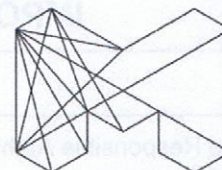


# NOTICE OF DECISION TO GRANT A PERMIT



**CITY OF MELBOURNE**

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Planning and Building Branch

Level 3, Council House 2

240 Little Collins Street, Melbourne

**APPLICATION NO.**

**TP-2016-1128**

**PLANNING SCHEME**

Melbourne Planning Scheme

**RESPONSIBLE  
AUTHORITY**

Melbourne City Council

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

**ADDRESS OF THE LAND**

232-234 Faraday Street, CARLTON VIC 3053

**WHAT WILL THE PERMIT  
ALLOW?**

Partial demolition, buildings and works to construct a three storey building with a basement, carry out external alterations to heritage buildings, use of part of the site as a restaurant and reduction of car parking requirements and loading waiver in accordance with the endorsed plans.

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Prior to the commencement of any demolition, bulk excavation, construction or carrying out of works on the land, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the plans received 10 February 2017 and 7 March 2017 but amended to show:
  - a) Amendments included in the informally amended plans received 15 November 2017.
  - b) Retention of two rooms in depth including the slate roof and chimneys.
  - c) Detail of proposed conservation works to the retained façade to ensure that intact external fabric is preserved.
  - d) Delete second floor 'Casuarina' treatment'.
  - e) A landscape scheme for the front setback.
  - f) Confirmation that direct views into the secluded private open space and habitable room windows of surrounding dwellings within a horizontal distance of 9m are prevented in accordance with the requirements of Standard B22 at Clause 55.04-6 of the Melbourne Planning Scheme.
  - g) Confirmation that internal views are limited in accordance with the requirements of Standard B23 at Clause 55.04-7 of the Melbourne Planning Scheme.
  - h) Bicycle facilities in accordance with Clause 52.34.
  - i) Remove incorrect label on the carriageway easement as a road.

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 without the prior written consent of the Responsible Authority.
3. Prior to the commencement of any demolition, bulk excavation, construction or carrying out of works on the land, the titles must be consolidated.

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4. The maximum number of patrons on the premises must be no more than 30 at any one time unless with the prior written consent of the Responsible Authority.
5. Except with the prior written consent of the Responsible Authority, the premises must only be open for the use between 9am to 5pm on Monday to Friday.
6. Noise emissions from the premises must comply with State Environment Protection Policy (Noise from Commerce Industry and Trade) No. N-1 (SEPP N-1) and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2), as applicable.
7. No noise or other disturbance must emanate from the premises, which causes a nuisance to the adjoining occupiers or is detrimental to the amenity of the neighbourhood, to the satisfaction of the Responsible Authority.
8. No amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.
9. Provision must be made for disabled access into the building in accordance with the Disability (Access to Premises-Buildings) Standards 2010, to the satisfaction of the Responsible Authority.
10. The waste storage and collection arrangements must not be altered or modified without the prior consent of the Responsible Authority – Engineering Services.
11. A schedule and samples of all external materials, colours and finishes must be submitted to the satisfaction of the Responsible Authority prior to the commencement of the development, excluding demolition. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors, balustrades and paving. When approved, the schedule will be endorsed and will then form part of the permit. All finishes and surfaces of all external buildings and works, including materials and colours, must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.
12. Prior to the commencement of the development, an amended Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must be generally consistent with the submitted *ESD Report* prepared by lid consulting and dated 9 January 2017 and demonstrate that the building has the preliminary design potential to achieve the following:
  - a) 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent
  - b) 5 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Retail rating tool or equivalent

The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development must be implemented prior to occupancy at no cost to the City of Melbourne 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.

13. Prior to the commencement of the development, an amended Water Sensitive Urban Design (WSUD) Response shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The WSUD Response must be generally consistent with the submitted *ESD Report* prepared by lid consulting and dated 9 January 2017 and address, as appropriate, the requirements set out in Clause 22.23-4 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.

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The performance outcomes specified in the WSUD Response for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.

14. Prior to the demolition hereby permitted, the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land proposed under this permit and that the permit holder has entered into a bona fide contract for the construction of the development.
15. 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. This construction management plan is to be prepared in accordance with the *City of Melbourne - 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; and
  - f) traffic management.
16. Prior to the commencement of the development, an acoustic report prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority. The report must provide for noise attenuation measures to achieve a maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms must be achieved with all the windows half open and the doors closed. The report must be based on average external noise levels measured as part of a noise level assessment. The recommendations in the approved acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the dwelling(s).
17. The mechanical car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.
18. All mechanical exhaust systems for the car park must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.
19. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
20. All building plant and equipment on the roofs are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
21. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.
22. Mailboxes and newspaper receptacles must be provided prior to the occupation of the development, including an additional mailbox for the body corporate if and when the development is subdivided, to the satisfaction of the Responsible Authority.
23. 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.

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24. The existing fire hydrant is to be converted to an in-ground fire hydrant plug to the satisfaction of the Responsible Authority – Engineering Services.
25. 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 City of Melbourne's stormwater drainage system.
26. The footpath adjoining the site along Faraday Street must be reconstructed together with associated works including the reconstruction or relocation of kerb and channel 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.
27. Existing street levels in Faraday Street must not be altered for the purpose of reconstructing the footpath without first obtaining approval from the Responsible Authority – Engineering Services.
28. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
29. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Engineering Services.
30. 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
  - c) permit

The Responsible Authority may extend the date upon which the permit expires. A request for an extension of time must be in writing and be received before the permit expires, or within three months afterwards.

#### Notes

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – Manager Engineering Services Branch.

The proposal must at all times comply with the Environmental Protection (Residential Noise) Regulations 2008

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Signature of the Responsible Authority

