
 - (j) Clarify landscape irrigation system.
 - (k) Confirm post-development flows do not exceed pre-development levels.
 - (l) Clarify design of raingarden (i.e. a cross-section), noting that a 1 m² raingarden may not be large enough to managed run-off from 646 m² during a storm event.
 - (m) Clarify whether a similar approach will be extended to concrete, reducing Portland cement with SCMs (20-30%) is becoming industry standard and is critical in reducing the embodied carbon impacts of development.
 - (n) Confirm that pipes, cabling, flooring will do not contain PVC or meet best practice guidelines for PVC.
 - (o) Confirm a site specific WMP will be developed with a target recycling rate of 80% of construction and demolition waste for the construction phase of the development to minimise the volume of waste to landfill.
 - (p) Provide cross-sections of each planting area that supports trees to highlight soil depth/volumes in line with the updates BADS (table D2-D4).
 - (q) Provide a statement as to how the design has responded to, and minimises urban heat impacts.
 - (r) While the SMP indicates that the storage cages are supported by the City of Yarra's innovation fact sheet, no reference was found. Please clarify innovation here or remove credit.
 - (s) Clarify that head contractor will be ISO 14001 accredited.
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.

Acoustic Report

7. Before the use and/or 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 Acoustic Logic and dated 3 August 2021, but modified to include or show:
- (a) Confirmation be provided that the apartment west wall will not be connected to the wall of 193 Argyle Street. If it is, further investigations should be carried out to ensure that there will not be any structureborne noise impacts from the use.
 - (b) A recommended maximum noise level at a reference distance be specified in the report to ensure that the carpark gate and any other carpark equipment (if installed) does not exceed sleep disturbance criteria at the dwellings at 192 Argyle Street, and complies with the Noise Protocol
8. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

9. Following completion of the development, and prior to its occupation and commencement of use, a post development Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The post development Acoustic Report must be prepared by a suitably qualified acoustic engineer and must review all mechanical plant associated with the proposal for compliance with the endorsed Acoustic Report. When approved, the post development Acoustic Report will be endorsed and will then form part of this permit.
10. 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.

Landscape Plan

11. Concurrent with the submission of plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre Studios and dated 01 November 2021, but modified to include or show:
 - (a) Provide plant schedules with the following information – the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers. Generally this information has been provided. The 'level 4' plant schedule is missing from page 21. Some of the proposed plants will require frequent maintenance to keep them to the 'mature' size shown in the plant schedule (e.g. *Russelia equisetiformis*). The following plant species are listed on the 'Advisory list of environmental weeds in Victoria' and alternatives should be found – *Plectranthus ciliatus*, *Achillea millefolium* 'Mondpagode', *Verbena bonariensis*. The plant list does include a number of native plants which assists in fostering local fauna and biodiversity.
 - (b) Planting plans have been provided, though the codes shown on the plans don't always correspond to the codes and colours in the plant schedule, this needs to be corrected. A legend containing key features, materials and surfaces is missing from the landscape plans so it is difficult to read what kind of surface is being proposed for the ground floor 'deep soil' zone. Also on the ground floor the Argyle St entrance shows trees located in the ramp pavement, which seems to be an error;
 - (c) A detail is provided for balcony planters – showing dimensions, drainage, lining, materials and growing media. Further information on soil depths and volumes proposed for trees is necessary to ensure volumes of growing media are adequate for the tree species proposed.
 - (d) Provide information on proposed irrigation- reference is made in relation to the inclusion of irrigation.
 - (e) Provide a maintenance schedule, including task details and frequency; for multi-storey developments and planting, maintenance access will need to be outlined.
 - (f) Provide a maintenance schedule, including task details and frequency; for multi-storey developments and planting, maintenance access will need to be outlined.
 - (g) Load bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed.
12. 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

- 13. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by MEL Consultants and dated February 2022, but modified to include or show:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Demonstrate sitting criterion is achieved for all dwelling balconies / terraces.
- 14. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste

- 15. 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 Leigh Design and dated 28 October June 2021, but modified to include or show:
 - (a) Assess the proposal as amended pursuant to Condition 1.
 - (b) Revise approach to include food organics (given they make up to 40% of general waste) and management for food organics and collection including each apartment provided with a kitchen caddy.
- 16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 18. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 19. 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.

