



INTERNAL DEVELOPMENT APPROVALS COMMITTEE MEETING MINUTES

**held on Wednesday 2 April 2003 at 6.00pm
at the Richmond Town Hall Meeting Room 3**

I. ATTENDANCE

Councillor Sue Corby
Councillor Jackie Fristacky
Councillor Jenny Farrar

II. DECLARATIONS OF PECUNIARY INTEREST

Nil

III. CONFIRMATION OF MINUTES

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION:

Moved: Councillor Fristacky **Seconded:** Councillor Corby

That the minutes of the meeting of IDAC held on 19 March 2003 be confirmed.

CARRIED

***Welcome to the City of Yarra.
Council acknowledges the
Wurundjeri community as the first
owners of this country.
Today, they are still the custodians
of the cultural heritage of this land.***

Councillor Corby nominated Councillor Farrar as Chairperson.

There being no other nominations, Councillor Farrar was appointed Chairperson.

Councillor Farrar assumed the Chair.

Councillor Morton and Councillor Meadows attended the Meeting for Item 3.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE MEETING

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2. 3 Heidelberg Road, Clifton Hill – Planning Permit Application No. PL02/0974 (Buildings and works - construction of a four storey building to accommodate 14 dwellings and ground floor car parking, (including a partial waiver in the car parking requirements of the Planning Scheme)).	11
3. 165 Cremorne Street, Cremorne – Planning Permit Application No. PL02/0511 (Development and use of the land for the purposes of a multi storey building plus two level basement to provide a showroom, offices, restaurant with liquor licence and dwellings with associated landscaping and car parking, including a reduction in parking requirements).	16
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- 1. 25-33 Rose Street, Fitzroy – Planning Permit Application No. PL02/0781 (Multi Unit Development; partial demolition of existing building, alterations and additions (four storey building) comprising 12 dwellings, and associated car parking).**
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RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee advise VCAT that had it been in a position to determine the application would have resolved to issue a Notice of Decision to Grant a Planning Permit for a multi unit development including partial demolition of existing building and construction of a four storey building comprising 12 dwellings and associated car parking, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) a reorganisation of the ground floor plan to facilitate pedestrian and vehicle access from Rose Street for all dwellings;
 - (b) the third floor balconies to have a minimum width of 2.0 metres and setback 4.0 metres from the north and south boundaries;
 - (c) the third floor building footprint to be setback 6.0 metres from the north and south boundaries and a consequential internal rearrangement of the dwellings;
 - (d) details of appropriate screening to Units 1, 2 and 3 to the satisfaction of the Responsible Authority, screening must be 1.7 metres in height measured from finished floor level; and
 - (e) a schedule of all external materials and finishes shall be submitted to the satisfaction of the Responsible Authority prior to the commencement of buildings and works on the land. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames, glazing types, doors, fences, paving (including car park surfacing), outbuildings and structures.
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Prior to the commencement of works, an acoustic report prepared by a suitably qualified expert shall be provided and demonstrate the following to the satisfaction of the responsible authority:
 - (a) that existing acoustic conditions in respect to adjacent industrial uses (and particularly the adjacent motor vehicle repairs use) do not result in unacceptable noise for future residents of the development; and

- (b) that appropriate acoustic construction methods shall be employed as necessary to ensure adequate internal amenity for residents of the development with internal noise levels to not exceed maximum of 45dbc.
4. Before buildings and works are constructed or carried out in association with the development hereby approved, either:
 - (a) A certificate of environmental audit must be issued for the land in accordance with Section 57AA(5)(b) of the *Environment Protection Act 1970*; or
 - (b) An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Section 57AA(5)(b) of that Act that the environmental conditions of that land are suitable for the sensitive use.

A copy of the certificate of environmental audit and/or statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.

5. The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any statement of environmental audit issued for the land.
6. Prior to the occupation of the dwellings, a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that construction and remediation works necessary and required by an environmental audit or statement have been carried out.
7. Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirement of the Environment Protection Authority and the *Environment Protection Act 1970*.
8. The landowner and all its successors in title or transferees must, upon release for private sale of the parent lot or each of the lots, created by the subdivision, included in the vendor's statement pursuant to section 32 of the *Sale of Land Act 1962* annexed to the contract of sale for the sale of land, a copy of the endorsed development plans, planning permit and statement of environmental audit (together with any later issued certificate of environmental audit) for the land.
9. The car parking area must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
10. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
11. Any new crossover must be constructed to Council's standard vehicular crossing specification.
12. Stormwater drainage must be provided to the nearest Council pit of adequate depth and capacity to the satisfaction of Council.

