



# Minutes

## Planning Decisions Committee

6.30pm, Tuesday 6 September 2022

Richmond Town Hall

## 1. Appointment of Chair

Cr Crossland nominated Cr Stone as chair.

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

Cr Stone assumed the chair.

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

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

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

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

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

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

## 3. Attendance and apologies

### Councillors

Cr Edward Crossland

Cr Amanda Stone (substitute for Cr Bridgid O’Brien)

### Council officers

Daniel Herrmann (Co-ordinator Statutory Planning)

Jessica Sutherland (Senior Statutory Planner)

Cindi Johnston (Governance Officer)

### Municipal Monitor

Yehudi Blacher

### Apologies

Cr Bridgid O’Brien

Cr Anab Mohamud

## 4. Declarations of conflict of interest

No declarations were made.

## 5. Confirmation of Minutes

### **RESOLUTION**

**Moved:** Cr Crossland **Seconded:** Cr Stone

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 16 August 2022 be confirmed.

**CARRIED**

## 6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN21/0788 - 9 - 15 Brighton Street & land in TP11938, Richmond - Construction of a multi-storey building for office and food and drink premises (no permit required for uses) and a reduction in the statutory car parking and visitor bicycle space requirements	4	16

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**6.1**      **PLN21/0788 - 9 - 15 Brighton Street & land in TP11938, Richmond - Construction of a multi-storey building for office and food and drink premises (no permit required for uses) and a reduction in the statutory car parking and visitor bicycle space requirements**

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**Reference**      D22/197961  
**Author**          Chris Stathis - Senior Statutory Planner  
**Authoriser**      Co-Ordinator Statutory Planning

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## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to advise the Tribunal in writing that if it was in a position to decide on the application, it would issue a Notice of Decision to Grant Planning Permit PLN21/0788 for the construction of a multi-storey building for office, food and drinks premises (no permit required for uses) and a reduction in the car parking and visitor bicycle space requirements at 9 – 15 Brighton Street and land comprised in TP11938, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the architectural plans prepared by DKO, drawing numbers TP400 – TP700 (Rev B) dated 10 June 2022 and TP701-702 (Rev 01) dated 15 October 2022, but modified to show:
  - (a) Deletion of level 09 and an overall reduction of the building height by 3.95m;
  - (b) The finished level of the ground floor pedestrian refuge (south of the switch room) along the eastern boundary to be 40mm above the laneway level);
  - (c) Provide sensor lighting to the ground floor pedestrian refuge as well as the emergency pedestrian exit;
  - (d) Hit-and miss brick screening (maximum 50% visual permeability) to the northern boundary of the void at levels 01 – 03;
  - (e) Dimension the width of the development's entrances of Little Lesney Street;
  - (f) Show and dimension the vehicle crossover along Little Lesney Street;
  - (g) Dimension the minimum headroom clearance at the car park and loading zone entrances;
  - (h) Dimension the width of the internal access ramp and the kerbs and lanes adjacent to the internal traffic island at ground floor;
  - (i) Columns along the southern boundary of basement levels 01 and 02 updated to comply with the parking space envelope of clause 52.06-9;
  - (j) A minimum of one gender-neutral toilet/change room within the end of trip facilities.
  - (k) Dimension the headroom clearances of the basement car parking levels;
  - (l) Provision of a headroom clearance of minimum 2.5m above the accessible parking spaces and adjacent shared area;
  - (m) Fully dimension the loading bay;
  - (n) Vehicle crossing ground clearance cross sectional drawing (1:20 scale) to demonstrate a B99 design vehicle accessing and exiting the site at the Little Lesney Street vehicle entrance without scraping or 'bottoming out' and to show the follow spot levels:
    - (i) the reduced level 2.0 metres inside the property;
    - (ii) the property boundary level;
    - (iii) the bottom of kerb (invert) level;
    - (iv) the edge of the channel level; and

