



# Minutes

## Planning Decisions Committee

6.30pm, Tuesday 14 June 2022

Richmond Town Hall

## 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

Sarah Griffiths (Senior Co-ordinator Continuous Improvement - Statutory Planning)

Julian Larkins (Co-ordinator Statutory Planning)

Rhys Thomas (Senior Governance Advisor)

### Municipal Monitor

Yehudi Blacher (Municipal Monitor)

## 4. Declarations of conflict of interest

No declarations were made.

## 5. Confirmation of Minutes

### **RESOLUTION**

**Moved:** Cr Wade    **Seconded:** Cr de Vietri

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 3 May 2022 be confirmed.

**CARRIED**

## 6 PLANNING DECISIONS COMMITTEE

<b>Item</b>		<b>Page</b>	<b>Res. Page</b>
6.1	PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments) and ground level Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.	4	19
6.2	PLN21/0325 - 2 - 8 Brighton Street, 1 - 3 Wiltshire Street & 5 Little Lesney Street, Richmond - Construction of a multi-storey, mixed use building, use of the land for office and food and drink premises (permit required) and dwellings (no permit required) and a reduction of the car parking requirements	20	37

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6.1 PLN21/0670 - 223 - 229 Johnston Street & 369 Gore Street Fitzroy - Full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments) and ground level Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2.

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**Reference** D22/93428  
**Author** Nish Goonetilleke - Senior Statutory Planner  
**Authoriser** Coordinator Statutory Planning

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## 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 full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments) and ground level Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2 at Nos. 223 – 229 Johnston Street and No. 369 Gore Street, 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 SJB Architects, dated 19.11.2021, but modified to show:

### Layout

- (a) Wall-mounted sensor lighting to be provided to all pedestrian entrances, including the internal courtyard area;
- (b) Details of security lighting to the laneway;
- (c) Internal staircase (between the north and south wings) screened to limit views into the balconies of Apartments 2.17, 3.17, 4.16, 5.13 and bedrooms of Apartments 6.09, 7.07 and 8.07;
- (d) An alternative door solution to the 'smoke lobby' between Levels 1 to 5, to improve the circulation and functionality of the east-west corridor;
- (e) Additional on-street car parking along Johnston Street as a result of removing the existing crossover;
- (f) Swept path diagrams to show the following:
  - (i) that a B99 design vehicle can enter and exit the reconstructed laneway/widened carriageway via Argyle Street without scraping or bottoming out;
  - (ii) commercial vehicles entering and leaving the development in Argyle Street;
- (g) Before the development commences, or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Engineering department for approval, and:

- (i) Demonstrate satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle; and
- (ii) Be fully dimensioned with actual reduced levels (to three decimal places) and comply with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet.
- (h) The finished floor levels at the edge of the pedestrian Entry/Courtyard to neatly match and transition into the reconstructed back of the footpath design levels of Gore Street;
- (i) The proposed kerb extension on the north side of Argyle Street relating to the development at Nos. 371-385 Gore Street on the civil works plans;
- (j) The asphalt ramp and Bluestone layback (vehicle crossing) on Gore Street to include a notation confirming that it will be reinstated as asphalt footpath and bluestone kerb and channel;
- (k) A notation to confirm the fire booster doors fronting Johnston Street to outwardly swing 180 degrees and be latched to the wall when opened;
- (l) A notation confirming that a bluestone channel is to be constructed across the Argyle Street carriageway along the west kerb alignment of Gore Street;
- (m) A minimum of twenty (20) visitor bicycle spaces provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
- (n) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
  - (i) One or more distribution boards within each car parking basement level, with capacity for the future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
  - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand.
- (o) Two carparks and three trees in cut-outs with bike hoop protection along Argyle Street;

#### Built Form

- (p) Ground level windows and activation introduced to west facing wall to the laneway;
- (q) Refine the positioning / layout of the co-working space as not to inhibit the views or functionality of the terrace of Apartment 1.12;
- (r) A second door added to the ground level western return wall of the inset fronting Johnston Street, and any associated changes to the bicycle spaces;
- (s) Provision of additional vertical greening and climbing vegetation;

#### Reports and Plans

- (t) Any changes required by the amended Sustainable Management Plan at Condition 10;
  - (u) Any changes required by the amended Acoustic Report at Condition 12;
  - (v) Any changes required by the amended Landscape Plan at Condition 16;
  - (w) Any changes required by the amended Wind Report at Condition 18; and
  - (x) Any changes required by the Green Travel Plan at Condition 20.
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 consultation SJB Architects 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.