13. An area must be provided for pits and meters on the land and adjacent to the footpath.
14. Redundant drainage outfalls in the road reserve must be removed and reinstated to Council's satisfaction.

An area to be provided inside the property line and adjacent to the footpath of Rose Street to accommodate Refuse containers for collection by Council Contractors.

15. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7am - 6pm, Monday-Friday (excluding public holidays) and 9am - 3pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
16. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

NOTE: A building permit must be obtained before development is commenced.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external airconditioning units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: In accordance with Council policy, a 5% public open space contribution may apply in the event of the subdivision of the land.

Submissions:

The following people addressed the Committee:

*Mr Paul Halan;
Mr Carlo Ferluga;
Mrs Barbara Ferluga; and
Ms Judith North.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Fristacky **Seconded:** Councillor Corby

That having considered all objections and relevant planning documents, the Committee advise VCAT that had it been in a position to determine the application would have resolved to issue a Notice of Decision to Grant a Planning Permit for a multi unit development including partial demolition of existing building and construction of a four storey building comprising 12 dwellings and associated car parking, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) a reorganisation of the ground floor plan to facilitate pedestrian, vehicle access and bicycle parking from Rose Street for all dwellings;
 - (b) the third floor balconies to have a minimum width of 2.0 metres and setback 4.0 metres from the north and south boundaries;
 - (c) the third floor building footprint to be setback 6.0 metres from the north and south boundaries and a consequential internal rearrangement of the dwellings;
 - (d) details of appropriate screening to Units 1, 2 and 3 to the satisfaction of the Responsible Authority, screening must be 1.7 metres in height measured from finished floor level; and
 - (e) a schedule of all external materials and finishes shall be submitted to the satisfaction of the Responsible Authority prior to the commencement of buildings and works on the land. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames, glazing types, doors, fences, paving (including car park surfacing), outbuildings and structures.

2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

3. Prior to the commencement of works, an acoustic report prepared by a suitably qualified expert shall be provided and demonstrate the following to the satisfaction of the responsible authority:
 - (a) that existing acoustic conditions in respect to adjacent industrial uses (and particularly the adjacent motor vehicle repairs use) do not result in unacceptable noise for future residents of the development; and
 - (b) that appropriate acoustic construction methods shall be employed as necessary to ensure adequate internal amenity for residents of the development with internal noise levels to not exceed maximum of 45dbc.

4. Before buildings and works are constructed or carried out in association with the development hereby approved, either:
 - (a) A certificate of environmental audit must be issued for the land in accordance with Section 57AA(5)(b) of the *Environment Protection Act 1970*; or
 - (b) An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Section 57AA(5)(b) of that Act that the environmental conditions of that land are suitable for the sensitive use.

A copy of the certificate of environmental audit and/or statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.

5. The use and/or development/buildings and works allowed by this permit must comply with the directions and conditions of any statement of environmental audit issued for the land.
6. Prior to the occupation of the dwellings, a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that construction and remediation works necessary and required by an environmental audit or statement have been carried out.
7. Any handling and disposal of contaminated site soil must be in accordance with the requirements of any statement of environmental audit issued for the land, the requirement of the Environment Protection Authority and the *Environment Protection Act 1970*.
8. The landowner and all its successors in title or transferees must, upon release for private sale of the parent lot or each of the lots, created by the subdivision, included in the vendor's statement pursuant to section 32 of the *Sale of Land Act 1962* annexed to the contract of sale for the sale of land, a copy of the endorsed development plans, planning permit and statement of environmental audit (together with any later issued certificate of environmental audit) for the land.
9. The car parking area must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
10. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
11. Any new crossover must be constructed to Council's standard vehicular crossing specification.
12. Stormwater drainage must be provided to the nearest Council pit of adequate depth and capacity to the satisfaction of Council.
13. An area must be provided for pits and meters on the land and adjacent to the footpath.