- (v) a few levels on the road pavement.
  - (o) Notation to state that the visitor bicycle spaces along Brighton Street will be installed in compliance with Australian Standard AS2890.3;
  - (p) Full detail of the proposed layout of the ground floor bicycle compound (including dimensions for bicycle spaces, door widths, aisle widths and wall setbacks) in accordance with Australian Standard AS2890.3 or otherwise to the satisfaction of the Responsible Authority to demonstrate a minimum of 110 bicycle spaces overall and of these, a minimum of 60 'at grade' spaces;
  - (q) Width of the bicycle entry and ramp corridor increased to a minimum of 2m with the bicycle entry door provided as sliding doors;
  - (r) any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
  - (s) any requirement of the endorsed Wind Report (condition 15) (where relevant to show on plans);
  - (t) any requirement of the endorsed Public Realm Plan (condition 17) (where relevant to show on plans).
  - (u) any requirement of the endorsed Stormwater Analysis, Catchment and Drainage Plan (condition 23) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. 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 of services along Brighton Street
    - (d) information about how the façade will be maintained, including any vegetation; and
    - (e) a materials schedule with digital samples of proposed materials and coloured drawings outlining colours, materials and finishes.
  4. As part of the ongoing consultant team, DKO or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
    - (a) oversee the design and construction of the development; and
    - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

5. Before the development commences, the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 14 June 2022 must be submitted to Council. When approved, the Sustainable Management Plan will be endorsed and form part of this permit.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

7. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

### **Waste Management Plan**

8. Before the development commences, the Waste Management Plan prepared by Impact and dated 21 October 2021 must be submitted to Council. When approved, the Waste Management Plan will be endorsed and form part of this permit.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Landscape Plan (internal to title boundaries)**

11. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Davidson Design Studio and dated 08 December 2021, but modified to include (or show):
  - (a) Updated in accordance with the plans referenced at condition 1;
  - (b) Any detail for ground surface treatments within title boundaries as required by the endorsed Public Realm Plan;
  - (c) Provide a plant schedule with the following information – the proposed plant species (botanical and common name), installation size, width and height at maturity, and plant numbers. These have been provided and given adequate information.
  - (d) the depth of the planters need to be shown;
  - (e) clarify irrigation strategy;
  - (f) further detail on the maintenance schedule include how the proposed plantings in individual planters will be successfully maintained;

to the satisfaction of the Responsible Authority.

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

all to the satisfaction of the Responsible Authority.

## Street Trees

13. Before the development commences, the permit holder must make a financial contribution towards the proposed street tree and understorey planting within public land of \$3,207 (ex GST), being \$755 for each of the three street trees, and \$942 for the understorey planting.
14. After the building is completed, and prior to occupation of the building, the permit holder must notify the Responsible Authority in writing that the building has been completed so that planting can occur within the first available planting season. Tree pits may require a temporary 'make safe' until such time that planting can occur.

## Wind

15. Before the development commences, 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 Impact Statement prepared by RWDI and dated 21 October 2021, but modified to include (or show):
  - (a) Updated to assess the amended plans referenced at condition 1;
  - (b) Wind tunnel modelling to determine whether or not a similar-sized development on the opposite side of Brighton Street would result in the walking comfort criterion being maintained along the Brighton Street footpaths, with a list of any additional mitigation devices to be detailed in order to achieve the walking comfort criterion;
  - (c) Update the report so that the wind conditions do not rely on any vegetation-based wind mitigation devices;
  - (d) The majority of the level 04 and level 08 terraces to achieve a minimum of the standing comfort criterion;
  - (e) The majority of the roof terrace to achieve a minimum of the standing comfort criterion, with at least part of the terrace to achieve the sitting comfort criterion;to the satisfaction of the Responsible Authority.
16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

## Public Realm Plan

17. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Realm Plan must be generally in accordance with the curb extension details shown on Drawing No. TP01 of the landscape plan prepared by Davidson Design Studio, dated 03 August 2022, but modified to include the following:
  - (a) All changes shown by (and generally in accordance with) the sketch design prepared by Council's Urban Design Unit;  
  
But further modified to show:
    - (b) An additional four visitor bicycle spaces located to the north of the six spaces shown on the sketch design prepared by Council's Urban Design Unit;
    - (c) High level details and dimensions of the proposed bench seats and visitor bicycle spaces;
    - (d) Full details of proposed landscaping within the public realm including plant species, soil depths and tree squares;

