



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 25 February 2025

Richmond Town Hall



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1. Acknowledgement of Country

“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.”

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors:

- Cr Stephen Jolly Mayor
- Cr Sarah McKenzie Deputy Mayor
- Cr Evangeline Aston
- Cr Edward Crossland
- Cr Sharron Harrison
- Cr Meca Ho
- Cr Sophie Wade

Apologies

- Cr Andrew Davies
- Cr Ken Gomez

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Kathryn Pound Manager Statutory Planning
- Ally Huynh Senior Coordinator Statutory Planning
- Paul Iacuone Coordinator Statutory Planning

Governance

- Phil De Losa Manager Governance and Integrity
- Patrick O’Gorman Senior Governance Coordinator
- Mel Nikou Governance Officer

3. Declarations of Conflict of Interest

Cr Aston, Cr Crossland, Cr Jolly, Cr Harrison, Cr Ho, Cr McKenzie, declared that they had familiarised themselves with the matters being presented to this meeting and that they do not have a conflict of interest.

Cr Wade declared a conflict of interest on item 5.1, as she owns an apartment near the development.

4. Confirmation of Minutes

COUNCIL RESOLUTION

Moved: Councillor McKenzie

Seconded: Councillor Ho

That the minutes of the Planning Decisions Committee held on Tuesday 10 December 2025 be confirmed.

CALL FOR A DIVISION

For: Councillor Jolly, Councillor McKenzie, Councillor Crossland, Councillor Harrison, Councillor Ho and Councillor Wade

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

5.1. – PLN24/0589 - 224 - 228 Smith Street, Collingwood

Author Joe Byrne – Senior Statutory Planner
Authoriser General Manager City Sustainability and Strategy

Councillor Wade left the meeting due to a conflict of interest at 6.33pm.

Start time: 6.33pm

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0589 at 224 – 228 Smith Street Collingwood for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	34.01-1	To use land for dwellings
Commercial 1 Zone	34.01-4	To construct a building and construct and carry out works
Heritage Overlay	43.01-1	To demolish a building
Heritage Overlay	43.01-1	To construct a building and construct and carry out works
Design and Development Overlay	43.02-2	To construct a building and construct and carry out works
Car Parking	52.06-3	A reduction in the car parking requirements

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 must be generally in accordance with the decision plans prepared by Pandolfini Architects and dated 26 July 2024 and 03 September 2024 but modified to show:
 - (a) Smith Street wall reduced in height to align with the top of the cornice of the facade at No. 230-232 Smith Street;
 - (b) The awning to Smith Street reduced to match the height of awning to No. 230-232 Smith Street;
 - (c) The fire booster to the Smith Street frontage wholly contained within an integrated wall cabinet;
 - (d) Details of lighting to all building entrances along Smith Street and Little Oxford Street; with wall mounted sensor lighting to the Little Oxford Street pedestrian

entrance and all external lighting to Little Oxford Street to have a minimum clearance of 2.7m above the footpath;

- (e) Details of openable “fluted” habitable room windows to apartments 1, 7, 12, 16, 20 and 25 demonstrating that there is no overlooking to habitable room windows or balconies/terraces within 9m;
 - (f) Screening details of the 1.7m high balcony wall between apartments 1 and 2 demonstrating that there is no greater than 25% transparency;
 - (g) Screening material to the northern elevation at ground and level 1 (MT-2) to show a maximum transparency of 25%;
 - (h) Dimensions for all bicycle parking spaces; with a minimum of 500mm between vertical bicycle parking spaces;
 - (i) Position employee bicycle parking within a secure compound or with bicycle lockers;
 - (j) Identify the locking mechanism to be installed at the bicycle storage area;
 - (k) Any requirement of the endorsed Acoustic Report (condition 7) (where relevant to show on plans);
 - (l) Any requirement of the endorsed Waste Management Plan (condition 11) (where relevant to show on plans); and
 - (m) Any requirement of the endorsed Wind Report (condition 17) (where relevant to show on plans).
2. The dwelling 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. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, façade services (including service doors facing Smith Street and Little Oxford Street) and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board or coloured drawings outlining colours, materials and finishes.
4. As part of the ongoing consultant team, Pandolfini or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee the design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Sustainable Management Plan

5. In conjunction with the submission of development plans as required by condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Makao and dated 05 September 2024, but modified to include or show:
 - (a) Provide preliminary Section J façade calculations or J1V3 modelling for all non-residential spaces in the development;
 - (b) Provide preliminary NatHERS modelling for all thermally unique dwellings, stating assumptions used for the modelling;
 - (c) A clear commitment to and pathway to achieving innovation points for Environmentally Preferable Building Materials. Provide more details and confirmation of approval by the structural engineer, and in what quantity it will be employed, or remove from Innovation Credit claims;
 - (d) Confirmation full re-commissioning will be undertaken 12 months with monthly monitoring undertaken and outcomes reported including a quarterly tuning process;
 - (e) The builder to have ISO 14001 Environmental Management System accreditation;
 - (f) Confirm if landscaping being installed is low-irrigation/drought tolerant. If an irrigation system is being installed, ensure it is high efficiency drip irrigation;
 - (g) Confirm that post-development stormwater flows will not exceed pre-development levels;
 - (h) Confirm how many bike parks are needed, clarify discrepancies and ensure the numbers are consistent across all documentation; and
 - (i) Specified SRI of horizontal surfaces on architectural plans.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

7. In conjunction with the submission of development plans as required by condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the 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 DDEG and dated 03 September 2024, but modified to include (or show, or address):
 - (a) Formal assessments of patron and music noise ingress from existing sources to the proposed apartments to be conducted. These assessments should be based on measurements from a Friday/Saturday night;
 - (b) The method used to calculate the traffic source levels from the measurements should be described;

- (c) Screenshot(s) of the acoustic model showing the Smith Street façade of the proposed building and the full length of the traffic noise source;
 - (d) Specific acoustic requirements for the external walls – in the form of $R_w + C_{tr}$ ratings or specific wall constructions – should be presented in the acoustic report (suggested that the word “indicative” is removed from the second paragraph of Section 6.3.2 of the acoustic report);
 - (e) The future acoustic review of the mechanical plant to be conducted by a suitably qualified acoustic consultant;
 - (f) A sleep disturbance assessment for noise levels from the car lift at the existing dwellings to be conducted. The maximum source noise level for the car lift to be presented;
 - (g) Vibration controls for the car stacker system to be proposed;
 - (h) Details of why patron noise levels at the sensitive receivers have increased by 2-5 dBA Leq, compared with the source level increasing by 13 dBA (89 dBA vs 76 dBA) since the previous acoustic report;
 - (i) The future review of noise from the substation to be conducted by a suitably qualified acoustic consultant;
 - (j) Noise from deliveries and waste collections to be assessed; and
 - (k) The floorplans show a “loading/waiting bay” with a loading platform located adjacent to the bin rooms. Noise from this area to be assessed.
8. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.

