



## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE MEETING**

# **MINUTES**

**held on Wednesday 16 April 2003 at 6.00pm  
at the Richmond Town Hall Meeting Room 3**

**I. ATTENDANCE**

Councillor Jackie Fristacky  
Councillor Jenny Farrar

**II. APOLOGIES**

Councillor Sue Corby

**III. DECLARATIONS OF PECUNIARY INTEREST**

Nil

**IV. CONFIRMATION OF MINUTES**

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION:**

**Moved:** Councillor Fristacky                      **Seconded:** Councillor Farrar

That the minutes of the meeting of IDAC held on 2 April 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 Fristacky nominated Councillor Farrar as Chairperson.

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

Councillor Farrar assumed the Chair.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE MEETING**

| <b>ITEM</b> |                                                                                                                                                                                                                                                                                           | <b>PAGE</b> |
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| 1.          | 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)). | 5           |
| 2.          | 60 Alexandra Parade, Clifton Hill - Planning Permit Application No. PL02/0721 (Partial demolition and alterations and additions including ground and first floor additions to the existing dwelling).                                                                                     | 14          |
| 3.          | 40 – 48 Dover Street, Cremorne - Planning Permit Application No. PL01/1133 (Construction of a three storey building for use as offices and showrooms including a reduction in the standard car parking requirement).                                                                      | 16          |

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- 1. 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: 7 am - 6 pm, Monday-Friday (excluding public holidays) and 9 am - 3 pm, 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;*

*Mr Chris Goodman; and*

*Mr Vince Sheekitch.*

## ADJOURNMENT

The Chair called an adjournment with the agreement of the Committee at 6.36pm.

The Meeting reconvened at 6.45pm.

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Farrar

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) provision of on site bicycle storage for at least 14 bicycles for residential and visitor parking within the ground floor of the proposed development, to the satisfaction of the Responsible Authority;
  - (e) 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.

- (f) 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; and
- (g) additional insulation/acoustic treatment and consideration of double glazing to be provided to the rear of the units (particularly the southern-most units) to reduce noise impact to less than 45 decibels to the satisfaction of the Responsible Authority.

#### Endorsed Plans

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

#### Section 173 Agreement

- 3. 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.

#### Car Parking

- 4. No fewer than 15 car spaces must be line marked within the ground floor car park unless by further written consent of the Responsible Authority.

#### Vehicle Crossings

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

#### Outdoor Lighting

- 6. 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

- 7. 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

8. 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.

9. 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

10. 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

11. 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

12. 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

13. 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.
14. 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

15. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am - 6 pm, Monday-Friday (excluding public holidays) and 9 am - 3 pm, 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

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: 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.

**CARRIED**

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**2. 60 Alexandra Parade, Clifton Hill - Planning Permit Application No. PL02/0721 (Partial demolition and alterations and additions including ground and first floor additions to the existing dwelling).**

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**RECOMMENDATION**

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the partial demolition and alterations and additions to the existing dwelling, at 60 Alexandra Parade, Clifton Hill, 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 be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received on 17 February 2003 showing the following:
  - (a) the proposed first floor addition must have a street frontage setback of 14.02 metres;
  - (b) the studio to the rear of the site must incorporate new highlight windows with sill heights of 1700mm above the finished floor level and a new corner window facing the right of way to the south-east;
  - (c) the rear windows from the studio facing the right of way to the north of the subject site must have fixed, obscure glazing;

and further modified to show;

- (d) 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 must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated 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: 7 am - 6 pm, Monday-Friday (excluding public holidays) and 9 am - 3 pm, 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: The 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, solar panels and any other heating/cooling 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: 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: Storm water drainage of the property must be provided to the nearest Council pit.

Submissions:

*Mr Paul Pianezze addressed the Committee, on behalf of the Applicant.*

*The following people also addressed the Committee:*

*Mr David Boag;  
Mr Chris Goodman;  
Ms Melissa Kostadinova;  
Mr Zlatko Rissteko; and  
Ms Elaine Couser.*

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Fristacky                      **Seconded:** Councillor Farrar

That the Recommendation be adopted.