- (e) All paving within the public realm reinstated as asphalt with kerbs and channels to match the adjacent existing kerb and channel;
- (f) All paving compliant with the Australian Standards for slip resistance and DDA;
- (g) Details of any re-located street infrastructure;
- (h) Details of the materiality of outstands including edges, permeable surface finishes and drainage;
- (i) Additional levels and grading along the building's ground floor Brighton Street interface to demonstrate that seamless and DDA compliant entrance threshold and footpath interfaces are achieved;
- (j) Details of any adjacent footpath reinstatement if needed to ensure the grade of the footpath and the paving are gradual and DDA compliant;
- (k) Notation to confirm that all street tree planting, understorey planting and establishment / maintenance (24 months for trees and 6 months for understorey planting) within the public realm to be undertaken by Council's tree planting contractor with all associated costs born by the permit holder;
- (l) Notation for the three street trees to state 'species as directed by Council' in the plant schedule;
- (m) All tree pits must be unencumbered, free from services to a depth of at least 600mm and be filled with soil that is conducive for tree root growth, appropriate for the location and in accordance with Yarra Standard Drawings YSD 709 and YSD711;
- (n) Any detail required to be shown from the endorsed Stormwater Analysis, Catchment and Drainage Design Plan (condition 21),

All to the satisfaction of the Responsible Authority.

18. Before the building is occupied, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 17) must be fully constructed and completed by the permit holder, with all costs borne by the permit holder, to the satisfaction of the Responsible Authority.

### **Road Infrastructure**

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as standard (asphalt) footpath and kerb and channel:
- (a) at no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required)); and
  - (b) to the satisfaction of the Responsible Authority.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths, kerb and channel, and other road related infrastructure adjacent to the development site along Brighton Street and Little Lesney Street must be reconstructed:
- (a) in accordance with the requirements and detail shown in the endorsed Public Realm Plan and the endorsed Stormwater Analysis, Catchment and Drainage Design Plan;
  - (b) the footpath is to have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 33 or unless otherwise specified by the Responsible Authority;
  - (c) at no cost to the Responsible Authority; and
  - (d) to the satisfaction of the Responsible Authority.
21. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.



22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.

### **Civil work and drainage design plans**

23. Before the development commences, Civil Work and Drainage Design Plans prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once the plan is approved, it will be endorsed and will then form part of the permit. The Civil Work and Drainage Design Plans must provide:
- (a) Be consistent with the public realm plan required under Condition 17.
  - (b) Not include 'rough' bluestone pitchers in the road pavement at the intersection of Little Lesney Street and Brighton Street.
  - (c) Provide for all civil and drainage works that are required to the abutting road frontages, as part of the development and proposed public realm works;
  - (d) Include underground drainage from Little Lesney Street to the north end of the proposed kerb extension in Brighton Street
  - (e) Include a stormwater and flooding analysis and catchment plan as it relates to the development, proposed public realm works and drainage scheme to ensure no 'ponding' or retention of water in the roadways (i.e. including kerb extension);
  - (f) Be in accordance with Council's engineering standards and requirements.
  - (g) Be DDA compliant to the satisfaction of Council.
  - (h) Show all existing and proposed street fixtures and furniture including but not limited to service authority assets, street lighting, signs and linemarking in Brighton and Lt Lesney Streets abutting the development.
  - (i) surface material finishes shown and specified to the satisfaction of the responsible authority
  - (j) Provide street lighting in accordance with Council standards.
  - (k) Ensure co-ordination with public realm works in Brighton Street and Lt Lesney Street proposed by the redevelopment of 2-8 Brighton St, 1-3 Wiltshire Street and 5 Little Lesney Street (where relevant).
24. Before the development is completed or at a later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Stormwater Analysis, Catchment and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the Responsible Authority.

### **Car Parking**

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (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,
- all to the satisfaction of the Responsible Authority.

26. Before the use and development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces, including DDA spaces;
  - (b) the management of car parking spaces and security arrangements for employees of the development;
  - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (d) policing arrangements and formal agreements;
  - (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
  - (f) details regarding the management of loading and unloading of goods and materials; and
  - (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.
27. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
28. 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.

### **Green Travel Plan**

29. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact and dated 25 October 2021, but modified to include (or show):
- (a) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (b) security arrangements to access the employee and visitor bicycle storage spaces;
  - (c) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (d) provisions for the GTP to be updated not less than every five years;
- to the satisfaction of the Responsible Authority.
30. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Lighting**

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- all to the satisfaction of the Responsible Authority.

