



# Minutes

## Planning Decisions Committee Meeting

6:30 pm, Tuesday 29 April 2025

Richmond Town Hall



## Order of Business

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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 Andrew Davies
- Cr Kenneth Gomez
- Cr Sharron Harrison
- Cr Meca Ho
- Cr Sophie Wade

#### Absent

- Cr Edward Crossland    Parental Leave

#### Council staff:

- Mary Osman                      General Manager City Sustainability and Strategy
- Kathryn Pound                  Manager Statutory Planning
- Danielle Connell                Senior Coordinator Statutory Planning
- Paul Iacuone                      Coordinator Statutory Planning
- Erryn Megennis                 Principal Statutory Planner

#### Governance

- Patrick O’Gorman                Senior Governance Coordinator
- Mel Nikou                         Governance Officer
- Milica Latu                        Senior Administration and Projects Officer

## 3. Declarations of Conflict of Interest

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

## 4. Confirmation of Minutes

### COUNCIL RESOLUTION

**Moved:** Councillor Gomez

**Seconded:** Councillor Harrison

That the minutes of the Planning Decisions Committee held on Tuesday 25 March 2025 be confirmed.

### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 5. Planning Committee Reports

### 5.1. – PLN18/0730.01 100-110 Rokeby Street, Collingwood

|                   |   |
|-------------------|---|
| <b>Author</b>     | Audrey Mueller-Schmuki – Senior Statutory Planner |
| <b>Authoriser</b> | General Manager City Sustainability and Strategy  |

#### Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Amended Planning Permit PLN18/0730.01 at 100-110 Rokeby Street, Collingwood for:

| Control           | Clause  | Matter for which the permit has been granted |
|-------------------|---------|--|
| Commercial 2 Zone | 34.02-1 | Place of assembly (function centre).         |
| Liquor License    | 52.27   | Sale and consumption of liquor.              |

to allow for:

- Increase the operating hours of the function centre and hours to serve liquor on Friday and Saturday night to 1am (from 12am).

subject to the following conditions (amended conditions in **bold**):

#### Endorsed Plans

1. The function centre use (including the sale and consumption of liquor) 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.

#### Acoustic Report

2. Before the use 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 Acoustic report will be endorsed and will form part of this permit. The amended Acoustic report must be generally in accordance with the submitted **Acoustic report prepared by Acoustic Logic, dated 6 December 2024, but modified to include:**
  - (a) **Any details required by Condition 4 of this permit.**
3. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with at all times to the satisfaction of the Responsible Authority.
4. **Prior to the operating hours being extended (as approved under amendment PLN18/0730.01), a music monitoring and limiting system must be installed and configured as follows:**

- (a) All music for the function centre must be controlled by the music limiter device;
- (b) The music limiter shall incorporate a microphone and calibratable frequency discriminating sound analyser to monitor sound levels within the venue in selectable octave bands;
- (c) The system must have the capability to record the internal noise levels in octave bands. A record of the 15-minute noise levels measured by the limiting system shall be retained for at least 60 days and provided to the Responsible Authority on request;
- (d) The calibration of the limiter shall be set to achieve compliance with Part II of the Victorian EPA Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, Publication 1826 (the Noise Protocol);
- (e) The calibration shall be based on simultaneous measurements inside the venue and at the nearby sensitive receivers;
- (f) The music limiter shall be installed in a securely housed rack, box or equivalent in a location that is only accessible by a qualified acoustic consultant, a nominated technician or management by the licensee or occupier of the land and notified to the Responsible Authority;
- (g) Commissioning of the music limiter system must be conducted by a suitably qualified acoustic consultant. A commissioning report shall be provided to the Responsible Authority for approval prior to the venue's operating hours being extended. This report shall include:
  - (i) The make and model of the music limiter device;
  - (ii) A description of how the music limiter has been incorporated into the audio system, to ensure that all music is played through the limiter;
  - (iii) Photographs and descriptions of the limiter's settings, microphone location and the existing sound system installation, including location and types of loudspeakers;
  - (iv) Details of whether the venue's doors and windows are required to be closed, in order to comply with the EPA music limits;
  - (v) Updated EPA music noise limits for the period up until midnight;
  - (vi) The maximum allowable music level(s) for the music limiter's microphone to achieve compliance with the Noise Protocol, along with the resulting noise levels at the most-affected sensitive receiver; and
  - (vii) Details of how the system has been configured to account for the different noise limits at different times, in order to ensure that compliance is achieved at all times.

#### Noise and Venue Management Plan

5. Before the sale and consumption of liquor commences, an amended Noise and Venue Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Noise and Venue Management Venue Plan will be endorsed and will form part of this permit. The amended Noise and Venue Management Plan must be generally in accordance with the



Noise and Venue Management Plan submitted with the application but modified to include

- (a) any changes necessary as a result of the updated Acoustic Report at condition 2; and
- (b) any changes necessary as a result of the Waste Management Plan (authored by Leight Design and dated 10 January 2019) at condition 7; ~~and~~
- (c) Deleted.**

- 6. The provisions, recommendations and requirements of the endorsed Noise and Venue Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

#### Waste Management Plan

- 7. The provisions, recommendations and requirements of the endorsed Waste Management Plan (authored by Leigh Design and dated 10 January 2019), must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Patrons and Staff

- 8. No more than 120 patrons are permitted on the land at any time.
- 9. No more than 5 staff are permitted on the land at any one time (associated with the place of assembly (function centre)).

#### Hours of operation and onsite car parking availability

- 10. Except with the prior written consent of the Responsible Authority, the use (including the sale and consumption of liquor) may only occur between the following hours:
  - (a) Monday to Thursday – 7:30pm to 11:00pm;
  - (b) Friday – 7:30pm to 1:00am (the next day);**
  - (c) Saturday – 7:00pm to 1:00am (the next day); and**
  - (d) Sunday – noon to 11:00pm.
- 11. When the function centre is not in use, the area identified on plan as the licenced function centre area must be made available for car parking for the commercial kitchen in accordance with the endorsed plans of Planning Permit No. PLN18/0109.

#### Frequency of functions

- 12. No more than three (3) functions may occur weekly within the hours specified in the above Condition 10 within the designated area of the place of assembly (function centre).
- 13. Functions with amplified music may only occur a maximum of six (6) times per month.

#### Control of Noise and Amenity

- 14. All doors and windows must remain closed at all times when functions are underway (unless for access or egress of patrons).
- 15. **\*\*Deleted**
- 16. 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.**

17. Speakers external to the building must not be erected or used.
18. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

Deliveries, loading and unloading.

19. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
20. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
21. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
22. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,To the satisfaction of the Responsible Authority.

Permit Expiry

23. This permit will expire if:
  - (a) The use (including the sale and consumption of liquor) is not commenced within two years from the date of this permit; or
  - (b) The use (including 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:

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5428 to confirm.

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

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

Public Submission

Bruce Keen, Keen Planning addressed the committee.



## PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Councillor Wade

**Seconded:** Councillor Gomez

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Amended Planning Permit PLN18/0730.01 at 100-110 Rokeby Street, Collingwood for:

| Control           | Clause  | Matter for which the permit has been granted |
|-------------------|---------|--|
| Commercial 2 Zone | 34.02-1 | Place of assembly (function centre).         |
| Liquor License    | 52.27   | Sale and consumption of liquor.              |

to allow for:

- Increase the operating hours of the function centre and hours to serve liquor on Friday and Saturday night to 1am (from 12am).

subject to the following conditions (amended conditions in **bold**):

### Endorsed Plans

1. The function centre use (including the sale and consumption of liquor) 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.

### Acoustic Report

2. Before the use 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 Acoustic report will be endorsed and will form part of this permit. The amended Acoustic report must be generally in accordance with the submitted **Acoustic report prepared by Acoustic Logic, dated 6 December 2024, but modified to include:**
  - (a) **Any details required by Condition 4 of this permit.**
3. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with at all times to the satisfaction of the Responsible Authority.
4. **Prior to the operating hours being extended (as approved under amendment PLN18/0730.01), a music monitoring and limiting system must be installed and configured as follows:**
  - (a) **All music for the function centre must be controlled by the music limiter device;**
  - (b) **The music limiter shall incorporate a microphone and calibratable frequency discriminating sound analyser to monitor sound levels within the venue in selectable octave bands;**
  - (c) **The system must have the capability to record the internal noise levels in octave bands. A record of the 15-minute noise levels measured by the limiting system**

shall be retained for at least 60 days and provided to the Responsible Authority on request;

- (d) The calibration of the limiter shall be set to achieve compliance with Part II of the Victorian EPA Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, Publication 1826 (the Noise Protocol);
- (e) The calibration shall be based on simultaneous measurements inside the venue and at the nearby sensitive receivers;
- (f) The music limiter shall be installed in a securely housed rack, box or equivalent in a location that is only accessible by a qualified acoustic consultant, a nominated technician or management by the licensee or occupier of the land and notified to the Responsible Authority;
- (g) Commissioning of the music limiter system must be conducted by a suitably qualified acoustic consultant. A commissioning report shall be provided to the Responsible Authority for approval prior to the venue's operating hours being extended. This report shall include:
  - (i) The make and model of the music limiter device;
  - (ii) A description of how the music limiter has been incorporated into the audio system, to ensure that all music is played through the limiter;
  - (iii) Photographs and descriptions of the limiter's settings, microphone location and the existing sound system installation, including location and types of loudspeakers;
  - (iv) Details of whether the venue's doors and windows are required to be closed, in order to comply with the EPA music limits;
  - (v) Updated EPA music noise limits for the period up until midnight;
  - (vi) The maximum allowable music level(s) for the music limiter's microphone to achieve compliance with the Noise Protocol, along with the resulting noise levels at the most-affected sensitive receiver; and
  - (vii) Details of how the system has been configured to account for the different noise limits at different times, in order to ensure that compliance is achieved at all times.