14. Redundant drainage outfalls in the road reserve must be removed and reinstated to Council's satisfaction.

An area to be provided inside the property line and adjacent to the footpath of Rose Street to accommodate Refuse containers for collection by Council Contractors.

15. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7am - 6pm, Monday-Friday (excluding public holidays) and 9am - 3pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
16. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

NOTE: A building permit must be obtained before development is commenced.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external airconditioning units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: In accordance with Council policy, a 5% public open space contribution may apply in the event of the subdivision of the land.

CARRIED

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- 2. 3 Heidelberg Road, Clifton Hill – Planning Permit Application No. PL02/0974 (Buildings and works - construction of a four storey building to accommodate 14 dwellings and ground floor car parking, (including a partial waiver in the car parking requirements of the Planning Scheme)).**
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RECOMMENDATION

That Council resolve to issue a Notice of Decision to Grant a Planning Permit for the demolition of the existing building and the construction of a new four storey building accommodating 14 residential dwellings and 15 car parking spaces at the ground floor, (including a partial waiver of the car parking requirement) at 3 Heidelberg Road, Clifton Hill in accordance with the endorsed plans and subject to the following conditions:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) the location of any air conditioning units associated with the individual dwellings to the satisfaction of the Responsible Authority. These are to be screened and not visible from street level;
 - (b) the proposed first and second floor terraces must be setback 300mm to allow for the terraces to be entirely located within the title boundary, extending into the adjacent living area in order to maintain the same area of private open space, to the satisfaction of the Responsible Authority;
 - (c) details indicating the construction of the proposed residences to be in accordance with the relevant Australian Standards for acoustic control and specifically shall limit internal noise levels to a maximum of 45dB(a) to the satisfaction of the Responsible Authority;
 - (d) deletion of car parking space number 15 to allow for a common lock-up bicycle storage area, to the satisfaction of the Responsible Authority.
 - (f) a landscape plan to the satisfaction of the Responsible Authority prepared by a suitably qualified landscape professional. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (i) the location, quantity, maturity and botanical name of all proposed plants to be planted within the garden bed fronting John Street; and
 - (ii) the provision of any outdoor lighting within the development.
 - (g) a schedule of all external materials and finishes to show materials, colours (including colour and material samples) and finishes to all external wall, roof, fascias, window frames, glazing types, doors, fences paving, outbuildings and structures.

Endorsed Plans

2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

Car Parking

3. No fewer than 14 car spaces must be line marked within the ground floor car park unless by further written consent of the Responsible Authority.

Vehicle Crossings

4. Any new vehicular crossings must be constructed to Council's standard vehicular crossing specification.

Outdoor Lighting

5. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on nearby land.

Garbage Collection

6. Rubbish, including bottles and packaging material, shall at all times be stored within the building and screened from external view. All waste collection to be undertaken by private contractors.

Environmental Audit

7. Before building or works are constructed or carried out in association with the development hereby approved, either:
 - (a) a Certificate of Environmental Audit or a statement indicating the land is suitable for a sensitive use (child care centre) must be issued for the land in accordance with Section 57AA(5)(b) of the *Environment Protection Act 1970*; or
 - (b) an environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Section 57AA(5)(b) of the Act that the environmental conditions of the land are suitable for the proposed sensitive use.

Audit to be Carried Out and confirmed in writing.

8. Prior to the occupation of dwellings a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that all construction and remediation works necessary and required by an environmental audit or statement have been carried out.

Soil Removal

9. Any soil removal from the site during the construction phase should comply with EPA requirements for off-site disposal for potentially contaminated soil (ie. EPA Publication No. 626, October 1998).

Stormwater

10. Stormwater drainage to be provided to the nearest Council pit of adequate depth and capacity to the satisfaction of the responsible Authority.

Construction Management Plan

11. Prior to the commencement of construction or any works on the site (including demolition and material removal) the applicant must submit for approval to the Responsible Authority a Construction Management Plan in line with the requirements of the City of Yarra's Building Code of Practice. The plan must address, but not be limited to following:
 - (a) site contamination and disposal of contaminated matter;
 - (b) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site;
 - (c) on site facilities for vehicle washing;
 - (d) parking facilities for construction workers;
 - (e) delivery and unloading points and expected frequency;
 - (f) a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (g) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and
 - (h) protection works necessary for the preservation and remediation of any damage to the Edinburgh Gardens (limited to an area proximate to the development site).