## **General**

32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. The amenity of the area must not be detrimentally affected by the construction, 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.
34. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
35. 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.
36. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
37. 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.

## **Road Discontinuance**

38. Before the development commences, the permit holder must obtain the relevant approvals for the discontinuance of a road to expunge the road known as 'Laneway 1121' from Yarra's Register of Public Roads.

## **Development Contributions**

39. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

## **Construction Management**

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) that the crossover to Brighton Street associated with the land at 274-280 Swan Street is not obstructed during construction unless otherwise agreed to by the owner of the land;
- (h) site security;
- (i) management of any environmental hazards including, but not limited to,:
  - (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;
  - (iv) stormwater contamination from run-off and wash-waters;
  - (v) sediment from the land on roads;
  - (vi) washing of concrete trucks and other vehicles and machinery; and
  - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) 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
  - (vi) 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.

41. 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 9am or after 3pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

#### **Transport for Victoria Conditions (conditions 40 – 48)**

42. Before the development starts (excluding demolition and bulk excavation) or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- (a) that the design prevents items from being thrown or falling onto railway land from any part of the development
- to the satisfaction of the Head Transport for Victoria.
43. Before development starts (excluding demolition and bulk excavation) building materials (including glass/window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study (the study) not to cause reflections or glare that may interfere with train driver operations The study must clarify that:
- (a) the development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
  - (b) the development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
  - (c) the development exterior avoids use of red, green, or yellow colour schemes that may interfere with driver operations or schemes or shapes capable of being mistaken for train signals.
44. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria detailed construction / engineering plans and structural computations for any construction work abutting railway infrastructure or railway land, must be submitted, and approved by Vic Track, the Head, Transport for Victoria, and the Rail Operator (RO). The plans must detail all basement excavations and retention system design and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must also ensure compliance with:
- (a) the relevant Rail Transport Operator's engineering standard for minimum clearances to all existing and planned future electrical assets, and procedures for works adjacent.
  - (b) Energy Safe Victoria (ESV) requirements for clearances to electrical assets and Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding, and electrolysis mitigation design.
  - (c) earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'
  - (d) a design that does not require people to access railway land, or breach electrical safety requirements, for the purposes of routine cleaning, replacement, inspection, maintenance, and repair of any part of the building or development. The development must be designed so that maintenance can occur from within the development site without access to the rail corridor
  - (e) any temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices, do not penetrate onto railway land
  - (f) demonstrate that entry onto railway land or air space over railway land is not required for fire, light, ventilation, and maintenance for all buildings and works on site.

45. Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered with VicTrack, the Head, Transport for Victoria, and the Rail Operator to the satisfaction of and at no cost to the Head, Transport for Victoria.
46. Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must provide for:
  - (a) how public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and
  - (b) how any traffic impact to the railway land and associated infrastructure will be mitigated.

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

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

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

47. Before development starts (including demolition and bulk excavation) a Demolition Plan and/or Construction Management Plan as applicable must be submitted to and approved by the Head, Transport for Victoria. The Plan must include details of (but not limited to) management proposals to minimise impacts to the rail land, assets, and the operation of the railway during construction and must set out objectives and performance and monitoring requirements for:
  - (a) Access to the rail environment, including designation of any areas to be used under license during the construction process.
  - (b) Approvals and permits required from TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the railway land.
  - (c) Rail safety requirements that must be adhered to by the permit holder.
  - (d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction.
  - (e) Minimising disruption to train services and railway maintenance and commuter access.
  - (f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure railway land is not used for, or impacted on by these activities outside of the licence area.
  - (g) public safety, amenity, and site security.
  - (h) Operating hours, noise, and vibration controls.
  - (i) Air and dust management.
  - (j) The remediation of any damage to railway land, track, overhead and underground power and communication assets associated infrastructure.
  - (k) details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules.
48. All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented, and monitored at no cost to the Head, Transport for Victoria VicTrack, and/or the Rail Operator.
49. The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.

50. No drainage, effluent, waste, soil, or other materials must enter or be directed to railway land or stored or deposited on railway land.