### Heritage

5. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
- (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
    - (i) The existing façade, roof and return walls to a depth of approximately 5m, including sections to how the thickness of architectural elements;
    - (ii) The proposed reconstruction, restoration or works to the existing façade, and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
    - (iii) Any specific requirements outlined in the Heritage Impact Statement prepared by Bryce Raworth (dated September 2021);
  - (b) A written description of the demolition and construction methods to be used.
6. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before demolition commences, a detailed and annotated photographic record of the existing building at 369 Gore Street in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) include the interior and each external elevation of the building;
  - (b) be submitted in black and white format; and
  - (c) be taken by a suitably qualified heritage photographer.
8. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.

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

#### Sustainable Management Plan

10. 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 Sustainable Development Consultants and dated November 2021, but modified to include or show:
- (a) All design changes required under Condition 1 of this permit.
  - (b) Revise strategy to include additional shading treatments for Apartments 5.04, 7.02 and 7.03 (north-facing without balcony overhang);
  - (c) Clarify visible light transmittance (VLT) which is identified as 60% on page 13 and 70% on page 69, and provide result of daylight modelling in a table (for each dwelling's living area and bedroom);
  - (d) Provide copy of JV3 prior to construction to support indicative figures provided in BESS report;
  - (e) Confirm post-development stormwater flows will not exceed pre-development levels;
  - (f) Clarify whether any additional treatment strategies are required for rainwater reuse;
  - (g) Confirm car share details will be provided in Building Users Guide;
  - (h) Given the minor provision of non-residential uses, confirm the content required by a Green Travel Plan (GTP) will be included within the Building User's Guide (BUG);
  - (i) Provide a Landscape Plan detailing the planting schedule and confirming (via cross-sections) adequate soil depth and volumes and per the requirements of BADS;
  - (j) Confirm what is meant by 'where appropriate' and ensure each dwelling balcony has access to a tap and waste (and mark on plans);
  - (k) Confirm head contractor will be ISO14001 accredited.
11. 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

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 Vipac Engineers & Scientists and dated 8 September 2021, but modified to include or show:

- (a) All design changes required under Condition 1 of this permit;
- (b) The correct architectural plans (revision number and date) to be referenced;
- (c) Include potential impacts of the existing commercial uses on the apartments and vice-versa (e.g. roof mounted mechanical plant equipment at No. 219 Johnston Street);
- (d) Carry out several, detailed measurements and at least one of them to be conducted during peak traffic period to ensure that the proposed glazing design will meet the nominated targets;
- (e) Provide advice for noise control via non-glazed areas of the façade if the façade is not proposed to be fully masonry;

- (f) Provide an assessment of voice noise from use of the rooftop spaces, demonstrating that voice noise will comply with a 'background + 5 dB' criteria at night. The assessment should detail the assumed number of people and levels of voice in the outdoor area, and should specify whether the presented noise data is a sound power level, or sound pressure level (the provided assessment for the ground floor area is not clear on this matter);
  - (g) A review of all acoustically significant mechanical plant and equipment to be conducted during the detailed design phase, to ensure the equipment meets the identified noise criteria;
  - (h) Provision of a maximum sound pressure level as a reference distance be nominated such that Noise Protocol compliance and sleep disturbance targets are met at the windows of existing dwellings and proposed dwelling which overlook the carpark entrance;
  - (i) Specify the minimum treatments required to address impact noise transfer. This could be presented as a minimum 'delta L' rating of the proposed underlay or spring treatment; and
  - (j) Provision of minimum Rw ratings for any lightweight, non-glazed components of the façade.
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. 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.
15. 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

16. 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 Studio and dated November 2021, but modified to include or show:
- (a) Further detail drawings of the planters, including the provision of adequate soil depth for all trees;
  - (b) Further notes on proposed irrigation;
  - (c) 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;
  - (d) Street tree species to be updated to align with wider street tree character as follows:
    - (i) Tree species on Argyle Street to be *Koelreuteria paniculatum*;
    - (ii) Proposed plane trees on Gore Street to be *Platanus x acerifolia* 'Liberty'; and
    - (iii) Tree species on Johnstone Street to be *Hymenosporum flavum*.