#### Noise and Venue Management Plan

5. Before the sale and consumption of liquor commences, an amended Noise and Venue Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Noise and Venue Management Venue Plan will be endorsed and will form part of this permit. The amended Noise and Venue Management Plan must be generally in accordance with the Noise and Venue Management Plan submitted with the application but modified to include
- (a) any changes necessary as a result of the updated Acoustic Report at condition 2; and
  - (b) any changes necessary as a result of the Waste Management Plan (authored by Leight Design and dated 10 January 2019) at condition 7. ~~and~~

~~(c)~~ Deleted.

6. The provisions, recommendations and requirements of the endorsed Noise and Venue Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

#### Waste Management Plan

7. The provisions, recommendations and requirements of the endorsed Waste Management Plan (authored by Leigh Design and dated 10 January 2019), must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Patrons and Staff

8. No more than 120 patrons are permitted on the land at any time.
9. No more than 5 staff are permitted on the land at any one time (associated with the place of assembly (function centre)).

#### Hours of operation and onsite car parking availability

10. Except with the prior written consent of the Responsible Authority, the use (including the sale and consumption of liquor) may only occur between the following hours:
  - (a) Monday to Thursday – 7:30pm to 11:00pm;
  - (b) Friday – 7:30pm to **1:00am (the next day)**;
  - (c) Saturday – 7:00pm to **1:00am (the next day)**; and
  - (d) Sunday – noon to 11:00pm.
11. When the function centre is not in use, the area identified on plan as the licenced function centre area must be made available for car parking for the commercial kitchen in accordance with the endorsed plans of Planning Permit No. PLN18/0109.

#### Frequency of functions

12. No more than three (3) functions may occur weekly within the hours specified in the above Condition 10 within the designated area of the place of assembly (function centre).
13. Functions with amplified music may only occur a maximum of six (6) times per month.

#### Control of Noise and Amenity

14. All doors and windows must remain closed at all times when functions are underway (unless for access or egress of patrons).

**15. \*\*Deleted**

16. 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.**
17. Speakers external to the building must not be erected or used.
18. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

Deliveries, loading and unloading.

19. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
20. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
21. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
22. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,

To the satisfaction of the Responsible Authority.

Permit Expiry

23. This permit will expire if:
  - (a) The use (including the sale and consumption of liquor) is not commenced within two years from the date of this permit; or
  - (b) The use (including 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:**

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5428 to confirm.

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

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

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 5.2. – PLN14/1208.04 - 214 - 216 Swan Street Cremorne

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

### Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN14/1208.04 at 214 – 216 Swan Street Cremorne to allow for an increase in hours for the sale and consumption of liquor; change of liquor licence type to a late night on-premises liquor licence; and further restrict the number of patrons on the land during extended hours.

The permit preamble is to be amended to read as follows **(changes in bold)**:

For the purpose of the following, in accordance with the endorsed plan(s).

- Sale and consumption of liquor **(late night (on-premises) licence)** for up to 422 patrons.
- Buildings and works
- Advertising signage
- Reduction of the car parking requirements
- Waiver of the loading requirements

and subject to the following conditions **(changes in bold)**:

1. Before the sale and consumption of liquor and 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 13 March 2015, but modified to show:
  - (a) Provision of a minimum of one secure bicycle space for staff based on the requirements of Clause 52.34 (bicycle facilities) of the Yarra Planning Scheme; and
  - (b) External lighting to the entrances of the building and that the lighting will be designed to be baffled and located to limit light spill to surrounding sites.
2. The sale and consumption of liquor and development as shown on the endorsed plans, including the sale and consumption of liquor must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. **Before the commencement of the sale and consumption of liquor for the extended hours approved under amendment PLN14/1208.04, 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 Renzo Tonin Associates**

and dated 13 September 2024 (with amendments dated 29 November 2024) but modified to include (or show, or address):

- (a) Windows to the building must be kept shut at all times when music is played internally;
  - (b) Confirmation that the specified music noise levels for internal parts of the building apply to all licensed hours;
  - (c) The front (Swan St) door is to be kept shut (other than to allow for the ingress/egress), from 1am onward;
  - (d) The door to the first floor terrace/balcony that is to be kept closed after 12 midnight (other than to allow for the ingress/egress) to be clearly identified as the door at the top of the eastern stairway from ground floor;
  - (e) All doors to the first floor balcony/terrace to be kept closed from 1am following closure of the outdoor area;
  - (f) Page 15 reference to door to first floor terrace to be corrected to refer to “closed” instead of “open”;
  - (g) Identification of residences at No. 466 and 468 Church Street on the aerial image (Figure 2-1 Site Overview);
  - (h) Demonstrate that music noise during the extended hours will also comply with the identified limits in relation to the dwelling at No. 466 and 468 Church Street; and
  - (i) Include an (unstamped) copy of the Acoustic Report that was endorsed by Council on 30/04/2018 in the appendices and include a statement in the current report that references the 2018 report that details of music noise management including (music noise limits and assessment) applicable to the outdoor (first floor balcony/terrace) area is contained in that report.
4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Prior to the increase to the hours of sale and consumption of liquor authorised by amendment PLN14/1208.04, the following must occur:
- (a) The noise limiter installed on the land in association with internal speakers must:
    - (i) be set at a level specified by a qualified acoustic engineer;
    - (ii) be modified as necessary to limit internal noise levels so as to ensure compliance with the music noise limits according to Environment Protection Act 2017- Noise Limit and Assessment Protocol (based on the identified music noise limits in the endorsed acoustic report); and
    - (iii) be maintained and operated at all times,
- to the satisfaction of the Responsible Authority.
6. The noise limiter installed on the land in association with external speakers (to the outdoor balcony/terrace) must be maintained and operated at all times to limit noise levels so as to ensure compliance (based on the identified music noise limits in the endorsed acoustic report), to the satisfaction of the Responsible Authority.

7. Before the sale and consumption of liquor authorised by amendment PLN14/1208.04 commences, an amended Venue Management Plan (including the 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 Venue Management Plan (including the Noise and Amenity Action Plan) will be endorsed and will form part of this permit. The amended Venue Management Plan must be generally in accordance with the Venue Management Plan prepared by Australian Venue Co. and dated September 2024, but modified to include (or show, or address):
  - (a) Consistency with the endorsed Acoustic Report under condition 3;
  - (b) Confirm that the late night menu will include substantial food (not just snacks) on an ongoing basis;
  - (c) Security staff to be provided at a minimum as set out in the VMP that was endorsed by Council on 26/7/2017, extended to include additional licensed hours (and 30 minutes after closure), or to Council's satisfaction;
  - (d) Delete reference to ground floor courtyard in Section 3.9 – "Smoking";
  - (e) Replace Chapel Street with Church Street in Section 4.2 – "Queuing";
  - (f) Modify Section 4.5 – to reflect existing building layout (i.e. remove reference to former outdoor areas at ground floor);
  - (g) Include reference to the current EPA regulations (Noise Protocol Part I instead of SEPP N-1) in relation to mechanical plant noise; and
  - (h) Provision of live music to be consistent with condition 10 of the permit.
8. The licensed premises must be managed in accordance with the endorsed Noise and Amenity Action Plan (NAAP) and Venue Management Plan to the satisfaction of the Responsible Authority.
9. The sale and consumption of liquor may only occur between the hours of:  
First floor outdoor terrace/balcony -
  - (a) All days:
    - (i) Between 7:30am and 1am (the following day).  
All other areas -
  - (a) Thursday, Friday, Saturday & on the eve of a Public holiday;
    - (i) Between 7:30am and 3am (the following day); and
  - (b) On any other day:
    - (i) Between 7.30am and 1am (the following day).
10. Live music may only be played within the first floor terrace between 6pm-9pm, Thursday – Saturday.
11. No more than 422 patrons are permitted on the land at any time liquor is being sold or consumed, further restricted as follows:
  - (a) First floor outdoor terrace and balcony - maximum of 109 patrons;
  - (b) From 11 pm on Thursday, Friday and Saturday nights, and on the eve of a Public holiday, patron numbers reduced from 422 to 400;



- (c) **From 12 midnight on Thursday, Friday and Saturday nights, and on the eve of a Public holiday, patron numbers reduced from 400 to 350; and**
  - (d) **From 1 am the morning following Thursday, Friday and Saturday nights and the eve of a Public holiday, patron numbers reduced from 350 to 250.**
- 12. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - (d) the presence of vermin,to the satisfaction of the Responsible Authority.
- 13. **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.**
- 14. **Emptying bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.**
- 15. **Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am until 10pm on a Sunday or public holiday except for those allowed under any relevant local law.**
- 16. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
- 17. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 18. Before the building/s is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the building entrances must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
- 19. 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.

20. The aspect of the permit relating to the approved use and development will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; or
- (c) **the extended hours for sale and consumption of liquor approved under amendment PLN14/1208.04 is not commenced within twelve months of the amended date of the 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.