### **Time expiry**

51. 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

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

### **NOTES**

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

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

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

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.

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

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

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easements.

The permit holder must gain consent from the relevant service provider to ensure that the proposed building setbacks from the existing sewer vent along Little Lesney Street are satisfactory.

### **Transport for Victoria Notes**

Prior to commencement of demolition or construction works, the Rail Operator must be contacted through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.

### Submissions

Vaughan Connor, Contour Consultants and Gary Wertheimer, GIW Environmental Solutions (for the applicant)

## **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to advise the Tribunal in writing that if it was in a position to decide on the application, it would issue a Notice of Decision to Grant Planning Permit PLN21/0788 for the construction of a multi-storey building for office, food and drinks premises (no permit required for uses) and a reduction in the car parking and visitor bicycle space requirements at 9 – 15 Brighton Street and land comprised in TP11938, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the architectural plans prepared by DKO, drawing numbers TP400 – TP700 (Rev B) dated 10 June 2022 and TP701-702 (Rev 01) dated 15 October 2021, but modified to show:
  - (a) Deletion of levels 08 and 09 and an overall reduction of the building height by 7.5m;
  - (b) Modify ground floor and Level 01 to be setback a minimum of 2 metres from Brighton Street and Little Lesney Street, including structural columns, bin room and boundary flank walls;
  - (c) Extend the planter boxes along Brighton Street frontage, excluding building entry and service access frontage;
  - (d) No projections beyond title boundaries;
  - (e) Delete the alcove along the eastern ROW frontage;
  - (f) The internal stairwells to be redesigned so walls and doors are glazed to common areas;
  - (g) Remove steps from the basement level lobbies and replace with appropriate ramp gradients;
  - (h) An additional 10 bicycle parking spaces suitable to accommodate cargo / trailer bikes;
  - (i) Improvement of the circulation and access, including direct access minimising the number of entry doors to office amenity areas;



- (j) Levels 05-07 to be setback 3 metres from the Little Lesney Street (southern) title boundary;
- (k) The finished level of the ground floor pedestrian refuge (south of the switch room) along the eastern boundary to be 40mm above the laneway level);
- (l) Provide sensor lighting to the ground floor pedestrian refuge as well as the emergency pedestrian exit;
- (m) Hit-and miss brick screening (maximum 50% visual permeability) to the northern boundary of the void at levels 01 – 03;
- (n) Dimension the width of the development's entrances of Little Lesney Street;
- (o) Show and dimension the vehicle crossover along Little Lesney Street;
- (p) Dimension the minimum headroom clearance at the car park and loading zone entrances;
- (q) Dimension the width of the internal access ramp and the kerbs and lanes adjacent to the internal traffic island at ground floor;
- (r) Columns along the southern boundary of basement levels 01 and 02 updated to comply with the parking space envelope of clause 52.06-9;
- (s) A minimum of one gender-neutral toilet/change room within the end of trip facilities.
- (t) Dimension the headroom clearances of the basement car parking levels;
- (u) Provision of a headroom clearance of minimum 2.5m above the accessible parking spaces and adjacent shared area;
- (v) Fully dimension the loading bay;
- (w) Vehicle crossing ground clearance cross sectional drawing (1:20 scale) to demonstrate a B99 design vehicle accessing and exiting the site at the Little Lesney Street vehicle entrance without scraping or 'bottoming out' and to show the follow spot levels:
  - (i) the reduced level 2.0 metres inside the property;
  - (ii) the property boundary level;
  - (iii) the bottom of kerb (invert) level;
  - (iv) the edge of the channel level; and
  - (v) a few levels on the road pavement.
- (x) Notation to state that the visitor bicycle spaces along Brighton Street will be installed in compliance with Australian Standard AS2890.3;
- (y) Full detail of the proposed layout of the ground floor bicycle compound (including dimensions for bicycle spaces, door widths, aisle widths and wall setbacks) in accordance with Australian Standard AS2890.3 or otherwise to the satisfaction of the Responsible Authority to demonstrate a minimum of 110 bicycle spaces overall and of these, a minimum of 60 'at grade' spaces;
- (z) Width of the bicycle entry and ramp corridor increased to a minimum of 2m with the bicycle entry door provided as sliding doors;
- (aa) any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
- (bb) any requirement of the endorsed Wind Report (condition 15) (where relevant to show on plans);
- (cc) any requirement of the endorsed Public Realm Plan (condition 17) (where relevant to show on plans).
- (dd) any requirement of the endorsed Stormwater Analysis, Catchment and Drainage Plan (condition 23) (where relevant to show on plans).