17. 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

18. 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 Vipac Engineers & Scientists and dated September 2021, but modified to include or show:
- (a) All design changes required under Condition 1 of this permit.
  - (b) Wind tunnel study for the roof terraces, which also includes the wind conditions for the Ground Floor, Level 1 communal space and private balconies/terraces.
  - (c) Demonstrate sitting criterion is achieved for all dwelling balconies and communal open space areas.
19. The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Green Travel Plan

20. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Sustainable Development Consultants and dated November 2021, but modified to include or show:
- (a) All design changes required under Condition 1 of this permit.
  - (b) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (c) A designated 'manager' or 'champion' responsible for coordination and implementation; and
  - (d) Provisions for the Green Travel Plan to be updated not less than every 5 years.
21. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste

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

23. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
24. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
25. 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

26. 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

27. 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) Existing and proposed adjacent on street parking along with verification of existing and proposed on-street parking numbers;
  - (c) Drainage, including kerb and channel (back of kerb, invert, and lip of channel) and any side entry pits;
  - (d) Streetscape surface finishes;
  - (e) 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*.
  - (f) All paving must be compliant with Australian Standards for slip resistance and DDA.
  - (g) Details of any re-located street infrastructure.
  - (h) Details of the materiality of outstands including permeable surface finishes, drainage and tree pit cut outs/tree protection measures;
28. 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:
29. Before the building is occupied, all works (including landscaping) to the public realm as shown in the plans approved under conditions 26 and 27, must be fully constructed and completed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority

## Trees

30. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$6,037 to the Responsible Authority. This fee:
- (a) Will be used for seven (7) new street tree plantings as listed below:
    - (i) Roadside – 3 along Argyle Street; approximate cost \$1,099 per tree;
    - (ii) Outstand – 1 along Gore Street; approximate cost \$880 per tree; and
    - (iii) Footpath – 3 along Johnston Street; approximate cost \$620 per tree.
  - (b) Will cover tree sourcing, planting and 2 years of maintenance;
  - (c) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority.
31. 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 all existing street trees on 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.
32. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
33. Before the development commences, the permit holder must provide an Asset Protection Bond of \$85,863 (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.

## Public Lighting Plan

34. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along all street frontages, in particular the laneway and the entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) A lighting scheme designed for both public highway and new open public areas/paths/open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;

- (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting";
- (c) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
- (d) A maintenance regime for the lighting scheme within the curtilage of the property.
- (e) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.

#### Head, Transport for Victoria Conditions (35 – 37)

- 35. Prior to occupation of the development all disused or redundant vehicle crossings on Johnston Street must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
- 36. The demolition and construction of the development must not disrupt bus operations on Johnston Street without the prior written consent of the Head, Transport for Victoria.
- 37. Any request for written consent to disrupt bus operations on Johnston Street during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

#### Car Parking

- 38. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) any tandem parking spaces allocated to a single tenancy;
  - (c) the number and location of car spaces for shared use, including time of shared use;
  - (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
  - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (f) the number and allocation of storage spaces;
  - (g) policing arrangements and formal agreements;
  - (h) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
  - (i) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 22; and
  - (j) details regarding the management of loading and unloading of goods and materials.
- 39. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) constructed and available for use in accordance with the endorsed plans;

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

42. 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.

43. 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.

44. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

45. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

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

47. 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.

48. 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

49. 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.
50. 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.
51. 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.
52. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the north-south aligned laneway abutting the site's western boundary must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
53. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a bluestone channel is to be constructed across the Argyle Street carriageway along the west kerb alignment of Gore Street:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
54. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the reconstruction of the footpaths along all three street frontages:
- (a) in accordance with Council's Road Materials Policy;
  - (b) the footpaths must have a cross-fall of 1 in 33, or unless specified by the Responsible Authority;
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
55. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any 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.
56. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

57. 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.
58. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a bluestone channel is to be constructed across Argyle Street road pavement running along the west channel alignment of Gore Street:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
59. 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.
60. 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.
61. 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

62. 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

63. 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

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

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

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (t) 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;
- (u) vehicle borne material must not accumulate on the roads abutting the land;

- (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
65. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
66. 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.

#### Expiry

67. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

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

#### Notes:

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

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.

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.

A Council drain capacity assessment is required to determine if the site's LPD can be discharged to a Council drain.

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>

Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works (i.e. canopies) undertaken outside the title boundary within a Transport 2 Zone (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.