Design and Detail Plan

- 20. Within six (6) months of the development commencing, detailed engineering and landscaping plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and at the full cost of the owner showing the following:
 - (a) the location of all existing infrastructure on footpath like drainage pits, electricity poles, street signs, parking metre, parking numbers, outstands, trees etc. If any of this infrastructure is proposed to be relocated show the proposed new locations.
 - (b) the location of existing power poles/lights to ensure the location and number of new street trees.

Streetscape Improvement Plan

21. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, including, but not limited to, the following streetscape improvements:
- (a) Landscaping, seating and bike hoops.
 - (b) All pavements reinstated as asphalt footpaths with bluestone kerb and channels to match existing for the full length of the site as *per City of Yarra's Infrastructure – Road Materials Policy*.
 - (c) All paving must be compliant with Australian Standards for slip resistance and DDA.
 - (d) Details of any re-located street infrastructure.
 - (e) Details of pedestrian kerb crossing.
 - (f) Details of the materiality of outstands including permeable surface finishes, drainage and tree protection measures.
 - (g) The spacing and geometry of outstands needs to be revised to provide continuous canopy coverage and maximise the efficiency of outstands and parking.
 - (h) Before the development is commenced, or by such later date as approved in writing by the Responsible Authority, the owner is to amend levels to ensure the longitudinal grade of the Gore St footpath is gradual from Argyle St to the laneway (along the northern boundary).
 - (i) Internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary.
22. Before the building is occupied, all works (including landscaping) to the public realm as shown in the plans approved under conditions 20 and 21, must be fully constructed and completed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority

Trees

23. Before the development commences, the permit holder must provide an Asset Protection Bond of \$50,000 (ex GST) for the trees in Gore Street adjacent the frontage of the development to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.
24. Before the development commences, the permit holder must make a one off contribution of \$3,078 to the Responsible Authority to be used for new street tree plantings that are required as a result of the development.

Car Parking

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

General

27. 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,
 - (d) ash, dust, waste water, waste products, grit or oil, or
 - (e) the presence of vermin.
28. 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.
29. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
30. 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.
31. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
32. 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.
33. 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).

Road Infrastructure

34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
35. 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 street frontages must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath and kerb and channel to all street frontages must be reconstructed:
- (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, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpaths along both the Gore Street and Argyle frontages:
- (a) in accordance with Council's Road Materials Policy;
 - (b) at the permit holder's cost; and
 - (c) 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 damage to Council infrastructure resulting from the development (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.
39. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing / the existing kerb extension along the property's street frontages 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.
41. 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;
 - (b) to the satisfaction of the Responsible Authority.

42. 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.
43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed bench seating on the Gore Street frontage is to be installed:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

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

Community Infrastructure Levy

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

Construction Management Plan

46. 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) 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.
47. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
48. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Homes for Homes

49. The developer must enter into a written agreement with “Home for Homes”, with a copy to be provided to the Responsible Authority confirming that a contribution of 0.1% of the sale price of every residential property will be contributed to “Home for Homes” at the time of settlement. Contribution to be used for social and affordable housing in the City of Yarra.

Expiry

50. 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

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.

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

The proposed kerb extension and on-street parking arrangement on the north side of Argyle Street may impact on vehicle entry and exit movements from the development proposal at 223-229 Johnston Street, Fitzroy (PLN21/0670). Traffic Group is also the traffic engineering consultant for 223-229 Johnston Street. It is suggested that the applicant for the subject site considers the vehicle turning movements into and out of 223-229 Johnston Street and factor this into their design. The kerb extension and on-street parking may need to be deleted.

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, boundary traps, valves or meters on Council property will be accepted.

All future residents within the development approved under this permit will not be permitted to obtain resident 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.

An overland flow flood risk assessment should be undertaken by the applicant to determine if property entry points will be impacted by flooding due to severe (1 in 100) storm events. This area has a history of localised flooding.

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

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

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

Any on-street parking reinstated 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.

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.