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. 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 of services along Brighton Street
  - (d) information about how the façade will be maintained, including any vegetation; and
  - (e) a materials schedule with digital samples of proposed materials and coloured drawings outlining colours, materials and finishes.
4. As part of the ongoing consultant team, DKO or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee the design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

5. Before the development commences, the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 14 June 2022 must be submitted to Council. When approved, the Sustainable Management Plan will be endorsed and form part of this permit.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

### **Waste Management Plan**

8. Before the development commences, the Waste Management Plan prepared by Impact and dated 21 October 2021 must be submitted to Council. When approved, the Waste Management Plan will be endorsed and form part of this permit.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Landscape Plan (internal to title boundaries)**

11. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Davidson Design Studio and dated 08 December 2021, but modified to include (or show):
  - (a) Updated in accordance with the plans referenced at condition 1;
  - (b) Any detail for ground surface treatments within title boundaries as required by the endorsed Public Realm Plan;

- (c) Provide a plant schedule with the following information – the proposed plant species (botanical and common name), installation size, width and height at maturity, and plant numbers. These have been provided and given adequate information.
- (d) the depth of the planters need to be shown;
- (e) clarify irrigation strategy;
- (f) further detail on the maintenance schedule include how the proposed plantings in individual planters will be successfully maintained;

to the satisfaction of the Responsible Authority.

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

all to the satisfaction of the Responsible Authority.

### **Street Trees**

13. Before the development commences, the permit holder must make a financial contribution towards the proposed street tree and understorey planting within public land of \$3,207 (ex GST), being \$755 for each of the three street trees, and \$942 for the understorey planting.
14. After the building is completed, and prior to occupation of the building, the permit holder must notify the Responsible Authority in writing that the building has been completed so that planting can occur within the first available planting season. Tree pits may require a temporary 'make safe' until such time that planting can occur.

### **Wind**

15. Before the development commences, 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 Impact Statement prepared by RWDI and dated 21 October 2021, but modified to include (or show):
- (a) Updated to assess the amended plans referenced at condition 1;
  - (b) Wind tunnel modelling to determine whether or not a similar-sized development on the opposite side of Brighton Street would result in the walking comfort criterion being maintained along the Brighton Street footpaths, with a list of any additional mitigation devices to be detailed in order to achieve the walking comfort criterion;
  - (c) Update the report so that the wind conditions do not rely on any vegetation-based wind mitigation devices;
  - (d) The majority of the level 04 and level 08 terraces to achieve a minimum of the standing comfort criterion;
  - (e) The majority of the roof terrace to achieve a minimum of the standing comfort criterion, with at least part of the terrace to achieve the sitting comfort criterion;
- to the satisfaction of the Responsible Authority.

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

### **Public Realm Plan**

17. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Realm Plan must be generally in accordance with the curb extension details shown on Drawing No. TP01 of the landscape plan prepared by Davidson Design Studio, dated 03 August 2022, but modified to include the following:

- (a) All changes shown by (and generally in accordance with) the sketch design prepared by Council's Urban Design Unit;

But further modified to show:

- (b) An additional four visitor bicycle spaces located to the north of the six spaces shown on the sketch design prepared by Council's Urban Design Unit;
- (c) High level details and dimensions of the proposed bench seats and visitor bicycle spaces;
- (d) Full details of proposed landscaping within the public realm including plant species, soil depths and tree squares;
- (e) All paving within the public realm reinstated as asphalt with kerbs and channels to match the adjacent existing kerb and channel;
- (f) All paving compliant with the Australian Standards for slip resistance and DDA;
- (g) Details of any re-located street infrastructure;
- (h) Details of the materiality of outstands including edges, permeable surface finishes and drainage;
- (i) Additional levels and grading along the building's ground floor Brighton Street interface to demonstrate that seamless and DDA compliant entrance threshold and footpath interfaces are achieved;
- (j) Details of any adjacent footpath reinstatement if needed to ensure the grade of the footpath and the paving are gradual and DDA compliant;
- (k) Notation to confirm that all street tree planting, understorey planting and establishment / maintenance (24 months for trees and 6 months for understorey planting) within the public realm to be undertaken by Council's tree planting contractor with all associated costs borne by the permit holder;
- (l) Notation for the three street trees to state 'species as directed by Council' in the plant schedule;
- (m) All tree pits must be unencumbered, free from services to a depth of at least 600mm and be filled with soil that is conducive for tree root growth, appropriate for the location and in accordance with Yarra Standard Drawings YSD 709 and YSD711;
- (n) Any detail required to be shown from the endorsed Stormwater Analysis, Catchment and Drainage Design Plan (condition 21),