Detailed engineering design drawings of all infrastructure works are to be submitted to Council for assessment and approval.

### Submission

Tarquin Leaver, Pace Development Group (for the applicant)

## **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor Wade

**Seconded:** Councillor de Vietri

That a Notice of Refusal to Grant Planning Permit PLN21/0670 for full demolition of Nos. 223 – 229 Johnston Street, partial demolition of No.369 Gore Street and the construction of multi-storey building, plus basement levels and roof terrace, use of the land for dwellings (apartments) and ground level Restricted Retail premises and Food and Drink premises (no permit required uses), a reduction in the car parking requirements and alteration of access to a Transport Zone, Category 2 at PLN21/0670 – 223 – 229 Johnston Street & 369 Gore Street, Fitzroy VIC 3065, generally in accordance with the plans and reports noted previously as the “decision plans”, on the following grounds:

1. The proposed height, setbacks and massing of the building is contrary to the Design and Development Overlay (Schedules 10 and 36) of the Yarra Planning Scheme.

**CARRIED**

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6.2      PLN21/0325 - 2 - 8 Brighton Street, 1 - 3 Wiltshire Street & 5 Little Lesney Street, Richmond - Construction of a multi-storey, mixed use building, use of the land for office and food and drink premises (permit required) and dwellings (no permit required) and a reduction of the car parking requirements

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**Reference**      D22/125809  
**Author**          Daniel Herrmann - Co-Ordinator Statutory Planning  
**Authoriser**      Manager Statutory Planning

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## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the construction of a multi-storey building, use of the land for dwellings (permit not required) and office and food and drink premises (permit required) and a reduction in the car parking requirements at 2 - 8 Brighton Street, 1 - 3 Wiltshire Street & 5 Little Lesney Street, Richmond, subject to the following conditions:

### Amended Plans

- 1      Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the decision plans, prepared by SJB Architects (dated 11 April 2022) but modified to show:

### Building Design

- (a)    Deletion of Level 4 from the building, reducing the overall height of the building by a minimum of 3.2m;
- (b)    A reduction in height of the western boundary wall adjacent the proposed light court so as to not exceed the parapet line of the existing townhouse at 3D Little Lesney Street;
- (c)    That the designs prevent items from being thrown or falling onto railway land from any part of the building development as required at Condition 53 by the Head Transport for Victoria;
- (d)    Spot levels along the adjoining footpaths and within the ground level setbacks adjacent Brighton and Wiltshire Streets at regular intervals to demonstrate an appropriate grading transition between the public and private realms;

### Layout

- (e)    Back of house entries for each ground floor tenancy to internal corridors in order to provide access to car parking and waste storage area at basement levels;
- (f)    Demonstrate compliance with Standard D17 of Clause 58.05-1 (Accessibility);
- (g)    Demonstrate there is no unreasonable overlooking within 9m to the private open spaces and habitable room windows to the west;
- (h)    The external material/finish to the vertical screen of the western most set of windows of the southern ground floor tenancy and detail demonstrating a minimum transparency of 50% to be annotated;
- (i)    The size of the bin storage rooms to be annotated in M<sup>2</sup>;

## Car Parking and Bicycle Parking

- (j) Dimensions of the basement entry headroom clearance to be shown;
- (k) Dimensions of the basement ramp and transition grades;
- (l) A vehicle clearance cross check 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
- (m) All resident and employee spaces to be dimensioned to demonstrate compliance with AS2890.3.
- (n) All visitor spaces to be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
- (o) 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.

## Reports

- (p) Any changes required by the amended Sustainable Management Plan at Condition 5;
  - (q) Any changes required by the amended Waste Management Plan at Condition 7;
  - (r) Any changes required by the amended Wind Assessment Report at Condition 10;
  - (s) Any changes required by the amended Acoustic Report at Condition 12; and
  - (t) Any changes required by the amended Landscape Plan at Condition 14.
- 2 The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 3 As part of the ongoing progress and development of the site, SJB Architects 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.

## Façade Strategy and Materials and Finishes Plan

- 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) Elevations at a scale of 1:20 or 1:50 illustrating typical street wall and upper level details, entries and doors;
  - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) Details of the entries into the commercial tenancies and residential lobby;

- (d) Details of any services proposed along Wiltshire, Brighton and Little Lesney Streets to be integrated into the overall design of the building;
- (e) Information about how the façade will be maintained, including vegetation; and
- (f) A materials schedule and coloured drawings and renders outlining colours, materials (brick) and finishes and graffiti proofing of walls.