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

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

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

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

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

Vaughan Connor, Contour (the applicant)

Sheryl O'Connell

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Mohamud

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for Demolition of all existing buildings on site and construction of an multi-storey (plus two basement levels) building containing dwellings; removal of easements (two carriageway easements extending along the rear boundary of 197 Argyle St) at 371-385 Gore Street, 195 Argyle Street and 197 Argyle, Fitzroy generally in accordance with the plans noted previously as 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, prepared by Woods Bagot, dated 03.12.21, but modified to show:

Layout

- (a) Five visitor spaces adjacent to the vehicle entrance relocated to the Gore Street footpath and provided as 3 horizontal bicycle hoops. Visitor spaces must be positioned in accordance with Council's Standard Bicycle Hoop detail or to the satisfaction of the relevant authority;
- (b) 19 additional resident bicycle spaces to be located at ground level.
- (c) Bicycle parking to include provision for cargo bikes and or bike trailers.
- (d) 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; and
 - (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.

Built Form

- (e) The upper level terrace setback to Gore Street increased to 6 metres for Level 07;
- (f) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the northernmost upper level windows into secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown; maintaining an outward view wherever possible;
- (g) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the northernmost west-facing upper level windows into secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown; maintaining an outward view wherever possible;
- (h) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note – 3D Digital Modelling;
- (i) Basement lobby areas to be unenclosed and / or all walls and doors to be glazed to common areas;

- (j) Relocate storage cages adjacent pedestrian entrance to the lobby areas within the basement levels through deletion of car parking spaces;
- (k) Internal stairwells to be redesigned to be activated and/or unenclosed to common areas and extend to the basement levels;
- (l) The north and west facing above podium windows to show shading details;
- (m) The podium wall height being constructed along the entire part of the west boundary shared with No. 193 Argyle Street, Fitzroy generally in accordance with West Elevation Option Drawing dated 11/4/22 prepared by Woods Bagot;
- (n) The planter beds on the podium adjacent to No. 193 Argyle Street, Fitzroy being a minimum of 1.5m deep generally in accordance with Sketch Plan 1 dated 11/4/22 prepared by Woods Bagot;

Reports and Plans

- (o) Any changes required by the amended Sustainable Management Plan at Condition 5;
 - (p) Any changes required by the amended Acoustic Report at Condition 7;
 - (q) Any changes required by the amended Landscape Plan at Condition 11;
 - (r) Any changes required by the amended Wind Report at Condition 15; and
 - (s) Any changes required by the amended Waste Management Plan at Condition 17.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample schedule and coloured drawings outlining colours, materials and finishes including:
 - (i) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface.
 4. As part of the ongoing consultant team, Woods Bagot 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. 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 ADP Consulting and dated 27 October 2021, but modified to demonstrate a 7.5 NatHers rating, and to include or show:

- (a) For glazed areas on the east, north and south façade that aren't protected by balcony overhangs, additional external shading should be provided (either fixed awnings, fins or operable blinds);
- (b) The waste management approach should be revised to include food organics (given they make up to 40% of general waste) with each apartment provided with a kitchen caddy and private collection organised and detailed within the WMP;
- (c) While operable windows are evident throughout, some of the breeze paths indicated on the BADS assessment show non-compliant distances (i.e. apt 2B.10, 3B.04, 3B.06, 3B.10 and PH.03). In addition to BESS report claiming 100% of apartments are naturally ventilated;
- (d) Revise breeze paths to align with BESS requirements, provide a table summary of apartments, and amend achievement in BESS accordingly (i.e. 60% [if still compliant after changes]);
- (e) Any room can achieve daylight with a higher level of internal reflectance. Amend daylight modelling with more realistic internal finishes (i.e. <80%);
- (f) Clarify VOC approach for all internal sealants, adhesives, and carpets, and formaldehyde limits for any engineered wood products;
- (g) Clarify % reduction in GHG emissions as a result of building design, services and rooftop solar PV to support credit claim;
- (h) Clarify % reduction in peak energy demand to support credit claim;
- (i) Clarify heating and cooling system/s for the development;
- (j) Clarify landscape irrigation system;
- (k) Confirm post-development flows do not exceed pre-development levels;
- (l) Clarify design of raingarden (i.e. a cross-section), noting that a 1 m² raingarden may not be large enough to managed run-off from 646 m² during a storm event;
- (m) Clarify whether a similar approach will be extended to concrete, reducing Portland cement with SCMs (20-30%) is becoming industry standard and is critical in reducing the embodied carbon impacts of development;
- (n) Confirm that pipes, cabling, flooring do not contain PVC or meet best practice guidelines for PVC;
- (o) Confirm a site specific WMP will be developed with a target recycling rate of 80% of construction and demolition waste for the construction phase of the development to minimise the volume of waste to landfill;
- (p) Provide cross-sections of each planting area that supports trees to highlight soil depth/volumes in line with the updates BADS (table D2-D4);
- (q) Provide a statement as to how the design has responded to, and minimises urban heat impacts;
- (r) While the SMP indicates that the storage cages are supported by the City of Yarra's innovation fact sheet, no reference was found. Please clarify innovation here or remove credit; and
- (s) Clarify that head contractor will be ISO 14001 accredited.