All to the satisfaction of the Responsible Authority.

18. Before the building is occupied, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 17) must be fully constructed and completed by the permit holder, with all costs borne by the permit holder, to the satisfaction of the Responsible Authority.

## **Road Infrastructure**

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as standard (asphalt) footpath and kerb and channel:
  - (a) at no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required)); and
  - (b) to the satisfaction of the Responsible Authority.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths, kerb and channel, and other road related infrastructure adjacent to the development site along Brighton Street and Little Lesney Street must be reconstructed:
  - (a) in accordance with the requirements and detail shown in the endorsed Public Realm Plan and the endorsed Stormwater Analysis, Catchment and Drainage Design Plan;
  - (b) the footpath is to have a cross-fall (the slope between the kerb and the property line) of no steeper than 1 in 33 or unless otherwise specified by the Responsible Authority;
  - (c) at no cost to the Responsible Authority; and
  - (d) to the satisfaction of the Responsible Authority.
21. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.

## **Civil work and drainage design plans**

23. Before the development commences, Civil Work and Drainage Design Plans prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once the plan is approved, it will be endorsed and will then form part of the permit. The Civil Work and Drainage Design Plans must provide:
  - (a) Be consistent with the public realm plan required under Condition 17.
  - (b) Not include 'rough' bluestone pavers in the road pavement at the intersection of Little Lesney Street and Brighton Street.
  - (c) Provide for all civil and drainage works that are required to the abutting road frontages, as part of the development and proposed public realm works;
  - (d) Include underground drainage from Little Lesney Street to the north end of the proposed kerb extension in Brighton Street
  - (e) Include a stormwater and flooding analysis and catchment plan as it relates to the development, proposed public realm works and drainage scheme to ensure no 'ponding' or retention of water in the roadways (i.e. including kerb extension);
  - (f) Be in accordance with Council's engineering standards and requirements.
  - (g) Be DDA compliant to the satisfaction of Council.
  - (h) Show all existing and proposed street fixtures and furniture including but not limited to service authority assets, street lighting, signs and linemarking in Brighton and Lt Lesney Streets abutting the development.

- (i) surface material finishes shown and specified to the satisfaction of the responsible authority
- (j) Provide street lighting in accordance with Council standards.
- (k) Ensure co-ordination with public realm works in Brighton Street and Lt Lesney Street proposed by the redevelopment of 2-8 Brighton St, 1-3 Wiltshire Street and 5 Little Lesney Street (where relevant).

24. Before the development is completed or at a later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Stormwater Analysis, Catchment and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the Responsible Authority.

### **Car Parking**

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

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (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,

all to the satisfaction of the Responsible Authority.

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

- (a) the number and location of car parking spaces, including DDA spaces;
- (b) the management of car parking spaces and security arrangements for employees of the development;
- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) policing arrangements and formal agreements;
- (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
- (f) details regarding the management of loading and unloading of goods and materials; and
- (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.

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

28. 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.

## **Green Travel Plan**

29. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact and dated 25 October 2021, but modified to include (or show):
- (a) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (b) security arrangements to access the employee and visitor bicycle storage spaces;
  - (c) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (d) provisions for the GTP to be updated not less than every five years; to the satisfaction of the Responsible Authority.
30. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

## **Lighting**

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- all to the satisfaction of the Responsible Authority.

## **General**

32. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
33. The amenity of the area must not be detrimentally affected by the construction, 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.
34. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
35. 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.
36. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

37. 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.