**CARRIED**

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**3. 40 – 48 Dover Street, Cremorne - Planning Permit Application No. PL01/1133 (Construction of a three-storey building for use as offices and showrooms including a reduction in the standard car parking requirement).**

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### **RECOMMENDATION**

That having considered all objections and relevant planning documents, the Council issues a Notice of Decision to Grant a Planning Permit for the construction of a three storey building for use as offices and showrooms (restricted retail premises) including a reduction in the standard car parking requirement at 40 – 48 Dover Street, Cremorne, 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 plans received 5 December 2002 showing the following:
  - (a) unit 3 to be setback 2.4m from the northern boundary of the site for a distance of approximately 7.7m from the Dover Street frontage; and
  - (b) the development be reduced to two storey over the northern stairwell on the Dover Street frontage;

and further modified to show:

- (c) the window to the northern stairwell fronting Dover Street to be obscure glazed to a height of 1.8m from the floor level of the landings;
- (d) balconies to Unit 3 to be screened along their north edge to a height of 1.8m above the floor level of each balcony;
- (e) the gap between the front wall of the development at 38 Dover Street to be clad with a dark metal insert or similar appropriate cladding;
- (f) a new 1.8m high timber fence to be provided between the development and 38 Dover Street;
- (g) the rear section of the north boundary wall adjacent to the open space of the property to the north to have steel mesh/wires or similar attached to the wall to promote the growth of climbing plants;
- (h) refuse and recycling storage areas;
- (i) details of the location of all services (air conditioning units, hot water units etc.);
- (j) one additional parking space to be provided for unit 4;
- (k) the length of all parking bays to be at least 5.5m for single spaces and 10.3m for tandem spaces;
- (l) width of vehicle crossover to Dover Street for unit 3 reduced by approximately 1.0m to accord with the width of the vehicle opening;
- (m) the provision of secure permanent storage for a minimum of 2 bicycles for each tenancy;

- (n) 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;
- (o) the area provided by the setback adjacent to the north boundary of the site to be landscaped;
- (p) 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) details of climbing plants to be provided for the steel mesh north boundary wall of the development;
  - (iv) provide a specification of works to be undertaken prior to planting;
  - (v) details of the lighting of the site; and
  - (vi) details of site permeability and ensure that hard landscaped areas are so designed and use materials designed to maximise permeability.
- (q) a schedule of all external materials and finishes to 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.

All to the satisfaction of the Responsible Authority.

2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Landscaping must be carried out in accordance with the endorsed Landscaping Plan and maintained to the satisfaction of the Responsible Authority.
4. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
5. All boundary wall must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Any noise emitted from the subject premises must:
  - (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 comply with any noise control notice served on the occupier of the subject premises pursuant to Section 47 of the Environment Protection Act;
7. Alarms must be directly connected to a security service and must not produce noise beyond the premises.

8. 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.
9. All delivery and collection of goods associated with the business must be conducted between 8am and 6pm. Monday to Saturday.
10. No fewer than 21 car spaces must be provided on the land for the use and development.
11. 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.
12. Any existing vehicular crossing made redundant by the building and works depicted on the endorsed plans must be broken out and reinstated and any new vehicular crossings must be constructed to Council's standard vehicular specification. Both the reinstatement of redundant vehicle crossovers and the provision of new crossovers must be to the specifications and to the satisfaction of the Responsible Authority and must all be carried out at the permit holder's expense.
13. Rubbish, including bottles and packaging material, shall at all times be stored within the designated binstore and screened from external view.
14. All waste collection for the uses on site to be undertaken by private contractors.
15. Stormwater drainage of the property must be provided to the nearest Council pit of adequate depth and capacity to the satisfaction of Council.
16. 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.
17. 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.
18. 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).
19. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am - 6 pm, Monday-Friday (excluding public holidays) and 9 am - 3 pm, 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.
20. 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.

Submissions:

*The following people addressed the Committee on behalf of the Applicant:*

*Mr Gus Cooper;  
Mr Michael Gannon; and  
Mr Renato Maccarne.*

*The following people also addressed the Committee:*

*Mr Ben Fermage;  
Ms Jane Brockington; and  
Ms Dorota Siarkiewicz.*

*Councillor Kay Meadows and Councillor Judy Morton arrived for this Item at 7.25pm.*

**ADJOURNMENT**

The Chair called an adjournment with the agreement of the Committee at 7.52pm.