Post Completion Acoustic Report

9. Before the development is occupied, a Post Completion Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Post Completion Acoustic Report will be endorsed and will form part of this permit. The Post Completion Acoustic Report must assess the noise attenuation of the dwellings and, where necessary, make recommendations to ensure the dwellings are provided with sufficient noise attenuation to comply with Clause 53.06 (Live Music Venues) and the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time .
10. The provisions, recommendations and requirements of the endorsed Post Completion Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

11. In conjunction with the submission of development plans as required by 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 Traffix Group and dated 05 September 2024, but modified to require:

- (a) The total footprint of the bins allocated and the space available in each bin storage room in m².
- 12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 13. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan

- 14. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Etched and dated 05 September 2024, but modified to include (or show):
 - (a) Provide at least one (1) Type A tree, as specified in Table D4, ensuring sufficient soil volume and depth is provided as per Tabel D3;
 - (b) Provide canopy coverage calculations, ensuring that at least 42 square metres of canopy cover is provided through tree planting;
 - (c) Provide detailed planting plan(s) for each level showing the location of proposed planting, including plant species and quantities, as well as a legend containing key features, materials, and surfaces. Proposed plants are to be:
 - (i) Drawn at their mature size on the plan;
 - (ii) Labelled or coded to correspond with the proposed plant schedule;
 - (iii) Appropriately selected for suitability to site conditions such as light, shade, microclimate, etc.;
 - (iv) Amend the plant schedule to include quantities of all plants (including climbing plants for the pergola);
 - (v) For above ground planted areas (particularly rooftop terraces and balconies), wind-resistant mulch is to be used; and
 - (vi) Provide information on any proposed vertical growing structures including detail drawings, mounting technique etc.
- 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,

- (d) to the satisfaction of the Responsible Authority.

Dwelling Use

16. The communal roof area to be closed between 10pm and 7am on any day.

Wind Tunnel Modelling Report

17. In conjunction with the submission of development plans as required by condition 1, a Wind Tunnel Modelling Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Modelling Report will be endorsed and will form part of this permit. The Wind Tunnel Modelling Report must be generally in accordance with the Wind Report prepared by GWTS and dated 4 September 2024, but modified to include (or show):
- (a) Updated to assess the plans as amended under the requirements of condition 1;
 - (b) Demonstrate that at least 50% of each balcony can achieve the standing comfort criterion (without reliance on landscaping);
 - (c) Demonstrate that the building entrances along Little Oxford Street will achieve the standing comfort criterion; and
 - (d) Provide a detailed assessment of the east and west-facing balconies, including the consideration of northerly and southerly winds that would flow around the building and across these balconies (without reliance on landscaping),
- to the satisfaction of the Responsible Authority.
18. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

19. Before the use commences, 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) a description 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 coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the specific design of bicycle storage devices proposed to be used for employee;
 - (h) spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
 - (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (j) security arrangements to access the employee bicycle storage spaces;
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- (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (l) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
 - (m) provisions for the Green Travel Plan to be updated not less than every 5 years.
20. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Infrastructure

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
24. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet. Refer to Notes (below) for lodgement details.
25. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
26. 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.
27. 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 basement car park and front entrance must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
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to the satisfaction of the Responsible Authority.

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

to the satisfaction of the Responsible Authority.

General

29. 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.
30. Any new dwelling/apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
31. 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.
32. 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.
33. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
- (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) The presence of vermin.
34. The use/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), as may be amended from time to time.
35. 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.

Land Contamination

36. Before the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use and development for which the land is proposed to be used and developed and whether an Environmental Auditor should be appointed pursuant to the *Environment Protection Act 2017 (EP Act)* to undertake an Environmental Audit in accordance with the provisions of the EP Act.
37. If the assessment required by Condition 36 does not result in a recommendation that an Environmental Auditor be appointed pursuant to the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
38. If the assessment required by Condition 36 results in a recommendation that an Environmental Auditor be appointed pursuant to the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the use and/or works authorised by this permit commences, the Environmental Auditor appointed pursuant to the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) Certificate of Environmental Audit for the land in accordance with the EP Act (Certificate); or
 - (b) a Statement of Environmental Audit for the land in accordance with the EP Act (Statement);
- and the Certificate or Statement must be provided to the Responsible Authority.
39. If, pursuant to Condition 38, an Environmental Audit Statement is issued, the statement must be provided either:
- (a) Under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the approved use and/or development; or
 - (b) Under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the approved use and development if the recommendations made in the statement are complied with;
 - (c) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority pursuant to

section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:

- (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (d) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
40. Where a statement of Environmental Audit for the land in accordance with the EP Act (Statement) is issued and before the use authorised by this permit is occupied/commences:
- (a) Written confirmation of compliance must be provided by an environmental professional with suitable qualifications acceptable to the Responsible Authority; and
 - (b) Compliance sign-off must be in accordance with any requirements in the Environmental Audit Statement recommendations regarding verification of works.
41. All recommendations of the Environmental Audit Statement must be complied with to the satisfaction of the Responsible Authority.

Construction Management Plan

42. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;

- (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
43. 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.
44. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
45. 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 Contribution

46. 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.

Community Infrastructure

47. 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.

Permit Expiry

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

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

Notes:

For the submission of plans pursuant to Condition 19, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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

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.

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

In accordance with the Yarra Planning Scheme, an 8.65% public open space contribution will apply in the event of the subdivision of the land.

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.

Public Submissions

The following people addressed the committee:

(Applicant) – Rob McKendrick, Planning and Property Partners Pty Ltd;

Andrew Stevens; and

Ian Peter Jordan.