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.

Acoustic Report

7. Before the use and/or 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 Acoustic Logic and dated 3 August 2021, but modified to include or show:
 - (a) Confirmation be provided that the apartment west wall will not be connected to the wall of 193 Argyle Street. If it is, further investigations should be carried out to ensure that there will not be any structure-borne noise impacts from the use; and
 - (b) A recommended maximum noise level at a reference distance be specified in the report to ensure that the carpark gate and any other carpark equipment (if installed) does not exceed sleep disturbance criteria at the dwellings at 192 Argyle Street, and complies with the Noise Protocol.
8. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Following completion of the development, and prior to its occupation and commencement of use, a post development Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The post development Acoustic Report must be prepared by a suitably qualified acoustic engineer and must review all mechanical plant associated with the proposal for compliance with the endorsed Acoustic Report. When approved, the post development Acoustic Report will be endorsed and will then form part of this permit.
10. 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.

Landscape Plan

11. Concurrent with the submission of plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre Studios and dated 01 November 2021, but modified to include or show:
 - (a) Provide plant schedules with the following information – the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers. Generally this information has been provided. The 'level 4' plant schedule is missing from page 21. Some of the proposed plants will require frequent maintenance to keep them to the 'mature' size shown in the plant schedule (e.g. *Russelia equisetiformis*). The following plant species are listed on the 'Advisory list of environmental weeds in Victoria' and alternatives should be found – *Plectranthus ciliatus*, *Achillea millefolium* 'Mondpagode', *Verbena bonariensis*.

The plant list does include a number of native plants which assists in fostering local fauna and biodiversity;

- (b) Planting plans have been provided, though the codes shown on the plans don't always correspond to the codes and colours in the plant schedule, this needs to be corrected. A legend containing key features, materials and surfaces is missing from the landscape plans so it is difficult to read what kind of surface is being proposed for the ground floor 'deep soil' zone. Also on the ground floor the Argyle St entrance shows trees located in the ramp pavement, which seems to be an error;
 - (c) A detail is provided for balcony planters – showing dimensions, drainage, lining, materials and growing media. Further information on soil depths and volumes proposed for trees is necessary to ensure volumes of growing media are adequate for the tree species proposed;
 - (d) Provide information on proposed irrigation- reference is made in relation to the inclusion of irrigation;
 - (e) Provide a maintenance schedule, including task details and frequency; for multi-storey developments and planting, maintenance access will need to be outlined;
 - (f) Provide a maintenance schedule, including task details and frequency; for multi-storey developments and planting, maintenance access will need to be outlined; and
 - (g) Load bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed.
12. 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

13. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by MEL Consultants and dated February 2022, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1; and
 - (b) Demonstrate sitting criterion is achieved for all dwelling balconies / terraces.
14. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste

15. 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 Leigh Design and dated 28 October June 2021, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1; and

- (b) Revise approach to include food organics (given they make up to 40% of general waste) and management for food organics and collection including each apartment provided with a kitchen caddy.
- 16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 18. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 19. 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.