#### Advertising signs

- 21. The location and details of the signs, including the supporting structure, 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.
- 22. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
- 23. The signs must not include any flashing or intermittent light.
- 24. The approval granted for the advertising sign shall lapse fifteen (15) years from the date of this permit.
- 25. The permit for the signs 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.

#### **Notes:**

These premises will be required to comply with the Food Act 1984. The use must not commence until 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 5095 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 5095 for further information.

#### Public Submissions

The following people addressed the committee:

Phil Gleeson, Urbis Ltd (Applicant);

John Fetter; and

Kristen Boschma.

## PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Councillor Davies

**Seconded:** Councillor Aston

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN14/1208.04 at 214 – 216 Swan Street Cremorne to allow for an increase in hours for the sale and consumption of liquor; change of liquor licence type to a late night on-premises liquor licence; and further restrict the number of patrons on the land during extended hours.

The permit preamble is to be amended to read as follows (**changes in bold**):

For the purpose of the following, in accordance with the endorsed plan(s).

- Sale and consumption of liquor (**late night (on-premises) licence**) for up to 422 patrons.
- Buildings and works
- Advertising signage
- Reduction of the car parking requirements
- Waiver of the loading requirements

and subject to the following conditions (**changes in bold**):

1. Before the sale and consumption of liquor and 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 13 March 2015, but modified to show:
  - (a) Provision of a minimum of one secure bicycle space for staff based on the requirements of Clause 52.34 (bicycle facilities) of the Yarra Planning Scheme; and
  - (b) External lighting to the entrances of the building and that the lighting will be designed to be baffled and located to limit light spill to surrounding sites.
2. The sale and consumption of liquor and development as shown on the endorsed plans, including the sale and consumption of liquor must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. **Before the commencement of the sale and consumption of liquor for the extended hours approved under amendment PLN14/1208.04, 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 Renzo Tonin Associates and dated 13 September 2024 (with amendments dated 29 November 2024) but modified to include (or show, or address):**
  - (a) **Windows to the building must be kept shut at all times when music is played internally;**
  - (b) **Confirmation that the specified music noise levels for internal parts of the building apply to all licensed hours;**

- (c) The front (Swan St) door is to be kept shut (other than to allow for the ingress/egress), from 11pm onward;
  - (d) The door to the first floor terrace/balcony that is to be kept closed after 11pm (other than to allow for the ingress/egress) to be clearly identified as the door at the top of the eastern stairway from ground floor;
  - (e) All doors to the first floor balcony/terrace to be kept closed from 11pm (other than to allow for the ingress/egress until 1am);
  - (f) Page 15 reference to door to first floor terrace to be corrected to refer to “closed” instead of “open”;
  - (g) Identification of residences at No. 466 and 468 Church Street on the aerial image (Figure 2-1 Site Overview);
  - (h) Demonstrate that music noise during the extended hours will also comply with the identified limits in relation to the dwelling at No. 466 and 468 Church Street; and
  - (i) Include an (unstamped) copy of the Acoustic Report that was endorsed by Council on 30/04/2018 in the appendices and include a statement in the current report that references the 2018 report that details of music noise management including (music noise limits and assessment) applicable to the outdoor (first floor balcony/terrace) area is contained in that report.
4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Prior to the increase to the hours of sale and consumption of liquor authorised by amendment PLN14/1208.04, the following must occur:
- (a) The noise limiter installed on the land in association with internal speakers must:
    - (i) be set at a level specified by a qualified acoustic engineer;
    - (ii) be modified as necessary to limit internal noise levels so as to ensure compliance with the music noise limits according to Environment Protection Act 2017- Noise Limit and Assessment Protocol (based on the identified music noise limits in the endorsed acoustic report); and
    - (iii) be maintained and operated at all times,to the satisfaction of the Responsible Authority.
6. The noise limiter installed on the land in association with external speakers (to the outdoor balcony/terrace) must be maintained and operated at all times to limit noise levels so as to ensure compliance (based on the identified music noise limits in the endorsed acoustic report), to the satisfaction of the Responsible Authority.
7. Before the sale and consumption of liquor authorised by amendment PLN14/1208.04 commences, an amended Venue Management Plan (including the 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 Venue Management Plan (including the Noise and Amenity Action Plan) will be endorsed and will form part of this permit. The amended Venue Management Plan must be generally in accordance with the Venue Management Plan prepared by Australian Venue Co. and dated September 2024, but modified to include (or show, or address):

- (a) Consistency with the endorsed Acoustic Report under condition 3;
  - (b) Confirm that the late night menu will include substantial food (not just snacks) on an ongoing basis;
  - (c) Security staff to be provided at a minimum as set out in the VMP that was endorsed by Council on 26/7/2017, extended to include additional licensed hours (and 30 minutes after closure), or to Council's satisfaction;
  - (d) Delete reference to ground floor courtyard in Section 3.9 – "Smoking";
  - (e) Replace Chapel Street with Church Street in Section 4.2 – "Queuing";
  - (f) Modify Section 4.5 – to reflect existing building layout (i.e. remove reference to former outdoor areas at ground floor);
  - (g) Include reference to the current EPA regulations (Noise Protocol Part I instead of SEPP N-1) in relation to mechanical plant noise; and
  - (h) Provision of live music to be consistent with condition 10 of the permit.
8. The licensed premises must be managed in accordance with the endorsed Noise and Amenity Action Plan (NAAP) and Venue Management Plan to the satisfaction of the Responsible Authority.
9. The sale and consumption of liquor may only occur between the hours of:  
First floor outdoor terrace/balcony -
- (a) All days:
    - (i) Between 7:30am and 1am (the following day).
- All other areas -
- (a) Thursday, Friday, Saturday & on the eve of a Public holiday;
    - (i) Between 7:30am and 3am (the following day); and
  - (b) On any other day:
    - (i) Between 7.30am and 1am (the following day).
10. Live music may only be played within the first floor terrace between 6pm-9pm, Thursday – Saturday.
11. No more than 422 patrons are permitted on the land at any time liquor is being sold or consumed, further restricted as follows:
- (a) First floor outdoor terrace and balcony - maximum of 109 patrons;
  - (b) From 11 pm on Thursday, Friday and Saturday nights, and on the eve of a Public holiday, patron numbers reduced from 422 to 400;
  - (c) From 12 midnight on Thursday, Friday and Saturday nights, and on the eve of a Public holiday, patron numbers reduced from 400 to 350; and
  - (d) From 1 am the morning following Thursday, Friday and Saturday nights and the eve of a Public holiday, patron numbers reduced from 350 to 250.
12. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;

- (b) the appearance of any buildings, works or materials;
- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
- (d) the presence of vermin,

to the satisfaction of the Responsible Authority.

13. **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.**
14. **Emptying bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.**
15. **Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am until 10pm on a Sunday or public holiday except for those allowed under any relevant local law.**
16. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
17. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
18. Before the building/s is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the building entrances must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
19. 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.
20. The aspect of the permit relating to the approved use and development will expire if:
  - (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; or
  - (c) **the extended hours for sale and consumption of liquor approved under amendment PLN14/1208.04 is not commenced within twelve months of the amended date of the 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.

Advertising signs

21. The location and details of the signs, including the supporting structure, 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.
22. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
23. The signs must not include any flashing or intermittent light.
24. The approval granted for the advertising sign shall lapse fifteen (15) years from the date of this permit.
25. The permit for the signs 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.

**Notes:**

These premises will be required to comply with the Food Act 1984. The use must not commence until 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 5095 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 5095 for further information.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**



### 5.3. – PLN24/0748 - 231 Victoria Street, Abbotsford

|                   |  |
|-------------------|--|
| <b>Author</b>     | Corey Wooldridge – Senior Statutory Planner      |
| <b>Authoriser</b> | General Manager City Sustainability and Strategy |

#### Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0731 at 231 Victoria Street Abbotsford for:

| Control           | Clause  | Matter for which the permit has been granted |
|-------------------|---------|--|
| Commercial 1 Zone | 34.01-1 | Use of the land as a Rooming house           |

subject to the following conditions:

- Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by T S Building Design, Sheet no. 1 – 10 Rev. A, and dated 3 December 2024 but modified to show:
  - The existing gates (including any swing function) along the northern boundary to secure the car parking area of the building, including annotation as to how these will be secured;
  - Any requirements of Condition 5 (Rooming House Management Plan); and
  - Any requirements of Condition 7 (Waste Management Plan).
- 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 seventeen (17) people are permitted to be housed on the land at any one time (including any caretaker).
- No more than one person may occupy one bedroom.