Councillor Aston arrived to the meeting at 6.50pm.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor McKenzie

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0589 at 224 – 228 Smith Street Collingwood for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	34.01-1	To use land for dwellings

Commercial 1 Zone	34.01-4	To construct a building and construct and carry out works
Heritage Overlay	43.01-1	To demolish a building
Heritage Overlay	43.01-1	To construct a building and construct and carry out works
Design and Development Overlay	43.02-2	To construct a building and construct and carry out works
Car Parking	52.06-3	A reduction in the car parking requirements

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 must be generally in accordance with the decision plans prepared by Pandolfini Architects and dated 26 July 2024 and 03 September 2024 but modified to show:
 - (a) Smith Street wall reduced in height to align with the top of the cornice of the facade at No. 230-232 Smith Street;
 - (b) The awning to Smith Street reduced to match the height of awning to No. 230-232 Smith Street;
 - (c) The fire booster to the Smith Street frontage wholly contained within an integrated wall cabinet;
 - (d) Details of lighting to all building entrances along Smith Street and Little Oxford Street; with wall mounted sensor lighting to the Little Oxford Street pedestrian entrance and all external lighting to Little Oxford Street to have a minimum clearance of 2.7m above the footpath;
 - (e) Details of openable “fluted” habitable room windows to apartments 1, 7, 12, 16, 20 and 25 demonstrating that there is no overlooking to habitable room windows or balconies/terraces within 9m;
 - (f) Screening details of the 1.7m high balcony wall between apartments 1 and 2 demonstrating that there is no greater than 25% transparency;
 - (g) Screening material to the northern elevation at ground and level 1 (MT-2) to show a maximum transparency of 25%;
 - (h) Dimensions for all bicycle parking spaces; with a minimum of 500mm between vertical bicycle parking spaces;
 - (i) Position employee bicycle parking within a secure compound or with bicycle lockers;
 - (j) Identify the locking mechanism to be installed at the bicycle storage area;
 - (k) Any requirement of the endorsed Acoustic Report (condition 7) (where relevant to show on plans);
 - (l) Any requirement of the endorsed Waste Management Plan (condition 11) (where relevant to show on plans);
 - (m) Any requirement of the endorsed Wind Report (condition 17) (where relevant to show on plans);

- (n) Direct access to the restaurant on the lower ground floor from the lift;
 - (o) Provision of windows/ glazing to the stairwells on the south boundary wall;
 - (p) Stairwells modified to not have walls or doors to common areas (to incentivise their use). If this is not possible, walls and doors of stairwells to common areas modified to be glazed;
 - (q) Power outlets for electric bike charging in the bike storage areas;
 - (r) Increase the provision of at grade (i.e. horizontal) bicycle parking for residential parking to 50%; and
 - (s) Increase the number of bicycle parking spaces to a minimum of two per dwelling. If necessary to accommodate this, parking bay 12 may be removed.
2. The dwelling 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. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, façade services (including service doors facing Smith Street and Little Oxford Street) and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board or coloured drawings outlining colours, materials and finishes.
4. As part of the ongoing consultant team, Pandolfini or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee the design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Sustainable Management Plan

5. In conjunction with the submission of development plans as required by condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Makao and dated 05 September 2024, but modified to include or show:
- (a) Provide preliminary Section J façade calculations or J1V3 modelling for all non-residential spaces in the development;
 - (b) Provide preliminary NatHERS modelling for all thermally unique dwellings, stating assumptions used for the modelling;

- (c) A clear commitment to and pathway to achieving innovation points for Environmentally Preferable Building Materials. Provide more details and confirmation of approval by the structural engineer, and in what quantity it will be employed, or remove from Innovation Credit claims;
 - (d) Confirmation full re-commissioning will be undertaken 12 months with monthly monitoring undertaken and outcomes reported including a quarterly tuning process;
 - (e) The builder to have ISO 14001 Environmental Management System accreditation;
 - (f) Confirm if landscaping being installed is low-irrigation/drought tolerant. If an irrigation system is being installed, ensure it is high efficiency drip irrigation;
 - (g) Confirm that post-development stormwater flows will not exceed pre-development levels;
 - (h) Confirm how many bike parks are needed, clarify discrepancies and ensure the numbers are consistent across all documentation; and
 - (i) Specified SRI of horizontal surfaces on architectural plans.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

7. In conjunction with the submission of development plans as required by condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the 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 DDEG and dated 03 September 2024, but modified to include (or show, or address):
- (a) Formal assessments of patron and music noise ingress from existing sources to the proposed apartments to be conducted. These assessments should be based on measurements from a Friday/Saturday night;
 - (b) The method used to calculate the traffic source levels from the measurements should be described;
 - (c) Screenshot(s) of the acoustic model showing the Smith Street façade of the proposed building and the full length of the traffic noise source;
 - (d) Specific acoustic requirements for the external walls – in the form of $R_w + C_{tr}$ ratings or specific wall constructions – should be presented in the acoustic report (suggested that the word “indicative” is removed from the second paragraph of Section 6.3.2 of the acoustic report);
 - (e) The future acoustic review of the mechanical plant to be conducted by a suitably qualified acoustic consultant;
 - (f) A sleep disturbance assessment for noise levels from the car lift at the existing dwellings to be conducted. The maximum source noise level for the car lift to be presented;
 - (g) Vibration controls for the car stacker system to be proposed;

- (h) Details of why patron noise levels at the sensitive receivers have increased by 2-5 dBA Leq, compared with the source level increasing by 13 dBA (89 dBA vs 76 dBA) since the previous acoustic report;
 - (i) The future review of noise from the substation to be conducted by a suitably qualified acoustic consultant;
 - (j) Noise from deliveries and waste collections to be assessed; and
 - (k) The floorplans show a “loading/waiting bay” with a loading platform located adjacent to the bin rooms. Noise from this area to be assessed.
8. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.

Post Completion Acoustic Report

9. Before the development is occupied, a Post Completion Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Post Completion Acoustic Report will be endorsed and will form part of this permit. The Post Completion Acoustic Report must assess the noise attenuation of the dwellings and, where necessary, make recommendations to ensure the dwellings are provided with sufficient noise attenuation to comply with Clause 53.06 (Live Music Venues) and the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time .
10. The provisions, recommendations and requirements of the endorsed Post Completion Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

11. In conjunction with the submission of development plans as required by 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 Traffix Group and dated 05 September 2024, but modified to require:
- (a) The total footprint of the bins allocated and the space available in each bin storage room in m2.
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
13. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan

14. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form

part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Etched and dated 05 September 2024, but modified to include (or show):

- (a) Provide at least one (1) Type A tree, as specified in Table D4, ensuring sufficient soil volume and depth is provided as per Tabel D3;
 - (b) Provide canopy coverage calculations, ensuring that at least 42 square metres of canopy cover is provided through tree planting; and
 - (c) Provide detailed planting plan(s) for each level showing the location of proposed planting, including plant species and quantities, as well as a legend containing key features, materials, and surfaces. Proposed plants are to be:
 - (i) Drawn at their mature size on the plan;
 - (ii) Labelled or coded to correspond with the proposed plant schedule;
 - (iii) Appropriately selected for suitability to site conditions such as light, shade, microclimate, etc.;
 - (iv) Amend the plant schedule to include quantities of all plants (including climbing plants for the pergola);
 - (v) For above ground planted areas (particularly rooftop terraces and balconies), wind-resistant mulch is to be used; and
 - (vi) Provide information on any proposed vertical growing structures including detail drawings, mounting technique etc.
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.