#### Sustainable Management Plan

- 5 In conjunction with the submission of development plans under Condition 1, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan dated 30 July 2021, prepared by GIW Environmental Solutions, but updated to include the following:
- (a) Reference to the amended plans required by Condition 1.
  - (b) Carbon neutral operations for a minimum commitment period of 10 years.
  - (c) All car parking spaces are 'EV ready'.
- 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. This shall include:
- (a) The submission of evidence of carbon neutral operations within 6 months of a Certificate of Occupancy being issued.

#### Waste Management Plan

- 7 In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Ratio and dated 13 May 2021, but modified to include:
- (a) The amended plans required by Condition 1, including associated updates to waste generation rates.
  - (b) The size of the bin storage rooms to be annotated in M<sup>2</sup>.
- 8 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 9 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

## Wind Report

- 10 Before the development commences, an amended Environmental Wind Tunnel Modelling Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Incorporated Document. The Environmental Wind Tunnel Modelling Report to must be generally in accordance with the Environmental Wind Tunnel Modelling Report to prepared by MEL, dated 10 June 2021, but modified to refer to:
- (a) The amended plans required by Condition 1.
  - (b) Demonstrate sitting criterion is achieved for all dwelling balconies and communal open space areas.
- 11 The provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

## Acoustic Report

- 12 In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this permit. The Report must be generally in accordance the acoustic report prepared by Stantec, dated 13 May 2021, but modified to include:
- (a) The amended plans required by Condition 1.
  - (b) The existing sensitive receiver at 112 Brighton Street and future sensitive receivers in the proposed development at 1 Little Lesney and 9 Wiltshire Streets
  - (c) Compliance of rail noise with Standard D16 in residential apartments and with the relevant levels provided in AS/NZ2107:2016 in other areas, including office spaces.
  - (d) An updated assessment of patron noise from Union House Hotel taking into consideration the approved expansion of that venue's outdoor patron area. (Subsequent to the preparation of the MDA acoustic report assessing impact, the permitted number of patrons in the outdoor area increased from 44 to 100).
  - (e) An assessment of patron noise from the proposed ground floor food and beverage tenancies if operation outside the Noise Protocol 'day' period is proposed. The assessment should demonstrate that the venues will comply with the patron noise criteria provided in Section 6.1.4 of the City of Yarra 'Guidelines – managing noise impacts in urban development'

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

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

## Landscape Plan (Private realm)

- 14 In conjunction with the submission of development plans under Condition 1, an updated landscape plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must be generally in accordance with the landscape concept plans, prepared by Tract, but modified to show:
- (a) The amended plans required by Condition 1.
  - (b) The removal of tables and chairs at ground level.
  - (c) Type of soil and mulch.
  - (d) Soil volumes to support growth of proposed planting. A plant schedule detailing the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers.
  - (e) Provide a plant schedule and detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants, ensuring none listed on the DELWP list of advisory weeds species;
  - (f) Detailed drawings provided for all infrastructure – planters, seating, any other items.
  - (g) Allow for intended vegetation growth and structural protection of buildings.
  - (h) Irrigation Plans – detailing location of irrigation, type (drippers, sprays), density of irrigation lines, control cabinet location, source of water supply and drainage.
  - (i) show the materiality of the proposed spaces;
  - (j) provide a specification of works to be undertaken prior to planting; and
  - (k) detail plant/planting maintenance schedules and requirements.

to the satisfaction of the Responsible Authority.

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

to the satisfaction of the Responsible Authority.

## Green Travel Plan

- 16 Before the development is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) Details of the location in the context of alternative modes of transport;
  - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;

- (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
- (e) Details of bicycle parking and bicycle routes;
- (f) Details of Green Travel funding and management responsibilities;
- (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (h) Security arrangements to access the employee bicycle storage spaces;
- (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (j) Provisions for the GTP to be updated not less than every five years.
- (k) Any car sharing details.

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

### Car parking

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

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

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

- (a) the number and location of car parking spaces allocated to each tenancy and dwelling;
- (b) the management of visitor car parking spaces and security arrangements for occupants and employees of the development, including details on how residential visitors are to access car parking;
- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) The number and allocation of storage spaces;
- (e) policing arrangements and formal agreements;
- (f) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc; and
- (g) details regarding the management of loading and unloading of goods and materials.