#### Rooming House Management Plan

- Concurrent with the submission of amended plans pursuant to Condition 1, a Rooming house management plan must be submitted to and approved by the Responsible Authority. When approved, the Rooming house management plan will be endorsed and will form part of this planning permit. The management plan must include, but not be limited to, the following matters:
  - Limitation on the maximum number of bedrooms and residents in the Rooming house to seventeen;
  - Details of any caretaker arrangement;

- (c) Allocation and management of on-site car parking exclusively and efficiently for the residents, in a way that ensures it will be efficiently used by residents residing in the subject premises and shall not be leased, sold or used for any other purposes;
  - (d) Supervision of residents within the development including measures to limit noisy and anti-social behaviour and address any issues arising;
  - (e) Maintenance of the building and surrounds;
  - (f) Security of the building and surrounds;
  - (g) Management of communal spaces, including any areas to be set aside for smoking;
  - (h) Signage to be displayed on the building to provide 24-hour telephone contact numbers;
  - (i) The storage of garbage and recyclables and waste collection; and
  - (j) Provision of a copy of the Rooming house management plan clearly displayed in a prominent location within the rooming house for residents to clearly read.
6. The provisions, recommendations and requirements of the endorsed Rooming house management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

7. Concurrent with the submission of amended plans pursuant to 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 John Chow and submitted 10 December 2024, but modified to include:
- (a) Date and revision of the management plan;
  - (b) Types of waste generated and generation rates;
  - (c) Further details on waste storage area, being indicative location of all bins and hard waste;
  - (d) Details on waste collection and disposal; and
  - (e) Details as to collection of other waste types, such as e-waste.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **General**

9. 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.
10. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;

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

- 11. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.
- 12. This permit will expire if:
  - (a) the use is not commenced within two years from the date of this permit; or
  - (b) the use is discontinued for a period of two years.

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

**Notes:**

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.

These premises will be required to comply with the *Public Health and Wellbeing Act 2008*. The use must not commence until registration has been granted by Council's Health Protection Unit.

Public Submissions

The following people addressed the committee:

John Chow, John Chow Architect (Applicant);

Robert Buttery; and

Anna Horne.

**MOTION**

**Moved:** Councillor McKenzie

**Seconded:** Councillor Wade

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0731 at 231 Victoria Street Abbotsford for:

| Control           | Clause  | Matter for which the permit has been granted |
|-------------------|---------|--|
| Commercial 1 Zone | 34.01-1 | Use of the land as a Rooming house           |

subject to the following conditions:

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by T S Building Design, Sheet no. 1 – 10 Rev. A, and dated 3 December 2024 but modified to show:
  - (a) The existing gates (including any swing function) along the northern boundary to secure the car parking area of the building, including annotation as to how these will be secured;
  - (b) Any requirements of Condition 5 (Rooming House Management Plan); and
  - (c) Any requirements of Condition 7 (Waste Management Plan).
2. The use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. No more than seventeen (17) people are permitted to be housed on the land at any one time (including any caretaker).
4. No more than one person may occupy one bedroom.

**Rooming House Management Plan**

5. Concurrent with the submission of amended plans pursuant to Condition 1, a Rooming house management plan must be submitted to and approved by the Responsible Authority. When approved, the Rooming house management plan will be endorsed and will form part of this planning permit. The management plan must include, but not be limited to, the following matters:
  - (a) Limitation on the maximum number of bedrooms and residents in the Rooming house to seventeen;
  - (b) Details of any caretaker arrangement;
  - (c) Allocation and management of on-site car parking exclusively and efficiently for the residents, in a way that ensures it will be efficiently used by residents residing in the subject premises and shall not be leased, sold or used for any other purposes;
  - (d) Supervision of residents within the development including measures to limit noisy and anti-social behaviour and address any issues arising;
  - (e) Maintenance of the building and surrounds;
  - (f) Security of the building and surrounds;
  - (g) Management of communal spaces, including any areas to be set aside for smoking;
  - (h) Signage to be displayed on the building to provide 24-hour telephone contact numbers;
  - (i) The storage of garbage and recyclables and waste collection; and
  - (j) Provision of a copy of the Rooming house management plan clearly displayed in a prominent location within the rooming house for residents to clearly read.
6. The provisions, recommendations and requirements of the endorsed Rooming house management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

7. Concurrent with the submission of amended plans pursuant to 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 John Chow and submitted 10 December 2024, but modified to include:
  - (d) Date and revision of the management plan;
  - (e) Types of waste generated and generation rates;
  - (f) Further details on waste storage area, being indicative location of all bins and hard waste;
  - (g) Details on waste collection and disposal; and
  - (h) Details as to collection of other waste types, such as e-waste.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **General**

9. 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.
10. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,to the satisfaction of the Responsible Authority.
11. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.
12. This permit will expire if:
  - (a) the use is not commenced within two years from the date of this permit; or
  - (b) the use is discontinued for a period of two years.

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

### **Notes:**

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.

These premises will be required to comply with the *Public Health and Wellbeing Act 2008*. The use must not commence until registration has been granted by Council's Health Protection Unit.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie and Councillor Wade

**Against:** Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison and Councillor Ho

**LOST**

**PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor Aston

**Seconded:** Councillor Harrison

Issue a Notice of Refusal to planning application PLN24/0748 – 231 Victoria Street Abbotsford for the Use of land as a Rooming house on the following grounds:

1. The proposed location for the Rooming house is inappropriate in the context of the local area and is not compatible with nearby uses.
2. The Rooming house does not provide for adequate private open space on the site for residents resulting in unacceptable on-site amenity outcomes.
3. The Rooming house would have adverse effects on the amenity of the local area.

**CALL FOR A DIVISION**

**For:** Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison and Councillor Ho

**Against:** Councillor Jolly, Councillor McKenzie and Councillor Wade

**CARRIED**

## 5.4. – PLN24/0525 - 8 - 10 River Street Richmond

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

### Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0525 at 8 – 10 River Street, Richmond VIC 3121 for:

| Control           | Planning Scheme Clause | Matter for which the permit has been granted |
|-------------------|------------------------|--|
| Industrial 1 Zone | Clause 33.01-1         | To use land for dance studio                 |

subject to the following conditions:

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans (drawings entitled: Ground layout, Level 1 Layout and Level 2 Layout and submitted 1 November 2024) but modified to show:
  - (a) The location of the existing air conditioning unit proposed to be ‘boxed in’ to Studio 2 clearly shown and consistent with the acoustic report submitted by Enfield Acoustics and dated 31 October 2024;
  - (b) The location/extent of the acoustic glazing panels behind the mesh openings associated with Studio 3, consistent with the acoustic report submitted by Enfield Acoustics and dated 31 October 2024; and
  - (c) All notations specifying the acoustic works to Studios 1, 2 and 3 to be clearly identified as “internal acoustic works”.
2. The use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. All internal acoustic works shown on the endorsed plans must be undertaken prior to the commencement of the use.
4. The maximum number of students permitted on the land at any one time is as follows:
  - (a) 20 students:
    - (i) Monday to Friday 8.30am – 3.00pm;
  - (b) 50 students:
    - (i) Monday and Wednesday 4.00pm – 9:30pm;
    - (ii) Tuesday 4.00pm – 6.00pm; and



- (iii) Saturday 8.30am – 5.30pm; and
  - (c) 2 students All other times of permitted operation.
- 5. No more than 6 staff are permitted on the land at any one time.
- 6. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
  - (a) Monday to Friday 8.00am – 10.00pm; and
  - (b) Saturday to Sunday 8.00am – 9.00pm.

Dance classes must not commence before 9am on any day and must not occur after 9:30pm on any day during the permitted operating hours.
- 7. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,

to the satisfaction of the Responsible Authority.
- 8. Within 2 months of the commencement of the use, a post-commencement Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the post-commencement Acoustic Report will be endorsed and will form part of this permit. The post-commencement Acoustic Report be generally in accordance with the Acoustic Report prepared by Enfield Acoustics Pty Ltd and dated 31 October 2024, but modified to include (or show, or address):
  - (a) Consistency with permit conditions regarding class time commencement;
  - (b) Confirmation that microphones will not be used to amplify voices;
  - (c) Updates to Section 4.3 and associated recommendations in relation to procedures for assessing/monitoring music noise pre and post commencement of use as per the Revised Acoustic Report prepared by Enfield Acoustics Pty Ltd and dated 13 March 2025;
  - (d) Details of additional background noise monitoring, conducted on a Sunday, and any associated changes to identified noise limits and music noise management procedures;
  - (e) Post-commencement acoustic testing of noise levels from dance classes at the nearest sensitive receivers conducted to demonstrate compliance with the identified noise limits; and
  - (f) An acoustic assessment of mechanical plant noise demonstrating compliance with Part I of the Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) to the nearest noise sensitive uses.
- 9. The provisions, recommendations and requirements of the endorsed post-commencement Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

10. Before the use 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 LID Consulting and dated 29 October 2024, but modified to include:
  - (a) Section 2.12 Waste Vehicle Requirements modified to confirm only a “SRV” vehicle is to be used for waste collection from the site (i.e. deletion of reference to the “MRV” vehicle).
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.
12. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
13. 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.
14. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,to the satisfaction of the Responsible Authority.
15. 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.
16. This permit will expire if:
  - (a) the use is not commenced within two years from the date of this permit; or
  - (b) The use is discontinued for a period of two years.The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

**Notes:**

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:

James Littlewood, Urbis Ltd (Applicant); and

Kay Rodriquez.

**PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor Harrison

**Seconded:** Councillor Davies

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0525 at 8 – 10 River Street, Richmond VIC 3121 for:

| Control           | Planning Scheme Clause | Matter for which the permit has been granted |
|-------------------|------------------------|--|
| Industrial 1 Zone | Clause 33.01-1         | To use land for dance studio                 |

subject to the following conditions:

- Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans (drawings entitled: Ground layout, Level 1 Layout and Level 2 Layout and submitted 1 November 2024) but modified to show:
  - The location of the existing air conditioning unit proposed to be 'boxed in' to Studio 2 clearly shown and consistent with the acoustic report submitted by Enfield Acoustics and dated 31 October 2024;
  - The location/extent of the acoustic glazing panels behind the mesh openings associated with Studio 3, consistent with the acoustic report submitted by Enfield Acoustics and dated 31 October 2024; and
  - All notations specifying the acoustic works to Studios 1, 2 and 3 to be clearly identified as "internal acoustic works".
- 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.
- All internal acoustic works shown on the endorsed plans must be undertaken prior to the commencement of the use.
- The maximum number of students permitted on the land at any one time is as follows:
  - 20 students:
    - Monday to Friday 8.30am – 3.00pm;
  - 50 students:

- (i) Monday and Wednesday 4.00pm – 9:30pm;
- (ii) Tuesday 4.00pm – 6.00pm; and
- (iii) Saturday 8.30am – 5.30pm; and
- (c) 2 students All other times of permitted operation.

5. No more than 6 staff are permitted on the land at any one time.

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

- (a) Monday to Friday 8.00am – 10.00pm; and
- (b) Saturday to Sunday 8.00am – 9.00pm.

Dance classes must not commence before 9am on any day and must not occur after 9:30pm on any day during the permitted operating hours.

7. Within 2 months of the commencement of the use, a post-commencement Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the post-commencement Acoustic Report will be endorsed and will form part of this permit. The post-commencement Acoustic Report be generally in accordance with the Acoustic Report prepared by Enfield Acoustics Pty Ltd and dated 31 October 2024, but modified to include (or show, or address):

- (a) Consistency with permit conditions regarding class time commencement;
- (b) Confirmation that microphones will not be used to amplify voices;
- (c) Updates to Section 4.3 and associated recommendations in relation to procedures for assessing/monitoring music noise pre and post commencement of use as per the Revised Acoustic Report prepared by Enfield Acoustics Pty Ltd and dated 13 March 2025;
- (d) Details of additional background noise monitoring, conducted on a Sunday, and any associated changes to identified noise limits and music noise management procedures;
- (e) Post-commencement acoustic testing of noise levels from dance classes at the nearest sensitive receivers conducted to demonstrate compliance with the identified noise limits; and
- (f) An acoustic assessment of mechanical plant noise demonstrating compliance with Part I of the Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) to the nearest noise sensitive uses.

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

9. Before the use 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 LID Consulting and dated 29 October 2024, but modified to include:

- (a) Section 2.12 Waste Vehicle Requirements modified to confirm only a “SRV” vehicle is to be used for waste collection from the site (i.e. deletion of reference to the “MRV” vehicle).
- 10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 11. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 12. 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.
- 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, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,to the satisfaction of the Responsible Authority.
- 14. 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.
- 15. This permit will expire if:
  - (a) the use is not commenced within two years from the date of this permit; or
  - (b) The use is discontinued for a period of two years.

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

**Notes:**

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 Davies, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 5.5. – PLN24/0350 - 1-5 Sanders Place, Richmond

|                   |  |
|-------------------|--|
| <b>Author</b>     | Erryn Megennis – Senior Statutory Planner        |
| <b>Authoriser</b> | General Manager City Sustainability and Strategy |

### Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0350 at No. 1-5 Sanders Place, Richmond VIC 3121 for:

| Control           | Clause         | Matter for which the permit has been granted   |
|-------------------|----------------|--|
| Commercial 2 Zone | Clause 34.02-1 | Use of the land for a Shop and Food and Drinks Premises  |
| Commercial 2 Zone | Clause 34.02-4 | To construct a building and carry out works  |
| Car Parking       | Clause 52.06-3 | A reduction in the car parking requirements for the Office, Shop and Food and Drinks Premises uses |
| Licenced Premises | Clause 52.27   | Sale and consumption of liquor (Café/Restaurant Licence)   |

subject to the following conditions:

### Development Plans

- 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 Kennon Architects, Drawings TP0097, Rev B, dated 02/05/24; TP0099, Rev C, dated 02/05/24; TP0100 – TP0105 & TP0107-TP0108, Rev D, dated 02/05/24; TP0900 – TP0903 & TP0910, Rev D dated 02/05/2024; TP0950 – TP0951, Rev C, dated 02/05/24; TP0952, Rev B dated 18/06/24; TP4100 – TP4101, Rev B dated 07/05/24 & TP4200, Rev B dated 02/05/24 but modified to show:
  - A notation on the roof terrace plan confirming it will be accessible only to office tenants;
  - The loading bay / driveway depth increased to a minimum of 5.2m, with subsequent changes to the location of the car lift and layout of ground floor/basement levels;
  - The minimum width of the driveway dimensioned;
  - The location of the roller door on the ground floor plan;
  - Provision of a minimum of one charging point for electric bicycles

- (f) The east elevation to show obscure glazing up to a minimum 1.7m above floor level on Level 2;
  - (g) Diagrams to demonstrate there will be no unreasonable overlooking from east-facing windows above Level 2 to south-facing habitable room windows at No. 7 Sanders Place, in accordance with the objective of Clause 55.04-6 or otherwise apply screening in accordance with Standard B22;
  - (h) A materials and finishes schedule, including sample images provided as a single page within the drawing set;
  - (i) Any changes as a result of the Façade Strategy (Condition 4);
  - (j) Any changes as a result of the Landscape Plan (Condition 6);
  - (k) Any changes as a result of the amended Acoustic Report (Condition 8); and
  - (l) Any changes as a result of the amended Wind Impact Assessment (Condition 14).
2. The uses 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. 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.

#### **Façade Strategy**

4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) Elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
  - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) Details to demonstrate that the materials will not result in unreasonable glare;
  - (d) Information about how the façade will be maintained, including any vegetation; and
  - (e) Detailed drawings outlining colours, materials and finishes.
5. As part of the ongoing consultant team, Kennon Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) Oversee design and construction of the development; and
  - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### **Landscape Plan**

6. Concurrent with the submission of Condition 1 Plans, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the



Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

- (a) Show the type, location, quantity, height at maturity and botanical names of all Proposed plants;
- (b) Indicate the location of all areas to be covered by lawn or other surface materials;
- (c) Clarification on how above ground planting areas (such as rooftop and window planters) are to be safely accessed for maintenance purposes. If rope access is required to access planting areas outside windows or balustrades, anchor points must be integrated into the building design;
- (d) Details on the ongoing maintenance of landscaping, including task details and frequency;
- (e) Details on how plant growth will be maintained to ensure view lines are maximised;
- (f) Use of a wind proof mulch to above-ground planted areas (roof terrace and window planters); and
- (g) Provide a specification of works to be undertaken prior to planting,

To the satisfaction of the Responsible Authority.

7. 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.

### **Acoustic Reports**

8. Concurrent with the submission of Condition 1 Plans, 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 Marshall Day Acoustics and dated 26 July 2024 but modified to include (or show, or address):

- (a) Graphs or tables of the hourly background noise monitoring results;
- (b) Confirmation that the future acoustic review of the mechanical services design should be conducted by a suitably qualified acoustic consultant; and
- (c) The day and time of the measurement used as the background level for the calculated of the night period music noise limit presented.

9. Before the building is occupied, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant, car park roller door, driveway/loading bay/vehicle holding area and car lift with the Environment Protection Regulations under

the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

10. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The use and 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.

#### **Noise and Amenity Action Plan**

12. Before the sale and consumption of liquor commences, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. When approved, the Noise and Amenity Action Plan will be endorsed and will form part of this permit. The Noise and Amenity Action Plan must include, but not be limited to, the venue operation guidelines outlined at 13.07-1L-02 (Licenced Premises) of the Yarra Planning Scheme.
13. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Wind Impact Assessment**

14. Concurrent with the submission of Condition 1 Plans an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac Engineers and Scientists Ltd and dated 23 July 2024 but modified to include (or show):
  - (a) The assessment updated for consistency with the plans required under Condition 1; and
  - (b) Further elaboration and clarification on the wind impacts to the private outdoor areas at Nos. 38, 40 and 42 Brighton Street.
15. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Sustainability Management Plan**

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

#### **Green Travel Plan**

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

### **Waste Management Plan**

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

### **Loading Management Plan**

19. Concurrent with the Submission of Condition 1 Plans, a Loading Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Management Plan will be endorsed and will form part of this permit. The Loading Management Plan must address, but not be limited to, the following:
  - (a) Confirmation that vehicles no larger than a B99-design vehicle will be permitted to undertake loading / unloading within the designated loading bay;
  - (b) Details regarding the management of loading and unloading of goods and materials, including the management of conflicts between loading vehicles and tenants' vehicles as well as other vehicles who rely on the carriageway easement for access; and
  - (c) The collection of waste, including the separate collection of organic waste and recycling waste, in accordance with the approved Waste Management Plan (Condition 18).

### **Use Conditions**

20. Except with the prior written consent of the Responsible Authority, the Shop as authorised by this permit may only operate between the hours of 7am – 10pm, Monday to Sunday.
21. Except with the prior written consent of the Responsible Authority, the Restaurant and sale and consumption of liquor as authorised by this permit may only operate between the following hours:
  - (a) Sunday to Thursday: 11am – 11pm; and
  - (b) Fridays & Saturdays: 11am – 12 midnight.
22. No more than 100 patrons are permitted in the Restaurant at any one time.
23. The provision of music and entertainment on the land must be at a background noise level.
24. Speakers external to the building must not be erected or used.
25. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.
26. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
27. 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.

28. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
29. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,To the satisfaction of the Responsible Authority.

### **Engineering**

30. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1:20 scale cross-sectional diagram with a B99 vehicle ground clearance template must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate satisfactory ground clearance and include the following spot levels:
  - (a) The reduced level 2m inside the property boundary;
  - (b) The 40mm bullnose along the western edge of the internal slab;
  - (c) The level of the eastern and western edge of the laneway (easement); and
  - (d) The level at the invert/centre of the laneway.Refer to Notes (below) for lodgement details.
31. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
32. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
33. 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.
34. 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.

- 35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

#### **DTP conditions**

- 36. Prior to the endorsement of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the Head, Transport for Victoria and City Link for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, and provide both Structural and Geotechnical Proof Engineer review comments and certification of all above engineering design reports and associated drawings including temporary works including but not limited to, demonstrating:
  - (a) That the building footings (and overall development including excavation and construction of basements and foundations etc.) will not compromise the structural integrity of the CityLink / Burnley Tunnel;
  - (b) The effect of foundation design (most probably piling) must be considered for the impact assessment of the CityLink / Burnley Tunnel;
  - (c) The load and ground stress effected by the development;
  - (d) That the development will not result in temporary or permanent drawdown of the regional groundwater table; and
  - (e) The tunnel rock bolt anchor lengths must be considered in analysis for the Construction Impact Assessment Studies. Any holding points requiring the Head, Transport for Victoria inspection and approval prior to releasing hold permits.
- 37. In addition to Condition 36 above, Head, Transport for Victoria and CityLink must be informed of the following:
  - (a) Initial ground water level;
  - (b) The reduced level temporary dewatering during basement excavation is intended to lower the table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;
  - (c) If the completed basement is tanked or drained; and
  - (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.
- 38. The permit holder is to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.

39. Prior to the commencement of the development, the applicant must provide the Head, Transport for Victoria and CityLink with a plume dispersal study to satisfy the Head, Transport for Victoria, CityLink and the Responsible Authority that, consistent with the design objectives set out in Clause 43.02 of the Design and Development Overlay, Schedule 5 of the Yarra Planning Scheme:
- (a) The development around the Burnley Tunnel exhaust stack will not be adversely affected by the operation of the stack; and
  - (b) The development around the Burnley Tunnel exhaust stack will not adversely affect the operation of the stack.

The development must reimburse CityLink for costs it incurs for having the plume dispersion study reviewed by its external consultants.

#### **Construction Management Plan**

40. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) Works necessary to protect road and other infrastructure;
  - (c) Remediation of any damage to road and other infrastructure;
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) Facilities for vehicle washing, which must be located on the land;
  - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) Site security;
  - (h) Management of any environmental hazards including, but not limited to,:
    - (i) Contaminated soil;
    - (ii) Materials and waste;
    - (iii) Dust;
    - (iv) Stormwater contamination from run-off and wash-waters;
    - (v) Sediment from the land on roads;
    - (vi) Washing of concrete trucks and other vehicles and machinery; and
    - (vii) Spillage from refuelling cranes and other vehicles and machinery;
  - (i) The construction program;
  - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) Parking facilities for construction workers;

- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

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.

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

**General conditions**

42. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
43. 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.
44. 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.
45. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
46. 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.
47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, pedestrian walkway and ground level frontage 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.
48. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
49. This permit will expire if:
  - (a) The development is not commenced within two years of the date of this permit; or
  - (b) The development is not completed within four years of the date of this permit; or
  - (c) The Shop and Restaurant uses (including the sale and consumption of liquor) are 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 30, please submit these to [info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au) marked attention to Engineering Services.

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.

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.

The Restaurant 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.

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 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.

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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 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.

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

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

Public Submissions

The following people addressed the committee:

(Applicant) - Rob Carletti, Tract (Applicant);

Jonathon Andersen;

Tom Little; and

Nicolas Voelcker.

**MOTION**

**Moved:** Councillor Davies

**Seconded:** Councillor Harrison

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0350 at No. 1-5 Sanders Place, Richmond VIC 3121 for:

| Control           | Clause                  | Matter for which the permit has been granted   |
|-------------------|-------------------------|--|
| Commercial 2 Zone | Clause 34.02-1          | Use of the land for a Shop and Food and Drinks Premises  |
| Commercial 2 Zone | Clause 34.02-4          | To construct a building and carry out works  |
| Car Parking       | Clause 52.06-3          | A reduction in the car parking requirements for the Office, Shop and Food and Drinks Premises uses |
| Licenced Premises | <del>Clause 52.27</del> | <del>Sale and consumption of liquor (Café/Restaurant Licence)</del>                                |

subject to the following conditions:

**Development Plans**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Kennon Architects, Drawings TP0097, Rev B, dated 02/05/24; TP0099, Rev C, dated 02/05/24; TP0100 – TP0105 & TP0107-TP0108, Rev D, dated 02/05/24; TP0900 – TP0903 & TP0910, Rev D dated 02/05/2024; TP0950 – TP0951, Rev C, dated 02/05/24; TP0952, Rev B dated 18/06/24; TP4100 – TP4101, Rev B dated 07/05/24 & TP4200, Rev B dated 02/05/24 but modified to show:
  - (a) The deletion of 1 storey;
  - (b) The setback of the building from Sanders Place and from the northern boundary increased to a minimum of 3m from Level 3 and above;
  - (c) The deletion of the sale and consumption of liquor;
  - (d) Provision of an additional 14 on-site car parking spaces;
  - (e) Electric vehicle charging infrastructure provided to all car parking spaces;

- (f) A notation on the roof terrace plan confirming it will be accessible only to office tenants;
  - (g) The loading bay / driveway depth increased to a minimum of 5.2m, with subsequent changes to the location of the car lift and layout of ground floor/basement levels;
  - (h) The minimum width of the driveway dimensioned;
  - (i) The location of the roller door on the ground floor plan;
  - (j) Provision of a minimum of one charging point for electric bicycles
  - (k) The east elevation to show obscure glazing up to a minimum 1.7m above floor level on Level 2;
  - (l) ~~The east-facing windows above Level 2 to be screened in a similar manner to Levels 1 and 2. Diagrams to demonstrate there will be no unreasonable overlooking from east-facing windows above Level 2 to south-facing habitable room windows at No. 7 Sanders Place, in accordance with the objective of Clause 55.04-6 or otherwise apply screening in accordance with Standard B22;~~
  - (m) A materials and finishes schedule, including sample images provided as a single page within the drawing set;
  - (n) Any changes as a result of the Façade Strategy (Condition 4);
  - (o) Any changes as a result of the Landscape Plan (Condition 6);
  - (p) Any changes as a result of the amended Acoustic Report (Condition 8); and
  - (q) Any changes as a result of the amended Wind Impact Assessment (Condition 14).
2. The uses 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. 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.

#### **Façade Strategy**

4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (f) Elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
  - (g) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (h) Details to demonstrate that the materials will not result in unreasonable glare;
  - (i) Information about how the façade will be maintained, including any vegetation; and
  - (j) Detailed drawings outlining colours, materials and finishes.
5. As part of the ongoing consultant team, Kennon Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
-

- (c) Oversee design and construction of the development; and
- (d) 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.

### **Landscape Plan**

6. Concurrent with the submission of Condition 1 Plans, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) Show the type, location, quantity, height at maturity and botanical names of all Proposed plants;
  - (b) Indicate the location of all areas to be covered by lawn or other surface materials;
  - (c) Clarification on how above ground planting areas (such as rooftop and window planters) are to be safely accessed for maintenance purposes. If rope access is required to access planting areas outside windows or balustrades, anchor points must be integrated into the building design;
  - (d) Details on the ongoing maintenance of landscaping, including task details and frequency;
  - (e) Details on how plant growth will be maintained to ensure view lines are maximised;
  - (f) Use of a wind proof mulch to above-ground planted areas (roof terrace and window planters); and
  - (g) Provide a specification of works to be undertaken prior to planting,
- To the satisfaction of the Responsible Authority.
7. 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.

### **Acoustic Reports**

8. Concurrent with the submission of Condition 1 Plans, 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 Marshall Day Acoustics and dated 26 July 2024 but modified to include (or show, or address):
- (a) Graphs or tables of the hourly background noise monitoring results;

- (b) Confirmation that the future acoustic review of the mechanical services design should be conducted by a suitably qualified acoustic consultant; and
  - (c) The day and time of the measurement used as the background level for the calculated of the night period music noise limit presented.
9. Before the building is occupied, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant, car park roller door, driveway/loading bay/vehicle holding area and car lift with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
10. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The use and 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.

