

NOTICE OF DECISION TO GRANT A PERMIT



CITY OF MELBOURNE

APPLICATION NO.

TP-2015-583

PLANNING SCHEME

Melbourne Planning Scheme

RESPONSIBLE
AUTHORITY

Melbourne City Council

For further reference contact:

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Planning and Building Branch

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240 Little Collins Street, Melbourne

The Responsible Authority has decided to grant a permit. The permit has NOT been issued.

ADDRESS OF THE LAND

391-395 Rathdowne Street, CARLTON VIC 3053

WHAT WILL THE PERMIT
ALLOW?

Demolition of existing buildings and construction of a four-level building comprising ground floor food and drink premises (not including hotel or tavern), six dwellings and seven car parking spaces, provision of one resident car parking space in excess of the maximum and waiving the requirements for car parking and on-site loading facilities for the commercial tenancy in accordance with the endorsed plans.

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

- 1 Prior to the commencement of the development, including demolition or bulk excavation on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 22 February 2016 but amended to show:
 - a) Reduce the overall height of the proposal by approximately one metre
 - b) Reduce the façade height/top of Third Floor balustrade, to be no higher than the top of the main stringcourse/ledge at the base of the parapet to number 130 Elgin Street.
 - c) At the north and south boundaries, setback of the Third Floor (level 4) from Rathdowne Street by 4 metres for a width of 3 metres.
 - d) Setback the façade with a full height slot adjoining 130 Elgin Street, to provide at least 150mm clearance from the string course/ ledge at the base of the parapet and its return along the north elevation. All quoins and façade projections and returns to 130 Elgin Street protected by the building separation.
 - e) In Sutton Place, set back the Third Floor (level 4) by two metres.
 - f) Enlarge the light court on the northern boundary to comply with Standard B27 of Clause 55.
 - g) Delete the façade feature screen projections over Sutton Place and Rathdowne Street.
 - h) Bring the Ground Floor Rathdowne Street facade fixed glazing forward to align with the property boundary.
 - i) Provide façade studies which will show how the fully glazed façade wall in Rathdowne Street would be concealed by a screen element.
 - j) The location of the minimum 6,000.00 litre rainwater tank, which is to be connected to toilets on Levels 1 and 2.
 - k) Confirmation of the floor to ceiling height clearances of the car stackers to show that at least 25 percent have a minimum height clearance of 1.8m.
 - l) The new location for the electricity pole in Sutton Place as first agreed with Melbourne City Council and the electricity supply authority.

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Date Issued: 28 April 2016

Signature of the Responsible Authority

- m) Any modifications required for waste collection and storage in accordance with the Waste Management Plan required by Condition 13.
- n) Details including dimensions and a section drawing of the verandah over Rathdowne Street in compliance with the recommendations of the Tree Protection Management Plan required by condition 6.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

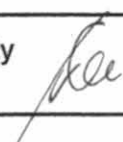
- 2 The development and use as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.
- 3 Prior to the commencement of the demolition, construction or carrying out of works on the land, a schedule and samples of all external materials, colours and finishes including colour rendered and notated elevations must be submitted to, and approved by the Responsible Authority.
- 4 Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the Melbourne City Council's underground stormwater drainage system.

Statement Tree Protection

- 5 Any trees in adjoining streets must not be removed, lopped or pruned without the prior written consent of the Responsible Authority. All costs in connection with the pruning of the trees, including any payment for the amenity value of a tree, must be met by the developer/owner of the site.
- 6 Prior to the commencement of the development, including any demolition or bulk excavation on the land, a Tree Protection Management Plan (TPMP) prepared by an AQF Lvl 5 arborists, as per the Melbourne City Council policy in accordance with AS4970 (Protection of trees on development sites) must be submitted to and approved by Council's Manager Urban Sustainability.
- 7 As directed by Council's Manager Urban Sustainability, a bond must be paid in connection with the protection of the tree throughout the entire demolition and construction period. The bond will be released following review by the project arborist and any loss of the asset value and cost of rectification will be obtained from the bond.
- 8 The clearance to the underside of the proposed verandah projecting over Rathdowne Street from the existing footpath surface must be a minimum of 3.0 metres. The minimum setback from the adjacent face of the kerb must be 750 mm or more if specified in the Arborist's report required by Condition 6. The verandah must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
- 9 Prior to the commencement of the development the land titles must be consolidated, to the satisfaction of the Responsible Authority.
- 10 The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement prepared by Sustainable Development Consultants dated 14/9/2015 for the development must be implemented prior to occupancy at no cost to the Melbourne City Council and be to the satisfaction of the Responsible Authority. Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.
11. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.



12. Prior to the commencement of the development, including demolition, or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group . This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
- a) public safety, amenity and site security.
 - b) operating hours, noise and vibration controls.
 - c) air and dust management.
 - d) stormwater and sediment control.
 - e) waste and materials reuse.
 - f) traffic management.
13. Prior to the commencement of the development, a Waste Management Plan (WMP) shall be prepared and submitted to the Melbourne City Council - Engineering Services. The WMP should detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council - Engineering Services.
14. No garbage bin or waste materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority - Engineering Services.
15. No more than one telecommunications receiver/television aerial may be erected on the building without the consent of the Responsible Authority.
16. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
17. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties to the satisfaction of the Responsible Authority.
18. Existing street levels in Rathdowne Street and Sutton Place must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.
19. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services and the relevant electricity company.
20. Prior to commencement of development, a scheme for landscaping and planting in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. The scheme must incorporate water sensitive urban design features to the satisfaction of the Responsible Authority. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area must be maintained to the satisfaction of the Responsible Authority.
21. Prior to occupation of the development, the footpath adjoining the site along Rathdowne Street must be reconstructed together with associated works including the reconstruction or relocation of kerbs and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.



22. Advertising signs must not be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Melbourne Planning Scheme.
23. The mechanical car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.

Food and Drink Premises

24. The primary activity allowed in the designated food and drink premises is the preparation and sale of food to be consumed on the site.
25. Empty bottles from the operation of the premises must be placed into a bag and deposited into recycling bins quietly so as not to cause disturbance to adjoining and nearby residents, to the satisfaction of the Responsible Authority.
26. No amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.
27. Except with the prior written consent of the Responsible Authority, the food and drink premises must only be open for the use between the following hours:

Monday – Saturday	7.00am to 11.00pm
Sunday (including Good Friday and Anzac Day)	9.00am to 11.00pm

28. Prior to the commencement of the development (excluding any demolition, bulk excavation, construction or carrying out of works) a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of the Responsible Authority. The model should be prepared having regard to the Advisory Note - 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.
29. This permit will expire if one or more of the following circumstances apply:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.
 - c) The use is not started within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the permit if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.



NOTES

As per Council's policy, new developments in this area that increase the density of residential development on the site are not entitled to resident parking permits. Therefore, the residents/visitors/staff who will occupy this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions. Council may not change the on-street parking restrictions to accommodate the access/servicing/delivery/parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements.

The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lanes. The approved works must not result in structures that encroach onto any Council lane.