Dwelling Use

16. The communal roof area to be closed between 10pm and 7am on any day.

Wind Tunnel Modelling Report

17. In conjunction with the submission of development plans as required by condition 1, a Wind Tunnel Modelling Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Modelling Report will be endorsed and will form part of this permit. The Wind Tunnel Modelling Report must be generally in accordance with the Wind Report prepared by GWTS and dated 4 September 2024, but modified to include (or show):
- (a) Updated to assess the plans as amended under the requirements of condition 1;

- (b) Demonstrate that at least 50% of each balcony can achieve the standing comfort criterion (without reliance on landscaping);
- (c) Demonstrate that the building entrances along Little Oxford Street will achieve the standing comfort criterion; and
- (d) Provide a detailed assessment of the east and west-facing balconies, including the consideration of northerly and southerly winds that would flow around the building and across these balconies (without reliance on landscaping),
to the satisfaction of the Responsible Authority.

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

Green Travel Plan

19. Before the use commences, 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) a description 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 coordination and implementation;
- (e) details of bicycle parking and bicycle routes;
- (f) details of GTP funding and management responsibilities;
- (g) the specific design of bicycle storage devices proposed to be used for employee;
- (h) spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
- (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (j) security arrangements to access the employee bicycle storage spaces;
- (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (l) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
- (m) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

Infrastructure

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
24. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet. Refer to Notes (below) for lodgement details.
25. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
26. 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.
27. 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 basement car park and front entrance must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,

to the satisfaction of the Responsible Authority.

General

29. 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.
30. Any new dwelling/apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
31. 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.
32. 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.
33. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) The presence of vermin.
34. The use/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), as may be amended from time to time.
35. 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.

Land Contamination

36. Before the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
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- (d) recommendations as to whether the land is suitable for the use and development for which the land is proposed to be used and developed and whether an Environmental Auditor should be appointed pursuant to the *Environment Protection Act 2017 (EP Act)* to undertake an Environmental Audit in accordance with the provisions of the EP Act.
37. If the assessment required by Condition 36 does not result in a recommendation that an Environmental Auditor be appointed pursuant to the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
38. If the assessment required by Condition 36 results in a recommendation that an Environmental Auditor be appointed pursuant to the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the use and/or works authorised by this permit commences, the Environmental Auditor appointed pursuant to the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) Certificate of Environmental Audit for the land in accordance with the EP Act (Certificate); or
 - (b) a Statement of Environmental Audit for the land in accordance with the EP Act (Statement);
- and the Certificate or Statement must be provided to the Responsible Authority.
39. If, pursuant to Condition 38, an Environmental Audit Statement is issued, the statement must be provided either:
- (a) Under Part 8.3, Division 3 of the *Environment Protection Act 2017* which states that the site is suitable for the approved use and/or development; or
 - (b) Under Part 8.3, Division 3 of the *Environment Protection Act 2017* which states that the site is suitable for the approved use and development if the recommendations made in the statement are complied with;
 - (c) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority pursuant to section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (d) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
40. Where a statement of Environmental Audit for the land in accordance with the EP Act (Statement) is issued and before the use authorised by this permit is occupied/commences:

- (a) Written confirmation of compliance must be provided by an environmental professional with suitable qualifications acceptable to the Responsible Authority; and
 - (b) Compliance sign-off must be in accordance with any requirements in the Environmental Audit Statement recommendations regarding verification of works.
41. All recommendations of the Environmental Audit Statement must be complied with to the satisfaction of the Responsible Authority.

Construction Management Plan

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

- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
43. 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.
44. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
45. 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 Contribution

46. 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.

Community Infrastructure

47. 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.

Permit Expiry

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

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

Section 173 Agreement (Windows on southern boundary)

49. Within six months of the basement construction commencing, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, which provides for the following:
- (a) Any windows/openings on the southern boundary of the site must be removed prior to the commencement of any development of that adjoining property in a manner that the Responsible Authority considers would affect these windows/openings.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

Notes:

For the submission of plans pursuant to Condition 19, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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

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.

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

In accordance with the Yarra Planning Scheme, an 8.65% public open space contribution will apply in the event of the subdivision of the land.

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.

CALL FOR A DIVISION

For: Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Harrison, Councillor Ho and Councillor Wade

Against: Nil

CARRIED UNANIMOUSLY

5.2. – PLN24/0465 - 19 Lincoln Street, Richmond

Author Joe Byrne – Senior Statutory Planner
Authoriser General Manager City Sustainability and Strategy

Councillor Wade returned to the meeting at 6.56pm.

Start time: 6.56pm.

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0465 at 19 Lincoln Street, Richmond for:

Control	Clause	Matter for which the permit has been granted
Mixed Use Zone	32.04-2	Use of the land for the purpose of a medical centre (wellbeing and sports rehabilitation centre)
Advertising Signs	52.05-13	Construct and display three (3) business identification signs
Car parking	52.06-3	A waiver of the car parking requirements associated with a medical centre

subject to the following conditions:

Use

- The use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- No more than 41 patrons are permitted within the site at any one time.
- No more than 2 practitioners are permitted on the land at any one time.
- Except with the prior written consent of the Responsible Authority, the use may only occur between:
 - Monday to Friday - 8.00am and 8.00pm; and
 - Saturday and Sunday - 8.00am and 4.00pm.
- The amenity of the area must not be detrimentally affected by the use or development, including through:
 - the transport of materials, goods or commodities to or from land;
 - the appearance of any buildings, works or materials;
 - the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, or
 - the presence of vermin,

to the satisfaction of the Responsible Authority.