#### **Noise and Amenity Action Plan**

- ~~12. Before the sale and consumption of liquor commences, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. When approved, the Noise and Amenity Action Plan will be endorsed and will form part of this permit. The Noise and Amenity Action Plan must include, but not be limited to, the venue operation guidelines outlined at 13.07-1L-02 (Licenced Premises) of the Yarra Planning Scheme.~~
- ~~13. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.~~

#### **Wind Impact Assessment**

14. Concurrent with the submission of Condition 1 Plans an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac Engineers and Scientists Ltd and dated 23 July 2024 but modified to include (or show):
- (a) The assessment updated for consistency with the plans required under Condition 1; and
  - (b) Further elaboration and clarification on the wind impacts to the private outdoor areas at Nos. 38, 40 and 42 Brighton Street.
15. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Sustainability Management Plan**

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

### **Green Travel Plan**

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

### **Waste Management Plan**

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

### **Loading Management Plan**

19. Concurrent with the Submission of Condition 1 Plans, a Loading Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Management Plan will be endorsed and will form part of this permit. The Loading Management Plan must address, but not be limited to, the following:
  - (a) Confirmation that vehicles no larger than a B99-design vehicle will be permitted to undertake loading / unloading within the designated loading bay;
  - (b) Details regarding the management of loading and unloading of goods and materials, including the management of conflicts between loading vehicles and tenants' vehicles as well as other vehicles who rely on the carriageway easement for access; and
  - (c) The collection of waste, including the separate collection of organic waste and recycling waste, in accordance with the approved Waste Management Plan (Condition 18).

### **Use Conditions**

20. Except with the prior written consent of the Responsible Authority, the Shop as authorised by this permit may only operate between the hours of 7am – 10pm, Monday to Sunday.
21. Except with the prior written consent of the Responsible Authority, the Restaurant ~~and sale and consumption of liquor~~ as authorised by this permit may only operate between the following hours:
  - (a) Sunday to Thursday: 11am – 11pm; and
  - (b) Fridays & Saturdays: 11am – 12 midnight.
22. No more than 100 patrons are permitted in the Restaurant at any one time.
23. The provision of music and entertainment on the land must be at a background noise level.
24. Speakers external to the building must not be erected or used.
25. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.

26. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
27. 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.
- ~~28. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.~~
29. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,To the satisfaction of the Responsible Authority.

### Engineering

30. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1:20 scale cross-sectional diagram with a B99 vehicle ground clearance template must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate satisfactory ground clearance and include the following spot levels:
  - (a) The reduced level 2m inside the property boundary;
  - (b) The 40mm bullnose along the western edge of the internal slab;
  - (c) The level of the eastern and western edge of the laneway (easement); and
  - (d) The level at the invert/centre of the laneway.Refer to Notes (below) for lodgement details.
31. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
32. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
33. 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.
34. 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.

35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

**DTP conditions**

36. Prior to the endorsement of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the Head, Transport for Victoria and City Link for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, and provide both Structural and Geotechnical Proof Engineer review comments and certification of all above engineering design reports and associated drawings including temporary works including but not limited to, demonstrating:
- (a) That the building footings (and overall development including excavation and construction of basements and foundations etc.) will not compromise the structural integrity of the CityLink / Burnley Tunnel;
  - (b) The effect of foundation design (most probably piling) must be considered for the impact assessment of the CityLink / Burnley Tunnel;
  - (c) The load and ground stress effected by the development;
  - (d) That the development will not result in temporary or permanent drawdown of the regional groundwater table; and
  - (e) The tunnel rock bolt anchor lengths must be considered in analysis for the Construction Impact Assessment Studies. Any holding points requiring the Head, Transport for Victoria inspection and approval prior to releasing hold permits.
37. In addition to Condition 36 above, Head, Transport for Victoria and CityLink must be informed of the following:
- (a) Initial ground water level;
  - (b) The reduced level temporary dewatering during basement excavation is intended to lower the table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;
  - (c) If the completed basement is tanked or drained; and
  - (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.



38. The permit holder is to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.
39. Prior to the commencement of the development, the applicant must provide the Head, Transport for Victoria and CityLink with a plume dispersal study to satisfy the Head, Transport for Victoria, CityLink and the Responsible Authority that, consistent with the design objectives set out in Clause 43.02 of the Design and Development Overlay, Schedule 5 of the Yarra Planning Scheme:
- (a) The development around the Burnley Tunnel exhaust stack will not be adversely affected by the operation of the stack; and
  - (b) The development around the Burnley Tunnel exhaust stack will not adversely affect the operation of the stack.

The development must reimburse CityLink for costs it incurs for having the plume dispersion study reviewed by its external consultants.

### **Construction Management Plan**

40. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) Works necessary to protect road and other infrastructure;
  - (c) Remediation of any damage to road and other infrastructure;
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) Facilities for vehicle washing, which must be located on the land;
  - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) Site security;
  - (h) Management of any environmental hazards including, but not limited to,:
    - (i) Contaminated soil;
    - (ii) Materials and waste;
    - (iii) Dust;
    - (iv) Stormwater contamination from run-off and wash-waters;
    - (v) Sediment from the land on roads;
    - (vi) Washing of concrete trucks and other vehicles and machinery; and
    - (vii) Spillage from refuelling cranes and other vehicles and machinery;
  - (i) The construction program;

- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

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.

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

**General conditions**

42. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
43. 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.
44. 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.
45. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
46. 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.
47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, pedestrian walkway and ground level frontage 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.
48. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
49. This permit will expire if:
- (a) The development is not commenced within two years of the date of this permit; or
  - (b) The development is not completed within four years of the date of this permit; or
  - (c) The Shop and Restaurant uses ~~(including the sale and consumption of liquor)~~ are 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 30, please submit these to [info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au) marked attention to Engineering Services.

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.

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.

The Restaurant 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.

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 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.

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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 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.

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

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

## AMENDMENT

**Moved:** Councillor Wade

Replace 1. (d) above with:

Provision of a further reduction of 4 on-site car parking spaces.

*The amendment was accepted by the mover and seconder and incorporated into the motion.*

## PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Councillor Davies

**Seconded:** Councillor Harrison

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0350 at No. 1-5 Sanders Place, Richmond VIC 3121 for:

| Control           | Clause         | Matter for which the permit has been granted   |
|-------------------|----------------|--|
| Commercial 2 Zone | Clause 34.02-1 | Use of the land for a Shop and Food and Drinks Premises  |
| Commercial 2 Zone | Clause 34.02-4 | To construct a building and carry out works  |
| Car Parking       | Clause 52.06-3 | A reduction in the car parking requirements for the Office, Shop and Food and Drinks Premises uses |

subject to the following conditions:

### Development Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Kennon Architects, Drawings TP0097, Rev B, dated 02/05/24; TP0099, Rev C, dated 02/05/24; TP0100 – TP0105 & TP0107-TP0108, Rev D, dated 02/05/24; TP0900 – TP0903 & TP0910, Rev D dated 02/05/2024; TP0950 – TP0951, Rev C, dated 02/05/24; TP0952, Rev B dated 18/06/24; TP4100 – TP4101, Rev B dated 07/05/24 & TP4200, Rev B dated 02/05/24 but modified to show:
  - (a) The deletion of 1 storey;
  - (b) The setback of the building from Sanders Place and from the northern boundary increased to a minimum of 3m from Level 3 and above;
  - (c) The deletion of the sale and consumption of liquor;
  - (d) Provision of a further reduction of 4 on-site car parking spaces;
  - (e) Electric vehicle charging infrastructure provided to all car parking spaces;

- (f) A notation on the roof terrace plan confirming it will be accessible only to office tenants;
  - (g) The loading bay / driveway depth increased to a minimum of 5.2m, with subsequent changes to the location of the car lift and layout of ground floor/basement levels;
  - (h) The minimum width of the driveway dimensioned;
  - (i) The location of the roller door on the ground floor plan;
  - (j) Provision of a minimum of one charging point for electric bicycles
  - (k) The east elevation to show obscure glazing up to a minimum 1.7m above floor level on Level 2;
  - (l) The east-facing windows above Level 2 to be screened in a similar manner to Levels 1 and 2.
  - (m) A materials and finishes schedule, including sample images provided as a single page within the drawing set;
  - (n) Any changes as a result of the Façade Strategy (Condition 4);
  - (o) Any changes as a result of the Landscape Plan (Condition 6);
  - (p) Any changes as a result of the amended Acoustic Report (Condition 8); and
  - (q) Any changes as a result of the amended Wind Impact Assessment (Condition 14).
2. The uses 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. 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.

### **Façade Strategy**

4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) Elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
  - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) Details to demonstrate that the materials will not result in unreasonable glare;
  - (d) Information about how the façade will be maintained, including any vegetation; and
  - (e) Detailed drawings outlining colours, materials and finishes.
5. As part of the ongoing consultant team, Kennon Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) Oversee design and construction of the development; and

- (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

### **Landscape Plan**

6. Concurrent with the submission of Condition 1 Plans, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) Show the type, location, quantity, height at maturity and botanical names of all Proposed plants;
  - (b) Indicate the location of all areas to be covered by lawn or other surface materials;
  - (c) Clarification on how above ground planting areas (such as rooftop and window planters) are to be safely accessed for maintenance purposes. If rope access is required to access planting areas outside windows or balustrades, anchor points must be integrated into the building design;
  - (d) Details on the ongoing maintenance of landscaping, including task details and frequency;
  - (e) Details on how plant growth will be maintained to ensure view lines are maximised;
  - (f) Use of a wind proof mulch to above-ground planted areas (roof terrace and window planters); and
  - (g) Provide a specification of works to be undertaken prior to planting,To the satisfaction of the Responsible Authority.
7. 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.