Design and Detail Plan

- 20. Within six (6) months of the development commencing, detailed engineering and landscaping plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and at the full cost of the owner showing the following:
 - (a) the location of all existing infrastructure on footpath like drainage pits, electricity poles, street signs, parking metre, parking numbers, outstands, trees etc. If any of this infrastructure is proposed to be relocated show the proposed new locations; and
 - (b) the location of existing power poles/lights to ensure the location and number of new street trees.

Streetscape Improvement Plan

- 21. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Streetscape Improvement plan for the development to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, including, but not limited to, the following streetscape improvements:
 - (a) Landscaping, seating and bike hoops;
 - (b) All pavements reinstated as asphalt footpaths with bluestone kerb and channels to match existing for the full length of the site as *per City of Yarra's Infrastructure – Road Materials Policy*;
 - (c) All paving must be compliant with Australian Standards for slip resistance and DDA;
 - (d) Details of any re-located street infrastructure;
 - (e) Details of pedestrian kerb crossing;
 - (f) Details of the materiality of outstands including permeable surface finishes, drainage and tree protection measures;
 - (g) The spacing and geometry of outstands needs to be revised to provide continuous canopy coverage and maximise the efficiency of outstands and parking;
 - (h) Before the development is commenced, or by such later date as approved in writing by the Responsible Authority, the owner is to amend levels to ensure the longitudinal grade of the Gore St footpath is gradual from Argyle St to the laneway (along the northern boundary); and
 - (i) Internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary.

22. Before the building is occupied, all works (including landscaping) to the public realm as shown in the plans approved under conditions 20 and 21, must be fully constructed and completed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Trees

23. Before the development commences, the permit holder must provide an Asset Protection Bond of \$50,000 (ex GST) for the trees in Gore Street adjacent the frontage of the development to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise to the satisfaction of the Responsible Authority.
24. Before the development commences, the permit holder must make a one off contribution of \$3,078 to the Responsible Authority to be used for new street tree plantings that are required as a result of the development.

Car Parking

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

General

27. 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; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot,
 - (d) ash, dust, waste water, waste products, grit or oil, or

(e) the presence of vermin.

28. 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.
29. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
30. 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.
31. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
32. 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.
33. 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).

Road Infrastructure

34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
35. 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 street frontages must be reconstructed (including kerb and channel):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath and kerb and channel to all street frontages must be reconstructed:
 - (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, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpaths along both the Gore Street and Argyle frontages:
 - (a) in accordance with Council's Road Materials Policy;
 - (b) at the permit holder's cost; and
 - (c) 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 damage to Council infrastructure resulting from the development (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.
39. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing / the existing kerb extension along the property's street frontages 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.
41. 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;
 - (b) to the satisfaction of the Responsible Authority.
42. 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.
43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed bench seating on the Gore Street frontage is to be installed:
- (a) at the permit holder's cost;
 - (b) to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

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

Community Infrastructure Levy

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

Construction Management Plan

46. 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) 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.

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

48. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

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

Homes for Homes

49. Where the developer has agreed to enter into a written agreement with "Home for Homes" that provides for a contribution of 0.1% of the sale price of every residential property to be provided to "Home for Homes" at the time of settlement, a copy of the agreement should be provided to the Responsible Authority.

Expiry

50. 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

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.

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

The proposed kerb extension and on-street parking arrangement on the north side of Argyle Street may impact on vehicle entry and exit movements from the development proposal at 223-229 Johnston Street, Fitzroy (PLN21/0670). Traffix Group is also the traffic engineering consultant for 223-229 Johnston Street. It is suggested that the applicant for the subject site considers the vehicle turning movements into and out of 223-229 Johnston Street and factor this into their design. The kerb extension and on-street parking may need to be deleted.

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, boundary traps, valves or meters on Council property will be accepted.

All future residents within the development approved under this permit will not be permitted to obtain resident 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.

An overland flow flood risk assessment should be undertaken by the applicant to determine if property entry points will be impacted by flooding due to severe (1 in 100) storm events. This area has a history of localised flooding.

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

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

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

Any on-street parking reinstated 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.

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.