6. The provision of music within the building must be at a background noise level.
7. Speakers external to the building must not be erected or used.
8. The use 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), as may be amended from time to time.
9. Delivery and collection of goods to and from the land may only occur between 8 am and 8 pm Monday to Friday, or 8 am and 4 pm Saturday, Sunday or public holiday or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
10. Before the use commences, a minimum of two bicycle parking spaces for staff must be installed on the site, in the western setback of the building or other suitable location, to the satisfaction of the Responsible Authority.
11. Before the use commences, 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) a description 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 coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the specific design of bicycle storage devices proposed to be used for employee;
 - (h) spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
 - (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (j) security arrangements to access the employee bicycle storage spaces;
 - (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (l) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
 - (m) provisions for the Green Travel Plan to be updated not less than every 5 years.
12. This permit will expire if:
 - (a) The use is not commenced within two years from the date of this permit; and
 - (b) The use is discontinued for a period of two years.

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.

Advertising Signs

13. The location and details of the signs, 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.
14. The signs must not be illuminated by external or internal light.
15. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
16. The signage component of this permit will expire if the signs are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.
17. The signage component of this permit expires 15 years from the date of the permit. On expiry of this permit, the approved signs must be removed.

Notes:

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.

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

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

Public Submissions

The following people addressed the committee:

(Business Owner) – Naum Sekulovski; and

Phil Anderson.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Jolly

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0465 at 19 Lincoln Street, Richmond for:

Control	Clause	Matter for which the permit has been granted
Mixed Use Zone	32.04-2	Use of the land for the purpose of a medical centre (wellbeing and sports rehabilitation centre)
Advertising Signs	52.05-13	Construct and display three (3) business identification signs
Car parking	52.06-3	A waiver of the car parking requirements associated with a medical centre

subject to the following conditions:

Use

1. The use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. No more than 41 patrons are permitted within the site at any one time.
3. No more than 2 practitioners are permitted on the land at any one time.
4. Except with the prior written consent of the Responsible Authority, the use may only occur between:
 - (a) Monday to Friday - 6.00am and 9.00pm; and
 - (b) Saturday and Sunday - 8.00am and 4.00pm.
5. 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, wastewater, waste products, grit or oil, or
 - (d) the presence of vermin,to the satisfaction of the Responsible Authority.
6. The provision of music within the building must be at a background noise level.
7. Speakers external to the building must not be erected or used.
8. The use 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), as may be amended from time to time.

9. Delivery and collection of goods to and from the land may only occur between 8 am and 8 pm Monday to Friday, or 8 am and 4 pm Saturday, Sunday or public holiday or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
10. Before the use commences, a minimum of two bicycle parking spaces for staff must be installed on the site, in the western setback of the building or other suitable location, to the satisfaction of the Responsible Authority.
11. Before the use commences, 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) a description 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 coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the specific design of bicycle storage devices proposed to be used for employee;
 - (h) spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
 - (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (j) security arrangements to access the employee bicycle storage spaces;
 - (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (l) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
 - (m) provisions for the Green Travel Plan to be updated not less than every 5 years.
12. This permit will expire if:
 - (a) The use is not commenced within two years from the date of this permit; and
 - (b) The use is discontinued for a period of two years.

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.

Advertising Signs

13. The location and details of the signs, 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.
14. The signs must not be illuminated by external or internal light.

15. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
16. The signage component of this permit will expire if the signs are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.
17. The signage component of this permit expires 15 years from the date of the permit. On expiry of this permit, the approved signs must be removed.

Notes:

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.

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

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

CALL FOR A DIVISION

For: Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Ho and Councillor Wade

Against: Councillor Harrison

CARRIED

5.3. - 6045.01 - 67 Erin Street, Richmond

Author Joshua Broberg – Senior Planner Statutory Planning
Authoriser General Manager City Sustainability and Strategy

Start time: 7.14pm

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit 6045.01 at 67 Erin Street Richmond VIC 3121 for:

Control	Clause	Matter for which the permit has been granted
Neighbourhood Residential Zone	32.09-2	To use land for a medical centre
Neighbourhood Residential Zone	32.09-10	Buildings and works associated with a Section 2 use
Heritage Overlay	43.01-1	Demolish or remove a building
Heritage Overlay	43.01-1	Construct or carry out works, including a fence and services normal to a building other than a dwelling
Heritage Overlay	43.01-1	Externally alter a building by structural work, rendering sandblasting or in any other way
Car Parking	52.06-3	A reduction in the required number of car parking spaces

subject to the following conditions:

Amended Plans

- Before the amended use or 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 must be generally in accordance with the decision plans prepared by Platform Studios and advertised in November 2024 but modified to show:
 - The northern façade to the lower ground, ground and first floors (excluding the car lift roof) to be set back a minimum 4.5 metres from the Bowen Street title boundary. Any associated reconfiguration must not extend the building envelope;
 - Full retention of the existing building to a depth of two rooms, including external walls, roofing (other than the like-for-like replacement of existing roof cladding), and chimney, and the deletion of the proposed light court to the east of the existing building;
 - The proposed fence to Bowen Street to be constructed of timber or metal pickets at a height of no greater than 1.2m;
 - The services screen atop the existing building nominated in a colour that matches the roof cladding;

- (e) A privacy screen or visual barrier to the east elevation of the rooftop terrace that demonstrates compliance with Standard B22 to Clause 55.04-6 (Overlooking Objective);
 - (f) All re-clad sections of the existing building roof shown on the plans annotated as 'proposed';
 - (g) The width of the sliding gate opening dimensioned;
 - (h) The width of the car lift door to be dimensioned;
 - (i) The headroom clearance at the car park lift entrance to be dimensioned;
 - (j) A vertical ground clearance assessment diagram for the vehicle crossing and 2 metres inside the property with the B99 vertical ground clearance template superimposed onto the diagram;
 - (k) The proposed vehicle crossing to span the width of the sliding gate opening;
 - (l) All references to gas related services including the gas manifold within the basement deleted; and
 - (m) Any changes required under Condition 8 (SDA), Condition 10 (WMP), Condition 12 (Landscape Plan) and Condition 14 (Tree Management Plan).
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. No more than 8 practitioners are permitted on the land at any one time.
4. Except with the prior written consent of the Responsible Authority, the use may only occur between:
- (a) Monday to Friday – 8.30am and 5.30pm.
5. Except with the prior written consent of the Responsible Authority, deliveries and collection of goods to and from the land may only occur within the approved operating hours.
6. 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; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, or
 - (d) the presence of vermin,
- to the satisfaction of the Responsible Authority.

Vehicle Crossing Drawing

7. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's *Vehicle Crossing Information Sheet*.