Construction

12. During the construction phase of the development, the following conditions shall be met:
 - (a) only clean rainwater shall be discharged to the stormwater drainage system;
 - (b) stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - (c) vehicle borne material from the premises shall not accumulate on the roads abutting the site;
 - (d) all machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be contained within the site boundaries, and disposed of responsibly; and
 - (f) all site operations shall comply with the Environmental Protection (Residential Noise) Regulations 1997.
13. VicTrack Access conditions:
 - (a) no drainage or effluent shall enter the VicTrack property without prior approval;

- (b) no excavation, filling or construction shall take place on the common boundary with VicTrack without its prior approval and then on conditions set by it; and entry onto VicTrack land shall be at the discretion of VicTrack; and
- (c) shall be subject to any conditions imposed by it.

Construction Hours and Noise

- 14. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7am - 6pm, Monday-Friday (excluding public holidays) and 9am - 3pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Time Limits

- 15. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

NOTE: Building Permits

A building permit must be obtained before development is commenced.

NOTE: Drainage

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

NOTE: Road Reserve

Council approval must be obtained for any works on, or occupation of, the road reserve.

NOTE: Subdivision

In accordance with Council policy, a 5% public open space contribution may apply in the event of the subdivision of the land.

Submissions:

The Applicant, Mr Anton Wilson, addressed the Committee.

The following people also addressed the Committee:

*Ms Susan Love;
Ms Roberta Plackett; and
Mr Ian Quick.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Fristacky **Seconded:** Councillor Corby

That this matter be deferred to the next IDAC meeting on 16 April 2003 to allow the applicant to provide solutions for the incorporation of bicycle storage whilst maintaining 15 car parking spaces on site.

CARRIED

PROCEDURAL MOTION

Moved: Councillor Farrar **Seconded:** Councillor Corby

That the meeting be adjourned.

CARRIED

The Meeting adjourned at 7.14pm.

The Meeting reconvened at 7.17pm.

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- 3. 165 Cremorne Street, Cremorne – Planning Permit Application No. PL02/0511 (Development and use of the land for the purposes of a multi storey building plus two level basement to provide a showroom, offices, restaurant with liquor licence and dwellings with associated landscaping and car parking, including a reduction in parking requirements).**
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RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves that, if it were in a position to determine the application, that it would issue a Notice of Decision to Grant a Planning Permit for the development and use of the land for the purposes of a multi storey building plus two level basement to provide a showroom, offices, restaurant with liquor licence and dwellings with associated landscaping and car parking including a reduction in parking requirements, subject to the following conditions:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show to the satisfaction of the Responsible Authority.

General changes

- (a) two levels of the high rise element of the development to be deleted with a reduction in the overall height of the development to be a minimum of 6.0m;
- (b) roof and sunshade fins to the Cremorne Street elevation of the development to be redesigned so as not to project over title boundaries;
- (c) all balconies to dwellings to achieve a minimum average width of 2.0m;
- (d) full details of security fencing to pool;
- (e) details of the use of area noted as "Residents Facilities" on the ground floor;
- (f) details of adequate secure storage facilities to be provided for each dwelling;
- (g) layout of the restaurant to be detailed showing a minimum of 75% of the floor area designated for tables and chairs for patrons and the provision of table and chairs within the central courtyard;
- (h) details of refuse storage provision for the restaurant use;
- (i) the carpark entry/exit route must incorporate a continuous, flood proof apex that is at least 600mm A.H.D above the 100-year flood level as per Melbourne Water requirements;

Environmentally Sustainable Design Measures

- (j) a schedule demonstrating that each dwelling in the development achieves a 4-Star First Rate energy rating applying the SEAV, First Rate - House Energy Rating Software or equivalent. All dwellings in the development must achieve a 4-Star rating;
- (k) details of the use of natural ventilation for offices;

- (l) details of measures to provide on site retention of some stormwater to enable irrigation of the landscape podium and other landscaped areas;
- (m) a schedule of high efficiency lighting to the satisfaction of the Responsible Authority to be used for internal and external lighting for the development;
- (n) details of the waste management notably during building construction and demolished materials recycling;