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

### Loading and Unloading

- 21 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.

### Street Trees

- 22 Before the development commences, the permit holder must make a one off contribution of \$4,692 to the Responsible Authority to be used for the planting and two (2) years maintenance of four (4) new street trees along Brighton and Wiltshire Street frontages that is required by the development.

### Public Realm Plan

- 23 Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Realm Plan must include the following:

- (a) The replacement of redundant vehicle crossings with paving, kerb and channel and asphalt footpath.
- (b) The planting of two (2) new street trees along the roadway of Brighton St, and two (2) new street trees along the roadway of Wiltshire St.
- (c) Reconfiguration of the existing parallel parking bays (including parking sensors) along Brighton and Wiltshire Streets, including dimensioned linemarking layout.
- (d) The provision of a permanent slow-speed pedestrian-priority (shared zone) treatment of the section of Little Lesney Street adjoining the Site.
- (e) Annotations that state:
  - (i) The kerb and channel along the property's Wiltshire Street road frontage to be reconstructed to Council's satisfaction and at the Permit Holder's cost.
  - (ii) The road (including carriageway, kerb and channel and partial footpath) along the property's Little Lesney Street road frontage to be reconstructed as a shared zone to Council's satisfaction and at the Permit Holder's cost
  - (iii) The footpath along the property's Wiltshire Street and Brighton Street road frontages to be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 (for concrete) or 1 in 33 (for asphalt) or unless otherwise specified by Council.
- (f) Spot levels along the adjoining footpaths and within the ground level setbacks adjacent Brighton and Wiltshire Streets at regular intervals to demonstrate an appropriate grading transition between the public and private realms.
- (g) Information and annotations requiring the existing powerlines along Brighton Street to be relocated under-ground to the relevant authorities satisfaction and at the Permit Holder's cost.

- (h) Show the location of all existing infrastructure on the footpath like grated pit and other drainage assets and if any of this infrastructure is proposed to be relocated show the proposed new locations.
- (i) Materials schedule of all proposed materials, including surface materials and street furniture materials (with all materials to comply with the Yarra Standard Drawings and Road Materials Policy).
- (j) Any detail required to be shown from the endorsed Detailed Civil and Drainage Plan (condition 25),

All to the satisfaction of the Responsible Authority.

- 24 Before the building is occupied, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 23) must be fully constructed and completed by the permit holder, with all costs borne by the permit holder, to the satisfaction of the Responsible Authority.

#### Detailed Civil and Drainage Design Plan

- 25 Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Detailed Civil and Drainage Design Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once the plan is approved, it will be endorsed and will then form part of the permit. The Detailed Civil and Drainage Design Plan must provide:
- (a) Detailed civil and drainage design for the full length of Little Lesney Street as a pedestrian priority treatment to ensure that the treatment can be extended for the remaining section of the street at a later stage.
  - (b) The provisions for all civil and drainage works that are required to the abutting road frontages, as part of the development.
  - (c) Surface material finishes shown and specified;
  - (d) A drainage scheme to ensure no 'ponding' or retention of water in the roadways (i.e. including kerb extension);
  - (e) A drainage scheme that includes the construction of new underground drainage to connect the site's stormwater outlet to the existing drain at the south east corner of the Brighton Street/Little Lesney Street intersection;
  - (f) Roadworks to provide road pavement crossfalls as determined by Council;
  - (g) design in accordance with Council's engineering standards and requirements.
- 26 Before the development is completed or at a later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Detailed Civil and Drainage Plan must be fully constructed and completed by and at the cost of the permit holder, all to the satisfaction of the Responsible Authority.

#### Road Infrastructure

- 27 Upon the completion of all building works and connections for underground utility services:
- (a) The kerb and channel along the property's Wiltshire Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.