Sustainable Design Assessment (SDA)

8. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Low Impact Development Consulting and dated 10 September 2025, but modified to include or show:
 - (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit.
 - (b) Lighting power density to exceed by at least 10% beyond the minimum NCC2022 energy efficiency requirements; and
 - (c) All ambiguous language, including terms such as 'recommended,' 'where possible,' or 'to be considered,' must be removed and replaced with clear, enforceable commitments.
9. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

10. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 Low Impact Development Consulting and dated 6 June 2024, but modified to include:
 - (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

12. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 FOOKS and dated 7 May 2024, but modified to include (or show):
 - (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
 - (b) A tree nominated in both the front setback to Erin Street and rear setback to Bowen Street, at a suitable height at the time of planting and capable of reaching a mature

height of at least 6 metres. These trees can be accommodated in the form of a planter;

- (c) Provide planting plans that include plant species quantities, proposed plants are to be:
 - (i) Drawn at their mature size on the plan;
 - (ii) Labelled or coded to correspond with the proposed plant schedule;
 - (d) Provide a completed plant schedule including all proposed plant quantities;
 - (e) Provide typical planting details for trees, shrubs, grasses, groundcovers and climbers;
 - (f) Provide a legend containing all key features, materials, and surfaces. Incorporate legend codes throughout landscape documentation;
 - (g) Provide detail drawings for all hard surface and typical garden bed treatments;
 - (h) Provide detail drawings for all permeable surface treatments. Permeable surfaces are considered to be those that allow water to drain into natural soil. Include installation details and/or product information that demonstrates that the proposed paving surface will be permeable to the natural ground below;
 - (i) Provide detail drawings for built elements such as furniture and planters, including:
 - (i) Dimensions (particularly soil depth and width for planted area and planters);
 - (ii) Proposed drainage method and lining materials;
 - (iii) Volume and type of growing media (including cultivation depth, mulch type etc), to be adequate for the proposed plant species. For planters located above ground level, wind-proof mulch (such as screened rock/pebbles) is to be used;
 - (j) Provide information on any proposed vertical growing structures including detail drawings, mounting technique etc.;
 - (k) Provide information on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation);
 - (l) Provide a maintenance schedule, including task details and frequency:
 - (i) Provide details for how landscaping located outside of balustrades/building façade is to be safely accessed for maintenance purposes (such as anchor points for safety harnesses); and
 - (ii) Provide details for how landscaping located within a glass wall will be accessed for maintenance purposes;
 - (m) Loadbearing 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; and
 - (n) Provide a specification of works to be undertaken prior to planting.
13. 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.

Tree Management Plan

14. Concurrent with the submission of Condition 1 plans, 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 the protection and preservation of the neighbouring trees 2 and 7 as identified on the Arborist Report prepared by Galbraith and Associates dated 6 September 2024, including:
- (a) pre-construction;
 - (b) during construction;
 - (c) post construction;
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
15. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
16. Before the development commences, the permit holder must make a one-off contribution of \$1,500 (subject to annual CPI increase) to the Responsible Authority to be used for new street tree plantings.

Development Contributions

17. 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.

Engineering conditions

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
19. 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 footpath, verge (if applicable), and kerb and channel:
- (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority.
- 20. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) In accordance with Yarra Standard Drawings | Yarra City Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 21. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Privacy Screening

- 22. 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.

Boundary walls

- 23. 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.

Car stacker installation and maintenance

- 24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Construction Hours

- 25. 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.

Construction Management Plan

- 26. 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) any requirements pertaining to the Tree Management Plan endorsed under condition 14 of the permit;

- (b) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (c) works necessary to protect road and other infrastructure;
- (d) remediation of any damage to road and other infrastructure;
- (e) 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;
- (f) facilities for vehicle washing, which must be located on the land;
- (g) 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;
- (h) site security;
- (i) 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;
- (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; and
- (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.

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

Expiry

28. This permit will expire if:

- (a) the development is not commenced within two years of the date of this amended permit;
- (b) the development is not completed within four years of the date of this amended permit; or
- (c) The use is discontinued for a period of two years.

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 external works.

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.

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

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.

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.

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.

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.

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

Public Submissions

The following people addressed the committee:

(Permit Applicant) – Hugh Smyth, Urban Planning Collective; and
Cameron.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor McKenzie

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit 6045.01 at 67 Erin Street Richmond VIC 3121 for:

Control	Clause	Matter for which the permit has been granted
Neighbourhood Residential Zone	32.09-2	To use land for a medical centre
Neighbourhood Residential Zone	32.09-10	Buildings and works associated with a Section 2 use
Heritage Overlay	43.01-1	Demolish or remove a building
Heritage Overlay	43.01-1	Construct or carry out works, including a fence and services normal to a building other than a dwelling
Heritage Overlay	43.01-1	Externally alter a building by structural work, rendering sandblasting or in any other way
Car Parking	52.06-3	A reduction in the required number of car parking spaces

subject to the following conditions:

Amended Plans

1. Before the amended use or 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 must be generally in accordance with the decision plans prepared by Platform Studios and advertised in November 2024 but modified to show:
 - (a) The northern façade to the lower ground, ground and first floors (excluding the car lift roof) to be set back a minimum 4.5 metres from the Bowen Street title boundary. Any associated reconfiguration must not extend the building envelope;
 - (b) Full retention of the existing building to a depth of two rooms, including external walls, roofing (other than the like-for-like replacement of existing roof cladding), and chimney, and the deletion of the proposed light court to the east of the existing building;
 - (c) The proposed fence to Bowen Street to be constructed of timber or metal pickets at a height of no greater than 1.2m;
 - (d) The services screen atop the existing building nominated in a colour that matches the roof cladding;
 - (e) A privacy screen or visual barrier to the east elevation of the rooftop terrace that demonstrates compliance with Standard B22 to Clause 55.04-6 (Overlooking Objective);
 - (f) All re-clad sections of the existing building roof shown on the plans annotated as 'proposed';
 - (g) The width of the sliding gate opening dimensioned;

- (h) The width of the car lift door to be dimensioned;
 - (i) The headroom clearance at the car park lift entrance to be dimensioned;
 - (j) A vertical ground clearance assessment diagram for the vehicle crossing and 2 metres inside the property with the B99 vertical ground clearance template superimposed onto the diagram;
 - (k) The proposed vehicle crossing to span the width of the sliding gate opening;
 - (l) All references to gas related services including the gas manifold within the basement deleted;
 - (m) Any changes required under Condition 8 (SDA), Condition 10 (WMP), Condition 12 (Landscape Plan) and Condition 14 (Tree Management Plan);
 - (n) 50% of bicycle parking to be at level (i.e. horizontal with 2 wheels on the ground); and
 - (o) Power points to bicycle parking areas to allow for the charging of electric bikes.
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. No more than 8 practitioners are permitted on the land at any one time.
 4. Except with the prior written consent of the Responsible Authority, the use may only occur between:
 - (a) Monday to Friday – 8.30am and 5.30pm.
 5. Except with the prior written consent of the Responsible Authority, deliveries and collection of goods to and from the land may only occur within the approved operating hours.
 6. 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; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, or
 - (d) the presence of vermin,to the satisfaction of the Responsible Authority.