### **Road Discontinuance**

38. Before the development commences, the permit holder must obtain the relevant approvals for the discontinuance of a road to expunge the road known as 'Laneway 1121' from Yarra's Register of Public Roads.

### **Development Contributions**

39. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

### **Construction Management**

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) that the crossover to Brighton Street associated with the land at 274-280 Swan Street is not obstructed during construction unless otherwise agreed to by the owner of the land;
  - (h) site security;
  - (i) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (j) the construction program;
  - (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (l) parking facilities for construction workers;
  - (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;



- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) 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
  - (vi) 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.

41. 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 9am or after 3pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

#### **Transport for Victoria Conditions (conditions 40 – 48)**

42. Before the development starts (excluding demolition and bulk excavation) or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- (a) that the design prevents items from being thrown or falling onto railway land from any part of the development

to the satisfaction of the Head Transport for Victoria.

43. Before development starts (excluding demolition and bulk excavation) building materials (including glass/window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study (the study) not to cause reflections or glare that may interfere with train driver operations The study must clarify that:
- (a) the development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.

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

44. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria detailed construction / engineering plans and structural computations for any construction work abutting railway infrastructure or railway land, must be submitted, and approved by Vic Track, the Head, Transport for Victoria, and the Rail Operator (RO). The plans must detail all basement excavations and retention system design and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must also ensure compliance with:
- (a) the relevant Rail Transport Operator's engineering standard for minimum clearances to all existing and planned future electrical assets, and procedures for works adjacent.
  - (b) Energy Safe Victoria (ESV) requirements for clearances to electrical assets and Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding, and electrolysis mitigation design.
  - (c) earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'
  - (d) a design that does not require people to access railway land, or breach electrical safety requirements, for the purposes of routine cleaning, replacement, inspection, maintenance, and repair of any part of the building or development. The development must be designed so that maintenance can occur from within the development site without access to the rail corridor
  - (e) any temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices, do not penetrate onto railway land
  - (f) demonstrate that entry onto railway land or air space over railway land is not required for fire, light, ventilation, and maintenance for all buildings and works on site.
45. Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered with VicTrack, the Head, Transport for Victoria, and the Rail Operator to the satisfaction of and at no cost to the Head, Transport for Victoria.
46. Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must provide for:
- (a) how public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and
  - (b) how any traffic impact to the railway land and associated infrastructure will be mitigated.

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

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

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

47. Before development starts (including demolition and bulk excavation) a Demolition Plan and/or Construction Management Plan as applicable must be submitted to and approved by the Head, Transport for Victoria. The Plan must include details of (but not limited to) management proposals to minimise impacts to the rail land, assets, and the operation of the railway during construction and must set out objectives and performance and monitoring requirements for:
- (a) Access to the rail environment, including designation of any areas to be used under license during the construction process.
  - (b) Approvals and permits required from TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the railway land.
  - (c) Rail safety requirements that must be adhered to by the permit holder.
  - (d) Protection of all rail infrastructure to ensure rail infrastructure is not damaged during demolition or construction.
  - (e) Minimising disruption to train services and railway maintenance and commuter access.
  - (f) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure railway land is not used for, or impacted on by these activities outside of the licence area.
  - (g) public safety, amenity, and site security.
  - (h) Operating hours, noise, and vibration controls.
  - (i) Air and dust management.
  - (j) The remediation of any damage to railway land, track, overhead and underground power and communication assets associated infrastructure.
  - (k) details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules.
48. All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented, and monitored at no cost to the Head, Transport for Victoria VicTrack, and/or the Rail Operator.
49. The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.
50. No drainage, effluent, waste, soil, or other materials must enter or be directed to railway land or stored or deposited on railway land.

#### **Time expiry**

51. 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
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

#### **NOTES**

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

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

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

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.

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

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

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

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

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

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easements.

The permit holder must gain consent from the relevant service provider to ensure that the proposed building setbacks from the existing sewer vent along Little Lesney Street are satisfactory.

### **Transport for Victoria Notes**

Prior to commencement of demolition or construction works, the Rail Operator must be contacted through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.

**CARRIED UNANIMOUSLY**



The meeting closed at 7.11pm.

**Confirmed at the meeting held on Tuesday 27 September 2022**

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**Chair**