Landscape Plan

- (o) A landscape plan drawn to scale with dimensions and three copies must be provided to show:
 - (i) the location, quantity and maturity of all proposed plants, the botanical name of plants;
 - (ii) the location of all areas to be covered by lawn or other surface materials;
 - (iii) provide a specification of works to be undertaken prior to planting;
 - (iv) details of the lighting of the site;
 - (v) details of site permeability and ensure that hard landscaped areas are so designed and use materials designed to maximise permeability; and
 - (vi) confirmation that soil depth is adequate to permit the growth of trees to a mature state and ensure their ongoing health.

Carpark Layout

- (p) the ramp grade must not exceed 5% (ie 1 in 20) across the property line or building alignment and for at least the first 6m into the car park;
- (q) column positions at Car Park 1 and Car Park 2 (ie space no. 19, 22, 25, 28, 31, 34, 37) must be 250mm. clear of the aisle;
- (r) all the tandem spaces at Car Park 1 and Car Park 2 must be 10.3m. in length;

Bicycle Parking

- (s) the provision of secure permanent storage for a minimum of 17 bicycles for the commercial uses on the site with details of storage lockers or compound to be submitted and approved by the Responsible Authority;
 - (t) the provision of adequate trip end facilities for cyclists to be provided within the development to include one storage locker for each permanent bicycle space together with adequate showering and changing facilities;
 - (u) the provision of a minimum of eight bicycle rails to be provided at ground floor level within the development to cater for short term bicycle storage; and
 - (v) the provision of secure permanent storage for a minimum of 40 bicycles for the residential uses on site with details of storage lockers or compound to be submitted and approved by the Responsible Authority.
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
 3. Where the endorsed plans depict an area of the development as being for a specified use or uses, that area must be used in the manner specified and for no other use unless with the written consent of the Responsible Authority.

4. Landscaping must be carried out in accordance with the endorsed Landscaping Plan and maintained to the satisfaction of the Responsible Authority.

Carparking and access

5. Prior to commencement of the development hereby approved, a car park management plan to the satisfaction of the Responsible Authority prepared by an appropriately qualified traffic consultant must be submitted to and approved by the Responsible Authority. The car park management plan must include:
 - (a) the allocation of each of the parking spaces to a dwelling, residential visitor spaces, showroom office or the café (all tandem parking to be allocated to the same dwelling);
 - (b) details of the proposed arrangements for the sharing of carparking spaces between the commercial uses to provide the required amount of parking spaces for the restaurant use after hours and on weekends;
 - (c) proposed signage to direct occupants and visitors to their designated spaces;
 - (d) the collection of waste and garbage (including the separate collection of organic waste and recyclables); and
 - (e) the loading and unloading of goods and materials for the commercial uses.

When approved, the car park management plan will be endorsed and form part of this permit.

6. The Owner must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority prior to the sale of any dwelling in the development. The cost of preparing and lodging this agreement, including any Land Titles Office registration fees shall be borne by the applicant. The agreement must provide for the following:
 - (a) no owner or occupier of the development shall make application for resident priority parking with the relevant authority in respect of their respective lot or dwelling within the development.
7. All delivery and collection of goods associated with the business must be conducted between 8am and 6pm Monday to Saturday.
8. No fewer than 252 car spaces must be provided on the land for the use and development.
9. The car parking area must be used for no other purpose and must be line-marked and maintained at all times to the satisfaction of the Responsible Authority.
10. Any existing vehicular crossing made redundant by the building and works depicted on the endorsed plans must be broken out and re-instated and any new vehicular crossings must be constructed to Council's standard vehicular specification to the satisfaction of the Responsible Authority and must all be carried out at the permit holder's expense.