Vehicle Crossing Drawing

7. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's *Vehicle Crossing Information Sheet*.

Sustainable Design Assessment (SDA)

8. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment
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will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Low Impact Development Consulting and dated 10 September 2025, but modified to include or show:

- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
 - (b) Lighting power density to exceed by at least 10% beyond the minimum NCC2022 energy efficiency requirements; and
 - (c) All ambiguous language, including terms such as 'recommended,' 'where possible,' or 'to be considered,' must be removed and replaced with clear, enforceable commitments.
9. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

10. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 Low Impact Development Consulting and dated 6 June 2024, but modified to include:
- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

12. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 FOOKS and dated 7 May 2024, but modified to include (or show):
- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
 - (b) A tree nominated in both the front setback to Erin Street and rear setback to Bowen Street, at a suitable height at the time of planting and capable of reaching a mature height of at least 6 metres. These trees can be accommodated in the form of a planter;
 - (c) Provide planting plans that include plant species quantities, proposed plants are to be:
 - (i) Drawn at their mature size on the plan;

- (ii) Labelled or coded to correspond with the proposed plant schedule;
 - (d) Provide a completed plant schedule including all proposed plant quantities;
 - (e) Provide typical planting details for trees, shrubs, grasses, groundcovers and climbers;
 - (f) Provide a legend containing all key features, materials, and surfaces. Incorporate legend codes throughout landscape documentation;
 - (g) Provide detail drawings for all hard surface and typical garden bed treatments;
 - (h) Provide detail drawings for all permeable surface treatments. Permeable surfaces are considered to be those that allow water to drain into natural soil. Include installation details and/or product information that demonstrates that the proposed paving surface will be permeable to the natural ground below;
 - (i) Provide detail drawings for built elements such as furniture and planters, including:
 - (i) Dimensions (particularly soil depth and width for planted area and planters);
 - (ii) Proposed drainage method and lining materials;
 - (iii) Volume and type of growing media (including cultivation depth, mulch type etc), to be adequate for the proposed plant species. For planters located above ground level, wind-proof mulch (such as screened rock/pebbles) is to be used;
 - (j) Provide information on any proposed vertical growing structures including detail drawings, mounting technique etc.;
 - (k) Provide information on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation);
 - (l) Provide a maintenance schedule, including task details and frequency:
 - (i) Provide details for how landscaping located outside of balustrades/building façade is to be safely accessed for maintenance purposes (such as anchor points for safety harnesses);
 - (ii) Provide details for how landscaping located within a glass wall will be accessed for maintenance purposes;
 - (m) Loadbearing 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; and
 - (n) Provide a specification of works to be undertaken prior to planting.
13. 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.

Tree Management Plan

14. Concurrent with the submission of Condition 1 plans, 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 the protection and preservation of the neighbouring trees 2 and 7 as identified on the Arborist Report prepared by Galbraith and Associates dated 6 September 2024, including:
 - (a) pre-construction;
 - (b) during construction;
 - (c) post construction;
 - (d) the provision of any barriers;
 - (e) any pruning necessary; and
 - (f) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
15. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
16. Before the development commences, the permit holder must make a one-off contribution of \$1,500 (subject to annual CPI increase) to the Responsible Authority to be used for new street tree plantings.

Development Contributions

17. 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.

Engineering conditions

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
19. 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 footpath, verge (if applicable), and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
20. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) In accordance with Yarra Standard Drawings | Yarra City Council;

- (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
21. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Privacy Screening

22. 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.

Boundary walls

23. 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.

Car stacker installation and maintenance

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Construction Hours

25. 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.

Construction Management Plan

26. 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) any requirements pertaining to the Tree Management Plan endorsed under condition 14 of the permit;
 - (b) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (c) works necessary to protect road and other infrastructure;
 - (d) remediation of any damage to road and other infrastructure;

- (e) 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,
- (f) facilities for vehicle washing, which must be located on the land;
- (g) 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;
- (h) site security;
- (i) 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;
- (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; and
- (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.

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

Expiry

28. This permit will expire if:

- (a) the development is not commenced within two years of the date of this amended permit;
- (b) the development is not completed within four years of the date of this amended permit; or
- (c) The use is discontinued for a period of two years.

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 external works.

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.

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

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.

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.

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.

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.

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

CALL FOR A DIVISION

For: Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Ho and Councillor Wade

Against: Councillor Harrison

CARRIED

5.4. – PLN19/0828.02 - 35 Johnston Street & 30 Perry Street Collingwood VIC 3066

Author Madeleine Moloney – Senior Statutory Planner
Authoriser General Manager City Sustainability and Strategy

Start time: 7.38pm

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN19/0828.02 at 35 Johnston Street and 30 Perry Street Collingwood VIC 3066 for:

Changes to allow for sale and consumption of liquor (restaurant and cafe liquor licences) associated with two additional (as-of-right) food and drink premises (cafes).