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

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

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

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

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	D22/55168
Author	Nish Goonetilleke - Senior Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for Use of the land as office and associated reduction of car parking to land at Nos. 25 – 43 Wangaratta Street, Richmond generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the use 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 must be generally in accordance with the decision plans prepared by Olvaer, Plan no. A1-101 and dated 27.08.2021, but modified to show:
 - (a) Warehouse notation removed from the plans;
 - (b) Bicycle spaces to be shown on plans generally in accordance with the bicycle details/locations within the parking impact assessment plan, but including a minimum of 5 visitor bicycle spaces and 26 employee bicycle spaces within the building (i.e. not external);
 - (c) Removal of reference to installation of bollard to Wangaratta Street adjacent water meter.
2. The use 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, the office use authorised by this permit may only operate between the following hours:
 - (a) 7.00am – 10.00pm seven days a week
4. Before the use commences, an amended Parking Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Parking Impact Assessment will be endorsed and will form part of this permit. The amended Parking Impact Assessment must be generally in accordance with the Parking Impact Assessment prepared by Cremorne Properties Pty Ltd and dated 9 November 2021, but modified to:
 - (a) Delete reference to the use of the site as a gymnasium;
 - (b) Show 5 visitor bicycle spaces and 26 employee bicycle spaces within the building and removal of external bicycle parking space to the satisfaction of the Responsible Authority;
5. The provisions, recommendations and requirements of the endorsed Traffic Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
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 amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
8. 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 9pm on any day.
9. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
10. This permit will expire if:
- (a) the office use is not commenced within two years of the date of this permit; or
 - (b) The use is discontinued for a period of two years.

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

Notes

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

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

Submissions

Timothy McBride-Burgess, Contour (the applicant)

Michael Phillipson;

Carol Pelham-Thorman;

Mitchell Shaw; and

Stephen McCulloch.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Jolly

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for Use of the land as office and associated reduction of car parking to land at Nos. 25 – 43 Wangaratta Street, Richmond generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the use 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 must be generally in accordance with the decision plans prepared by Olvaer, Plan no. A1-101 and dated 27.08.2021, but modified to show:
 - (a) Warehouse notation removed from the plans;
 - (b) Bicycle spaces to be shown on plans generally in accordance with the bicycle details/locations within the parking impact assessment plan, but including a minimum of 5 visitor bicycle spaces and 26 employee bicycle spaces within the building (i.e. not external); and
 - (c) Removal of reference to installation of bollard to Wangaratta Street adjacent water meter.
2. The use 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, the office use authorised by this permit may only operate between the following hours:
 - (a) 7.00am – 10.00pm Monday – Friday;
 - (b) 7.00am – 8.00pm Saturday and Sunday; and
 - (c) No deliveries on Sundays in lieu of legal advice.
4. Roller-doors fronting Botherambo Street to be utilised only during operating hours of the office use to the satisfaction of the Responsible Authority;
5. All lights except for emergency lighting and for cleaning purposes to be utilised only during operating hours of the office use to the satisfaction of the Responsible Authority.
6. Before the use commences, an amended Parking Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Parking Impact Assessment will be endorsed and will form part of this permit. The amended Parking Impact Assessment must be generally in accordance with the Parking Impact Assessment prepared by Cremorne Properties Pty Ltd and dated 9 November 2021, but modified to:
 - (a) Delete reference to the use of the site as a gymnasium; and
 - (b) Show 5 visitor bicycle spaces and 26 employee bicycle spaces within the building and removal of external bicycle parking space to the satisfaction of the Responsible Authority.
7. The provisions, recommendations and requirements of the endorsed Traffic Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
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 use must comply at all times with the noise limits specified in the Environmental Protection Regulations under the EPA Act 2017 and the incorporated Noise Protocol (Publication 1826.4, EPA, May 2021).
10. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;

- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
- (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

- 11. 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 9pm on any day.
- 12. This permit will expire if:
 - (a) the office use is not commenced within two years of the date of this permit; or
 - (b) The use is discontinued for a period of two years.

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

Notes

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

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

CARRIED UNANIMOUSLY

The meeting closed at 7.51pm.

Confirmed at the meeting held on Tuesday 3 May 2022

Chair