- (b) The kerb and channel along the property's Little Lesney Street road frontage must be reconstructed to Council's satisfaction and at the Permit Holder's cost.
  - (c) The footpath along the property's Wiltshire Street and Brighton Street road frontages must be reconstructed to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 (for concrete) or 1 in 33 (for asphalt) or unless otherwise specified by Council.
  - (d) Internal finished floor levels (FFL) must be aligned to the proposed DDA compliant footpath levels at the interface with the property boundary.
  - (e) All redundant vehicle crossings must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.
  - (f) The road pavement of Wiltshire Street, between the western boundary of the site and Brighton Street, must be profiled (grounded to a depth of 50 mm) and re-sheeted to Council's satisfaction and at the Permit Holder's cost.
  - (g) All redundant property drains are to be removed and reinstated to Council's satisfaction and at the Permit Holder's cost.
- 28 The existing public lights on the north side of Wiltshire Street (pole No. 1327) and the south side of Little Lesney Street (pole No. 1324) are to be replaced with alternative luminaires to avoid light spillage into the habitable windows of new development. These public lighting works must be done to the satisfaction of the relevant power authority and Council and at the Permit Holder's cost.
- 29 Before the development is completed, unless otherwise agreed to by the Responsible Authority, the new vehicle crossing must be designed and constructed:
- (a) In accordance with any requirements or conditions imposed by Council.
  - (b) At the Permit Holder's cost; and
  - (c) To the satisfaction of Council.
- 30 Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
- 31 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.
- 32 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 33 Before the building is occupied, or by such later date as approved in writing by the responsible authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
- (a) at developer's cost;
  - (b) the satisfaction of any other relevant authority; and
  - (c) to the satisfaction of the responsible authority.

- 34 Before the building is occupied, or by such later date as approved in writing by the responsible authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the developer's cost; and
  - (b) to the satisfaction of the responsible authority.
- 35 Before the building is occupied, or by such later date as approved in writing by the responsible authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the developer'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 removal of any kerbside parking sensors and any reinstatement of parking sensors will require the developer to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the developer.

#### Food and Drink Premises Use

- 37 Except with the prior written consent of the Responsible Authority, the ground floor food and drink premises authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6:00am – 10:00pm.
- 38 Except with the prior written consent of the Responsible Authority, no more than the following maximum number of patrons are permitted within the ground floor tenancies at any time as follows:
- (a) Northern tenancy – 59.
  - (b) Southern tenancy – 98.

#### Office Use

- 39 Use of motion sensor lighting within the office areas to minimising light spill after normal business hours.

#### General

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

to the satisfaction of the Responsible Authority.

- 41 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 42 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.
- 43 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.
- 44 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.
- 45 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 46 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.
- 47 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,all to the satisfaction of the Responsible Authority.

#### Construction Management Plan

- 48 Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;

- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
- (i) contaminated soil;
- (j) materials and waste;
- (k) dust;
- (l) stormwater contamination from run-off and wash-waters;
- (m) sediment from the land on roads;
- (n) washing of concrete trucks and other vehicles and machinery; and
- (o) spillage from refuelling cranes and other vehicles and machinery;
- (p) the construction program;
- (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (r) parking facilities for construction workers;
- (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (u) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (v) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (w) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

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

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

During the construction:

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

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

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

#### Development Infrastructure Levy

- 51 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

- 52 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.

#### Transport for Victoria (Conditions 53 – 66)

- 53 Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- (a) that the designs prevent items from being thrown or falling onto railway land from any part of the building development to the satisfaction of the Head Transport for Victoria.
- 54 Any windows doors and balconies that are set back from, and generally facing the railway land title boundary shall:
- (a) be designed to prevent items from being thrown or falling onto railway land.
  - (b) not require people to access onto railway land for the purposes of cleaning, replacement, inspection and maintenance.
  - (c) not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.

- (d) not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.

55 Before development starts (excluding demolition and bulk excavation) building materials (including glass/window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study (the study) not to cause reflections or glare that may interfere with train driver operations.

The study must clarify that:

- (a) the development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
- (b) the development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
- (c) the development exterior avoids use of red, green or yellow colour schemes that may interfere with driver operations or schemes or shapes capable of being mistaken for train signals.

56 Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria detailed construction / engineering plans and structural computations for any construction work abutting railway infrastructure or railway land, must be submitted and approved by Vic Track, the Head, Transport for Victoria and the Rail Operator (RO). The plans must detail all basement excavations and retention system design and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must also ensure compliance with:

- (a) the relevant Rail Transport Operator's engineering standard for minimum clearances to all existing and planned future electrical assets, and procedures for works adjacent. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding and electrolysis mitigation design.
- (b) Energy Safe Victoria (ESV) requirements for clearances to electrical assets and Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding and electrolysis mitigation design.
- (c) earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'
- (d) a design that does not require people to access railway land, or breach electrical safety requirements, for the purposes of routine cleaning, replacement, inspection, maintenance and repair of any part of the building or development. The development should be designed so that maintenance can occur from within the development site without access to the rail corridor
- (e) any temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices, do not penetrate onto railway land
- (f) demonstrate that entry onto railway land or air space over railway land is not required for fire, light, ventilation and maintenance for all buildings and works on site.