The Meeting reconvened at 8.05pm.

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Farrar

That having considered all objections and relevant planning documents, the Council issues a Notice of Decision to Grant a Planning Permit for the construction of a three storey building for use as offices and showrooms (restricted retail premises) including a reduction in the standard car parking requirement at 40 – 48 Dover Street, Cremorne, 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 plans received 5 December 2002 showing the following:
  - (a) unit 3 to be setback 2.4m from the northern boundary of the site for a distance of approximately 7.7m from the Dover Street frontage; and
  - (b) the development be reduced to two storey over the northern stairwell on the Dover Street frontage;

and further modified to show:

- (c) the window to the northern stairwell fronting Dover Street to be obscure glazed to a height of 1.8m from the floor level of the landings;
- (d) balconies to Unit 3 to be screened along their north edge to a height of 1.8m above the floor level of each balcony;
- (e) the gap between the front wall of the development at 38 Dover Street to be clad with a dark metal insert or similar appropriate cladding;
- (f) a new 1.8m high timber fence to be provided between the development and 38 Dover Street;
- (g) the rear section of the north boundary wall adjacent to the open space of the property to the north to have steel mesh/wires or similar attached to the wall to promote the growth of climbing plants;
- (h) refuse and recycling storage areas;
- (i) details of the location of all services to be contained within the development (air conditioning units, hot water units etc.);
- (j) two additional parking spaces to be provided for unit 4;
- (k) the length of all parking bays to be at least 5.5m for single spaces and 10.3m for tandem spaces;
- (l) width of vehicle crossover to Dover Street for unit 3 reduced by approximately 1.0m to accord with the width of the vehicle opening;
- (m) the provision of secure permanent storage for a minimum of 2 bicycles for each tenancy;
- (n) 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;
- (o) the area provided by the setback adjacent to the north boundary of the site to be landscaped;

- (p) 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) details of climbing plants to be provided for the steel mesh north boundary wall of the development;
  - (iv) provide a specification of works to be undertaken prior to planting;
  - (v) details of the lighting of the site; and
  - (vi) details of site permeability and ensure that hard landscaped areas are so designed and use materials designed to maximise permeability.
- (q) a schedule of all external materials and finishes to 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.

All to the satisfaction of the Responsible Authority.

2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Landscaping must be carried out in accordance with the endorsed Landscaping Plan and maintained to the satisfaction of the Responsible Authority.
4. Any damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
5. All boundary wall must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Any noise emitted from the subject premises must:
  - (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 comply with any noise control notice served on the occupier of the subject premises pursuant to Section 47 of the Environment Protection Act;
7. Alarms must be directly connected to a security service and must not produce noise beyond the premises.
8. 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.
9. All delivery and collection of goods associated with the business must be conducted between 8am and 6pm. Monday to Saturday.
  10. No fewer than 22 car spaces must be provided on the land for the use and development.
  11. 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.
  12. 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. Both the reinstatement of redundant vehicle crossovers and the provision of new crossovers must be to the specifications and to the satisfaction of the Responsible Authority and must all be carried out at the permit holder's expense.
  13. Rubbish, including bottles and packaging material, shall at all times be stored within the designated binstore and screened from external view.
  14. All waste collection for the uses on site to be undertaken by private contractors.
  15. Stormwater drainage of the property must be provided to the nearest Council pit of adequate depth and capacity to the satisfaction of Council.
  16. 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.
  17. 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) 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;

- (f) all site operations shall comply with the Environmental Protection (Residential Noise) Regulations 1997; and
  - (g) access and egress for construction vehicles, and parking of same.
18. 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).
  19. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am - 6 pm, Monday-Friday (excluding public holidays) and 9 am - 3 pm, 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.
  20. 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.
  21. 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 property 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 any priority parking with the relevant authority in respect of their respective lot or dwelling within the development.

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.

**CARRIED**

(The Committee wished to record the agreement between (a) the applicants; and (b) Mr Ben Fermage and Ms Jane Brockington, 38 Dover street, to avert any negative stormwater impact upon 38 Dover Street, as a result of the development proceeding.)

The meeting closed at 8.11pm.

**Confirmed this 30th day of April 2003**

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**Chairperson**