Restaurant Conditions

11. Prior to the commencement of the use, a Patron Management Plan (Noise and Amenity Action Plan) must be submitted to and approved by the Responsible Authority. The Plan must be in accordance with the guidance set out in the City of Yarra's draft Licensed Premises Policy. When approved, the Plan will be endorsed and form part of this permit.
12. The restaurant use must accord with the endorsed Patron Management Plan. Any alterations must be approved by the Responsible Authority.
13. The restaurant use hereby permitted must only be open for that purpose between the hours of 7.00am and 11.00pm Monday to Sunday and from 12.00noon to 11.00pm on Good Friday and Anzac Day and any other Public Holiday.
14. No more than 75 patrons are to be permitted on the restaurant premises at any one time (inclusive of external seating provided in the plaza).
15. The 15 external seats must be provided adjacent to the restaurant within the central courtyard of the development and at all times during the hours of operation of the restaurant, access to this seating area must be made available to the general public.
16. No live music or amplified music other than background music is permitted in the restaurant without the grant of a further permit by the Responsible Authority and no music is to be broadcast to the external seating area.
17. No emptying of bottles into garbage bins is permitted after 10pm on any night, or before 7am on any day. No bottles or other waste materials shall be removed from the site between the hours of 9.00pm on any day and 8.00am the following morning.
18. The area set aside for refuse storage as shown on the endorsed plans must be paved, screened and constructed to the satisfaction of the Responsible Authority.
19. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
20. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises, a person over the age of 18 years, responsible for the good conduct of the premises ('The Manager'). The Manager must at all times be authorised by the occupier of the premises to make statements on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the activity hereby authorised.
21. All persons engaged in the serving of liquor must undertake a responsible service of alcohol course provided by or approved by the Liquor Licensing Commission within three months of being engaged by the operator.

Amenity

22. Any noise emitted from the subject premises shall:
- (a) at all times comply with any limits, standards or rules prescribed thereto or imposed by, in or under State Environment Policy made pursuant to the Environment Protection Act 1970, and in particular the State Environment Protection Policy (Control of Noise from Commerce, Industry or Trade) No. N-1; and
 - (b) at all times be such as to comply with any noise control notice served on the occupier of the subject premises pursuant to Section 47 of the Environment Protection Act.
23. Alarms must be directly connected to a security service and must not produce noise beyond the premises.
24. The amenity of the area must not be detrimentally affected by the use or development, 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.
25. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on nearby land.
Refuse
26. Rubbish, including bottles and packaging material, shall at all times be stored within the designated binstore and screened from external view.
27. All waste collection for commercial and residential uses on site to be undertaken by private contractors.

Noise Attenuation

28. Before the commencement of construction or carrying out of works associated with the residential component of the development, the owner of the subject site must provide to the satisfaction of the responsible authority a report from an appropriately qualified and experienced acoustic engineer specifying any measures required to provide noise attenuation from the nearby industrial/commercial properties to protect the amenity of the future residents of the dwellings. The owner must carry out any works that are specified in the report.

Environmental Conditions

29. Before building or works are constructed or carried out in association with the development hereby approved, either:
- (a) a Certificate of Environmental Audit or a statement indicating the land is suitable for a sensitive use must be issued for the land in accordance with Section 57AA(5)(b) of the *Environment Protection Act* 1970; or

- (b) an environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Section 57AA(5)(b) of the Act that the environmental conditions of the land are suitable for the proposed sensitive use.
30. Prior to the occupation of any dwelling a letter must be submitted to the Responsible Authority by an Environmental Auditor accredited with the EPA, to advise that all construction and remediation works necessary and required by an environmental audit or statement have been carried out.
31. Any soil removal from the site during the construction phase should comply with EPA requirements for off-site disposal for potentially contaminated soil (ie. EPA Publication No. 626, October 1998).

Melbourne Water Conditions

32. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
33. The carpark entry/exit route must incorporate a continuous, flood proof apex that is at least 600mm A.H.D above the 100-year flood level.
34. Prior to commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's condition 33.
35. The finished ground floor must be a minimum of 600mm above the applicable flood level.
36. Any vehicular and/or pedestrian access must be design and constructed to comply with the following safety criteria associated with the applicable flood level. (A) Depth of flow does not exceed 0.35m; (B) Velocity of flow does not exceed 1.5m/s; (C) The Depth x Velocity product does not exceed 0.35 sq.m/s.
37. Stormwater drainage of the property must be provided to the nearest Council pit of adequate depth and capacity to the satisfaction of Council.
38. Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and metres. No private pits or metres on Council property will be accepted.