The permit pre-amble is to be modified as follows:

Control	Clause	Matter for which the permit has been granted
Licensed Premises	52.27	To use land for the sale and consumption of liquor in association with food and drink premises (cafés, bars and bar/restaurant)

Subject to the following conditions (amended conditions are shown in **bold**):

- Before the sale and consumption of liquor associated with Venue 5 and/or Venue 6 commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans Fieldwork (SK-283, SK-284, SK-285) and dated 19/08/2024, but modified to show:**
 - The licensed outdoor area to each of Venue 2, 5 and 6 clearly labelled.**
- The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur within each venue between the following hours:
 - Venue 1:
 - Monday to Sunday 11am – 1am;
 - Venue 2:
 - Monday to Sunday 12midday – 11pm;
 - Venue 3:
 - Sunday to Wednesday 12midday – 12midnight;

- (ii) Thursday, Friday, Saturday 12midday – 1am;
 - (d) Venue 4:
 - (i) Monday to Sunday 12midday – 12midnight;
 - (e) **Venue 5:**
 - (i) **Tuesday to Thursday 10am – 4pm;**
 - (ii) **Friday 10am – 11pm;**
 - (iii) **Saturday 11am – 11pm; and**
 - (iv) **Sunday 11am to 9pm; and**
 - (f) **Venue 6:**
 - (i) **Monday to Sunday 9am - 6pm.**
4. Except with the prior written consent of the Responsible Authority, no more than the following numbers of patrons are permitted within each venue at any time liquor is being sold or consumed;
- (a) Venue 1 – 100 patrons (maximum of 70 within the external terrace);
 - (b) Venue 2 – 200 patrons;
 - (c) Venue 3 – 100 patrons;
 - (d) Venue 4 – 260 patrons;
 - (e) **Venue 5 – 55 patrons (maximum of 20 within the outdoor area); and**
 - (f) **Venue 6 – 124 patrons (maximum of 24 within the outdoor area).**
5. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Tract Consulting and dated February 2020, but modified to include:
- (a) Amended hours of operation and patron numbers to be consistent with Conditions 3 & 4 of this Planning Permit;
 - (b) Details of a precinct-wide approach to security arrangements;
 - (c) Confirmation that the Perry Lane exit will be closed (for entry and exit) from 9pm each night;
 - (d) Confirmation that the Perry Street exits will be closed (for exit) from 10pm each night;
 - (e) Confirmation that queuing will be prohibited at all times within Perry Lane and Perry Street;
 - (f) The provision of a noise limiting device to be installed in Venue 4. For this device, a master control volume is to be set, locked and only accessible to staff members, with the maximum volume set to achieve compliance with SEPP N-2 noise thresholds in all areas of the venue;

- (g) Details confirming that all public information on websites, social media and event invitations is to clearly state that pedestrian access to all venues is via the Johnston Street entrances after 10pm; and
 - (h) Details of exact locations of designated smoking areas.
6. The provisions, recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Prior to the sale and consumption of liquor commences within each venue, individual Venue Management Plans must be submitted to and approved by the Responsible Authority for the respective venue. When approved, the Venue Management Plans will be endorsed and will form part of this permit. The Venue Management Plans must include, but not be limited to, the following;
- (a) Details of staffing arrangements including numbers and working hours of security;
 - (b) Details of staff training in management of patron behaviour;
 - (c) Procedures to be undertaken by staff members in the event of a complaint;
 - (d) Measures to be undertaken to ensure that patrons disperse the site in a quiet and orderly manner;
 - (e) Procedures to ensure the appropriate management of large bookings;
 - (f) Measures for the appropriate management of smoking areas;
 - (g) Measures to ensure that queues are appropriately managed;
 - (h) Details of music to be provided and measures to ensure compliance with the Patron Noise Criteria of Schedule 6 to the Special Use Zone;
 - (i) Measures to ensure that the maximum number of patrons permitted on the premises is not exceeded; and
 - (j) Waste Management procedures for each venue.
8. The provisions, recommendations and requirements of each endorsed Venue Management Plan(s) must be implemented and complied with to the satisfaction of the Responsible Authority.
9. **Before the sale and consumption of liquor associated with Venue 5 and/or Venue 6 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 Clarity Acoustics and dated 22 August 2024, but modified to include (or show, or address):**
- (a) **Consistency with hours for sale and consumption of liquor for Venue 6 in this permit;**
 - (b) **Consistency with maximum patron capacity for Venue 4 in this permit; and**
 - (c) **Confirmation recorded background music will be played indoors only in association with Venue 5 and Venue 6.**
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
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11. **Before the sale and consumption of liquor associated with Venue 5 and/or Venue 6 commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 2 July 2024, but modified to include:**
 - (a) **Venues 1-6 referenced consistently with the plans endorsed under Condition 1 of the permit.**
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
13. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, or
 - (d) the presence of vermin,to the satisfaction of the Responsible Authority.
14. **The use 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), as may be amended from time to time.**
15. ****Deleted****
16. **The provision of music within Venues 1, 2, 5 & 6 must be at a background noise level.**
17. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.
18. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
19. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
20. **This permit will expire if:**
 - (a) **the sale and consumption of liquor is not commenced within two years from the date of this permit; or**
 - (b) **the sale and consumption of liquor associated with Venue 5 and Venue 6 is not commenced within two years from the date of the amendment of the permit (PLN19/0828.02); or**
 - (c) **The sale and consumption of liquor is discontinued for a period of two years.**

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

Notes:

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.

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

Public Submissions

The following people addressed the committee:

(Applicant) – Paul Lewis, Tract Consultants Pty Ltd;

(Applicant) – Lauren O'Dwyer, Contemporary Arts Precinct Ltd.

Andrew Stocker;

Melissa Fitzgerald; and

Fiona McIntosh.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Harrison

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 - (i) Sunday to Wednesday 12midday – 12midnight;
 - (ii) Thursday, Friday, Saturday 12midday – 1am;
 - (d) Venue 4:
 - (i) Monday to Sunday 12midday – 12midnight;
 - (e) Venue 5:
 - (i) Tuesday to Thursday 10am – 4pm;
 - (ii) Friday 10am – 11pm;
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- (a) Details of staffing arrangements including numbers and working hours of security;
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-

permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Clarity Acoustics and dated 22 August 2024, but modified to include (or show, or address):

- (a) Consistency with hours for sale and consumption of liquor for Venue 6 in this permit;
 - (b) Consistency with maximum patron capacity for Venue 4 in this permit; and
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- (a) **Venues 1-6 referenced consistently with the plans endorsed under Condition 1 of the permit.**
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
13. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, or
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- to the satisfaction of the Responsible Authority.
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19. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

20. This permit will expire if:

- (a) the sale and consumption of liquor is not commenced within two years from the date of this permit; or**
- (b) the sale and consumption of liquor associated with Venue 5 and Venue 6 is not commenced within two years from the date of the amendment of the permit (PLN19/0828.02); or**
- (c) The sale and consumption of liquor is discontinued for a period of two years.**

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Notes:

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.

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

CALL FOR A DIVISION

For: Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Harrison, Councillor Ho and Councillor Wade

Against: Nil

CARRIED UNANIMOUSLY

7. Close of Business

Conclusion

The meeting concluded at 8.12pm.

Confirmed at the meeting held on Tuesday 25 March 2025.

Mayor