57 Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered into with VicTrack, the Head, Transport for Victoria and the Rail Operator to the satisfaction of and at no cost to the Head, Transport for Victoria.

58 Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must provide for:

- (a) how public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and
- (b) how any traffic impact to the railway land and associated infrastructure will be mitigated.

The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head, Transport for Victoria at the full cost to the permit holder.

The Traffic Management Plan must be consistent with any Traffic Management Plan required by the Responsible Authority.

The endorsed Traffic Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria.

59 Before development starts, including demolition and bulk excavation, a Demolition Plan and/or Construction Management Plan as applicable must be submitted to and approved by the Head, Transport for Victoria. The Plan must include details of (but not limited to) management proposals to minimise impacts to the rail land, assets and the operation of the railway during construction and must set out objectives and performance and monitoring requirements for:

- (a) Access to the rail environment, including designation of any areas to be used under license during the construction process.
- (b) Approvals and permits required from TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the railway land.
- (c) Rail safety requirements that must be adhered to by the permit holder.
- (d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction.
- (e) Minimising disruption to train services and railway maintenance and commuter access.
- (f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure railway land is not used for, or impacted on by these activities outside of the licence area.
- (g) Public safety, amenity and site security.
- (h) Operating hours, noise and vibration controls.
- (i) Air and dust management.
- (j) The remediation of any damage to railway land, track, overhead and underground power and communication assets associated infrastructure;
- (k) details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules;

All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to the Head, Transport for Victoria, VicTrack, and/or the Rail Operator.

The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.

- 60 No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.
- 61 Any damage to rail land or infrastructure as a consequence of the construction works must be rectified to the satisfaction of the Rail Operator at full cost of the Building Permit Applicant.
- 62 The Planning Permit holder must make all reasonable steps to ensure that the disruption to train operation within the railway corridor are kept to a minimum during the construction of the development and in compliance with the Rail Operators Safety and Environmental requirements contained within the Rail Operators construction control and indemnity agreement.
- 63 No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of train signals and the rail lines by train drivers. No building or structure is to be erected that interferes with or restricts train driver lines of sight to train signals.
- 64 The developer shall pay any Rail Operator costs required for the development documentation review or construction works associated with the development as required by the Rail Operator.
- 65 Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operator's Site Access Procedures and conditions during and post construction and access can be applied for through the Internet web site: [www.metrotrains.com.au/metrositeaccess](http://www.metrotrains.com.au/metrositeaccess).
- 66 Prior to commencement of works, the Rail Operator must be contacted through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.

#### Time Expiry

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

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

#### Notes:

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

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

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

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.

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

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

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

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

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

#### Transport for Victoria Note

As the planning application relates to a site that is within approximately 490 meters of the Richmond stack, it may impact on, or be impacted by, the City Link stack plume dispersal. The stack emits exhaust from the City Link tunnels into the atmosphere and is licensed by the Environment Protection Authority.

The Environment Protection Authority will need to be consulted with and provided an opportunity to comment on the effects of the plume generated from the Richmond stack and to determine if the building height is acceptable. We also recommend that the EPA make an informed decision about whether the proposed project is consistent with the purposes of the Design & Development Overlay and to ensure the proposed project reduces the risk of harm to human health and the environment, consistent with the general environmental duty under the Environment Protection Act 2017.

#### Submissions

Luke Chamberlain, Tract Consultants (for the applicant)  
Nick Armstrong  
Yoland Wadsworth

## **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor de Vietri

**Seconded:** Councillor Wade

That a Notice of Refusal to Grant Planning Permit PLN21/0325 for, Construction of a multi-storey, mixed use building, use of the land for office and food and drink premises (permit required) and dwellings (no permit required) and a reduction in the car parking requirements generally in accordance with the plans and reports noted previously as the “decision plans”, on the following grounds:

1. The proposed height, setbacks and massing of the building is contrary to the Design and Development Overlay (Schedule 26) of the Yarra Planning Scheme.

**CARRIED**

The meeting closed at 7.21pm.

**Confirmed at the meeting held on Tuesday 5 July 2022**

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**Chair**