Construction Management

39. During the construction phase of the development, the following conditions shall be met:
- (a) only clean rainwater shall be discharged to the stormwater drainage system;
 - (b) stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - (c) vehicle borne material from the premises shall not accumulate on the roads abutting the site;
 - (d) all machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;

- (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - (f) all site operations shall comply with the Environmental Protection (Residential Noise) Regulations 1997.
40. Before the commencement of the development, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must indicate that the following matters will be addressed:
- (a) a pre-conditions survey of all Council roads;
 - (b) construction team details;
 - (c) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside of the site;
 - (d) noise – general nuisance;
 - (e) operational matters;
 - (f) construction and traffic and carparking;
 - (g) security;
 - (h) waste and stormwater treatment;
 - (i) dust;
 - (j) construction program;
 - (k) delivery and unloading points and expected frequency;
 - (l) regular newsletters;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced and who is available 24 hours per day; and
 - (o) details of any contaminated soil or other material on the site and methods proposed to deal with contaminated material, including steps proposed to protect construction workers and adjoining residents.
41. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7am - 6pm, Monday-Friday (excluding public holidays) and 9am - 3pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Time Limits

42. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

NOTE: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

NOTE: A building permit must be obtained before development is commenced.

NOTE In accordance with Council policy, a 5% public open space contribution will apply in the event of the subdivision of the land.

NOTE: These premises are required to comply with the *Food Act* 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: These premises will be required to comply with the *Health Act* 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

Melbourne Water Notes

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Ingrid Twining on telephone 9235 2193, quoting Melbourne Water's reference 86401.

The applicable flood level for the property is 3.8 to Australian Height Datum (AHD).

Advice to Council / Applicant.

The Best Practice Environmental Management Guidelines for Urban Stormwater (The Stormwater Committee, 1999) may be used as a guide when developing site controls to minimise sediment laden runoff and stormwater pollution during construction. Section 6.3, titled Construction Activity, of these guidelines provides a useful checklist to develop a site management plan.

Submissions:

Mr Philip Borelli addressed the Committee on behalf of the applicant.

The following people also addressed the Committee:

*Mr Gerry Ayres;
Ms Pamela Chambers;
Mr Ian Quick; and
Ms Maikka Trupp.*

Councillor Morton and Councillor Meadows also addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Corby **Seconded:** Councillor Fristacky

That having considered all objections and relevant planning documents, the Committee advise VCAT that had it been in a position to determine the application, that it would refuse the application on the grounds that:

1. The proposal fails to respond sufficiently to the CDZ - Schedule 2 purposes.
2. The scale and bulk of the proposed development is unacceptable in its locational and strategic context.
3. The proposal does not adequately respond to the predominant surrounding built form along Cremorne, Balmain, Dover and Bent Streets and their environs.
4. The proposed development would result in a poor level of amenity for future occupiers.
5. The location is not one which can properly support the extent of higher density residential development as proposed.
6. The proposed development would provide inadequate parking provision on site and would result in an unacceptable increase in traffic within the local road network, both to the detriment of local amenity.
7. The proposed development would result in the loss of views from the public domain towards the local landmark, Nylex Skysign.
8. The proposed development is an overdevelopment of the site.
9. The proposal is contrary to the orderly and proper planning of the Cremorne area.

CARRIED

4. Rear 39B Park Crescent, Fairfield – Planning Permit Application No. 02/0711 (Alterations to existing dwelling including an extension of the carport).

RECOMMENDATION

That having considered all objections and relevant planning documents, resolve to issue a Notice of Decision to Grant a Planning Permit for alterations to extend an existing carport at rear 39B Park Crescent, Fairfield, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) altered treatment of carport to match dwelling and provide a void above fence height in accordance with amended plans received on 22 January 2003.
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Stormwater drainage must be provided to the nearest Council pit of adequate depth and capacity to the satisfaction of the Responsible Authority.
4. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7am - 6pm, Monday-Friday (excluding public holidays) and 9am - 5pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
5. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within four years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

NOTE: A building permit must be obtained before development is commenced.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Corby **Seconded:** Councillor Fristacky

That the Recommendation be adopted.

CARRIED

The meeting closed at 8.01pm.

Confirmed this 16th day of April 2003

Chairperson