### **Acoustic Reports**

8. Concurrent with the submission of Condition 1 Plans, 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 Marshall Day Acoustics and dated 26 July 2024 but modified to include (or show, or address):
  - (a) Graphs or tables of the hourly background noise monitoring results;
  - (b) Confirmation that the future acoustic review of the mechanical services design should be conducted by a suitably qualified acoustic consultant; and

- (c) The day and time of the measurement used as the background level for the calculated of the night period music noise limit presented.
- 9. Before the building is occupied, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant, car park roller door, driveway/loading bay/vehicle holding area and car lift with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
- 10. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.
- 11. The use and 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.

#### **Wind Impact Assessment**

- 12. Concurrent with the submission of Condition 1 Plans an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac Engineers and Scientists Ltd and dated 23 July 2024 but modified to include (or show):
  - (a) The assessment updated for consistency with the plans required under Condition 1; and
  - (b) Further elaboration and clarification on the wind impacts to the private outdoor areas at Nos. 38, 40 and 42 Brighton Street.
- 13. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Sustainability Management Plan**

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

#### **Green Travel Plan**

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

#### **Waste Management Plan**

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



### **Loading Management Plan**

17. Concurrent with the Submission of Condition 1 Plans, a Loading Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Management Plan will be endorsed and will form part of this permit. The Loading Management Plan must address, but not be limited to, the following:
- (a) Confirmation that vehicles no larger than a B99-design vehicle will be permitted to undertaken loading / unloading within the designated loading bay;
  - (b) Details regarding the management of loading and unloading of goods and materials, including the management of conflicts between loading vehicles and tenants' vehicles as well as other vehicles who rely on the carriageway easement for access; and
  - (c) The collection of waste, including the separate collection of organic waste and recycling waste, in accordance with the approved Waste Management Plan (Condition 18).

### **Use Conditions**

18. Except with the prior written consent of the Responsible Authority, the Shop as authorised by this permit may only operate between the hours of 7am – 10pm, Monday to Sunday.
19. Except with the prior written consent of the Responsible Authority, the Restaurant as authorised by this permit may only operate between the following hours:
- (a) Sunday to Thursday: 11am – 11pm; and
  - (b) Fridays & Saturdays: 11am – 12 midnight.
20. No more than 100 patrons are permitted in the Restaurant at any one time.
21. The provision of music and entertainment on the land must be at a background noise level.
22. Speakers external to the building must not be erected or used.
23. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.
24. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
25. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
26. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,

To the satisfaction of the Responsible Authority.

### **Engineering**

27. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1:20 scale cross-sectional diagram with a B99 vehicle ground clearance template must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate satisfactory ground clearance and include the following spot levels:

- (a) The reduced level 2m inside the property boundary;
- (b) The 40mm bullnose along the western edge of the internal slab;
- (c) The level of the eastern and western edge of the laneway (easement); and
- (d) The level at the invert/centre of the laneway.

Refer to Notes (below) for lodgement details.

28. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
29. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
30. 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.
31. 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.

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

### **DTP conditions**

33. Prior to the endorsement of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the

Head, Transport for Victoria and CityLink for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, and provide both Structural and Geotechnical Proof Engineer review comments and certification of all above engineering design reports and associated drawings including temporary works including but not limited to, demonstrating:

- (a) That the building footings (and overall development including excavation and construction of basements and foundations etc.) will not compromise the structural integrity of the CityLink / Burnley Tunnel;
- (b) The effect of foundation design (most probably piling) must be considered for the impact assessment of the CityLink / Burnley Tunnel;
- (c) The load and ground stress effected by the development;
- (d) That the development will not result in temporary or permanent drawdown of the regional groundwater table; and
- (e) The tunnel rock bolt anchor lengths must be considered in analysis for the Construction Impact Assessment Studies. Any holding points requiring the Head, Transport for Victoria inspection and approval prior to releasing hold permits.

34. In addition to Condition 36 above, Head, Transport for Victoria and CityLink must be informed of the following:

- (a) Initial ground water level;
- (b) The reduced level temporary dewatering during basement excavation is intended to lower the table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;
- (c) If the completed basement is tanked or drained; and
- (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.

35. The permit holder is to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.

36. Prior to the commencement of the development, the applicant must provide the Head, Transport for Victoria and CityLink with a plume dispersal study to satisfy the Head, Transport for Victoria, CityLink and the Responsible Authority that, consistent with the design objectives set out in Clause 43.02 of the Design and Development Overlay, Schedule 5 of the Yarra Planning Scheme:

- (a) The development around the Burnley Tunnel exhaust stack will not be adversely affected by the operation of the stack; and
- (b) The development around the Burnley Tunnel exhaust stack will not adversely affect the operation of the stack.

The development must reimburse CityLink for costs it incurs for having the plume dispersion study reviewed by its external consultants.

### **Construction Management Plan**

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

Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:

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

During the construction:

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

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.

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

#### **General conditions**

39. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
40. 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.
41. 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.
42. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

43. 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.
44. 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 car park, pedestrian walkway and ground level frontage 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.
45. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
46. This permit will expire if:
- (a) The development is not commenced within two years of the date of this permit; or
  - (b) The development is not completed within four years of the date of this permit; or
  - (c) The Shop and Restaurant uses are 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 30, please submit these to [info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au) marked attention to Engineering Services.

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.

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.

The Restaurant 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.

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 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.

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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 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.

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

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

#### **CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 5.6. – PLN24/0453 - 100 Madden Grove, Burnley

|                   |  |
|-------------------|--|
| <b>Author</b>     | Kathryn Pound – Manager Statutory Planning       |
| <b>Authoriser</b> | General Manager City Sustainability and Strategy |

### Officer Recommendation

That having considered all objections and relevant planning policies, that the Committee adopts the recommendations of the independent planning consultancy and resolves to issue a Notice of Decision to Grant Planning Permit PLN24/045 at 100 Madden Grove Burnley for:

| Control          | Clause  | Matter for which the permit has been granted      |
|------------------|---------|---|
| Heritage Overlay | 43.01-1 | To partially demolish a building (safety fencing) |
| Heritage Overlay | 43.01-1 | To construct and carry out works                  |
| Heritage Overlay | 43.01-1 | To remove trees                                   |

subject to the following conditions:

1. Within 3 months of the date of this permit (or as otherwise agreed in writing by the Responsible Authority), an amended Burnley Golf Course Re-Planting Maps (Proposed Planting) 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 advertised Burnley Golf Course Re-Planting Map but modified to show:
  - (a) The planting of at least four River Red Gums or Sugar Gums trees (or a mix of both).
2. Within 3 months of endorsement of plans under Condition 1, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Burnley Golf Course Re-Planting Maps (Proposed Planting) must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping works must be completed between May and September (inclusive).
3. The landscaping shown on the endorsed Burnley Golf Course Re-Planting Maps (Proposed Planting) 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.



4. The provisions, recommendations and requirements of the Tree Management Plan prepared by Arbor Survey dated December 2023 must be complied with and implemented to the satisfaction of the Responsible Authority.
5. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

**VicTrack Conditions**

6. No entry to railway land is permitted without the written consent of VicTrack.
7. No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to the railway land.
8. The development's landscaping and planting must be setback to ensure tree canopy does not extend over railway land.

**End VicTrack Conditions**

9. This permit will expire if:
  - (a) plans as required by Condition 1 are not endorsed within three months of the date of this permit; or
  - (b) the development is not completed within 6 months 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 three months afterwards for the condition 1 plans or within twelve months afterwards for completion.

**NOTES**

At all times the common boundary with the railway land must be fenced with a 1.8m paling or black chain mesh fence and must be repaired and maintained, all at no cost to VicTrack to prohibit unauthorised access to the rail corridor.

Any replacement, repair or reconstruction of any fence on the boundary to railway land must be in accordance with VicTrack's requirements.

## PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Councillor Harrison

**Seconded:** Councillor Davies

That having considered all objections and relevant planning policies, that the Committee adopts the recommendations of the independent planning consultancy and resolves to issue a Notice of Decision to Grant Planning Permit PLN24/045 at 100 Madden Grove Burnley for:

| Control          | Clause  | Matter for which the permit has been granted      |
|------------------|---------|---|
| Heritage Overlay | 43.01-1 | To partially demolish a building (safety fencing) |
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subject to the following conditions:

1. Within 3 months of the date of this permit (or as otherwise agreed in writing by the Responsible Authority), an amended Burnley Golf Course Re-Planting Maps (Proposed Planting) 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 advertised Burnley Golf Course Re-Planting Map but modified to show:
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3. The landscaping shown on the endorsed Burnley Golf Course Re-Planting Maps (Proposed Planting) 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.
4. The provisions, recommendations and requirements of the Tree Management Plan prepared by Arbor Survey dated December 2023 must be complied with and implemented to the satisfaction of the Responsible Authority.
5. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

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**End VicTrack Conditions**

9. This permit will expire if:
  - (a) plans as required by Condition 1 are not endorsed within three months of the date of this permit; or
  - (b) the development is not completed within 6 months 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 three months afterwards for the condition 1 plans or within twelve months afterwards for completion.

**NOTES**

At all times the common boundary with the railway land must be fenced with a 1.8m paling or black chain mesh fence and must be repaired and maintained, all at no cost to VicTrack to prohibit unauthorised access to the rail corridor.

Any replacement, repair or reconstruction of any fence on the boundary to railway land must be in accordance with VicTrack's requirements.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## **6. Close of Business**

### **Conclusion**

The meeting concluded at 9.11pm.

Confirmed on Tuesday 27 May 2025.

Mayor