



**YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE
MINUTES**

**held on Wednesday 28 January 2015 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Roberto Colanzi
Councillor Amanda Stone
Councillor Phillip Vlahogiannis

Matt Cohen (Coordinator Statutory Planning)
Patrick Sutton (Senior Statutory Planner)
Margaret Elvey (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

III. DECLARATIONS OF CONFLICT OF INTEREST (councillors and staff)

Nil

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

Moved: Councillor Stone **Seconded:** Councillor Vlahogiannis

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 17 December 2014 be confirmed.

CARRIED

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***"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.***

***Further to this, Council acknowledges
there are other Aboriginal and Torres
Strait Islander people who have lived,
worked and contributed to the cultural
heritage of Yarra."***



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch
2008**

Councillor Vlahogiannis nominated Councillor Colanzi as Chairperson.

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

Councillor Colanzi assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	24-28 Stanley Street, Collingwood - Planning Permit Application No. PLN14/0535 (Construction of a six storey building containing dwellings and use for two shops with a partial reduction of the car parking requirement and a waiver of the loading bay requirement)	6	12
1.2	Planning Application No. PLN11/0824.02 - 9 St Heliers Street Abbotsford - Section 72 Amendment to Planning Permit PLN11/0824 for the sale and consumption of alcohol in association with the use of the land as an outdoor cinema and as a Place of Assembly	20	23
1.3	Supplementary Report - 261 - 265 Fitzroy Street, Fitzroy - Planning Permit Application No. PLN13/0150	24	25
1.4	Heritage Victoria Referral (No. HO470) - 45 Brunswick Street, Fitzroy. Repairs and restoration of the rear balcony and front façade (including the removal of a non-original enclosure to the ground floor front verandah) to an existing guest house	26	26

1.1 24-28 Stanley Street, Collingwood - Planning Permit Application No. PLN14/0535 (Construction of a six storey building containing dwellings and use for two shops with a partial reduction of the car parking requirement and a waiver of the loading bay requirement)

Trim Record Number: D15/5764

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to advise the VCAT that had it been in a position to, it would have issued a Notice of Decision to Grant a planning permit PLN14/0535 for the construction of a six storey building containing dwellings and use for two shops with a partial reduction of the car parking requirement and a waiver of the loading bay requirement at 24-28 Stanley Street Collingwood, subject to the following conditions:

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

Height

- (a) Deletion of level 5, reducing the overall height of the building a minimum of 3.1 metres.

Setback to the North

- (b) Increase the setback of the upper levels (four and above) a minimum of 4.5 metres from the northern (rear) boundary, with balconies setback a minimum of 3.5m.

Setback to the East

- (c) Deletion of dwellings 2.06 and 3.06 setting back the building a minimum of 3.5m from the eastern boundary.
- (d) Increase the eastern setback to dwellings 1.04, 1.05, 2.04, 2.05, 3.04 and 3.05 a minimum of 3.5m with no balconies protruding into the setback and subsequent internal rearrangements.
- (e) Increase the setback of dwellings 4.03 and 6.02 to a minimum of 4.5 metres from the eastern boundary and subsequent internal rearrangements.

Setback to the West:

- (f) Increase the light court on the western boundary to match the light court on the western adjoining property (15.5m in length by 3.5m in width) from levels 1-4; requiring the deletion of the second bedroom to dwellings 1.01, 1.09, 2.01, 2.09, 3.01, 3.09, 4.01 and 4.05.
- (g) Deletion of the western terraces to dwellings 6.01 and 6.04, maintaining a minimum setback of 3.5m.

Windows and Balconies:

- (h) Provision of a highlight window to dwellings 2.07 and 3.07 to allow for ventilation and daylight.
- (i) All balconies a minimum of 8m² with a width of no less than 1.5m.

- (j) Provision of alternative screening devices to windows and balconies within a 9m radius of habitable room windows and private open space on neighbouring properties, removing the reliance upon planting.
- (k) Screening of the rear facing balconies of dwellings 1.06, 1.07, 1.08, 2.07, 2.08, 2.09, 3.01, 3.08 and 3.09 to avoid views to habitable room windows or private open space within a 9m radius.
- (l) Natural ventilation to corridors.

Design Detail:

- (m) Provision of a convex mirror at the exit of the car lift.
 - (n) The western edge of the existing vehicle crossover made perpendicular to the building line.
 - (o) Provision of one storage cage per dwelling clearly marked on the plans with a minimum area of 3m³ per dwelling.
 - (p) A detailed plan of the pedestrian entry detailing weather protection, lighting, security and the location of services including the intercom. The entry to either includes a recess into the building from Stanley Street or a canopy if access is restricted to the footpath.
 - (q) A schedule of all materials and finishes including colour samples.
 - (r) The internal corridor wall of the dwellings utilising borrowed light to be a partially glazed sliding door.
 - (s) The provision of additional sun shading to the level 4 and 6, east and west-facing glazing.
 - (t) Air-conditioners must be concealed from the street.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

ESD

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by SBE and dated 19 June 2014, but modified to include or show:
- (a) The application must meet the BCA/NCC minimum requirements with an average energy efficiency rating of six stars plus 10% improvement on these standards.
 - (b) Provision of additional sun shading to the level 4, 5 and 6 east and west-facing glazing.
 - (c) The proposal must use low VOC products, sustainable materials and timber and low embodied energy products.
 - (d) The provision of showers and lockers available to staff of the shops.
 - (e) The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustics

4. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must

be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:

- (a) noise impact resulting from the proposed use and development to the surrounding properties;
- (b) noise impacts from the surrounding non-residential uses (vehicles, commercial premises and live-music entertainment venues) to the proposed use and development;
- (c) the acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority;
- (d) the provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority; and
- (e) the provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

5. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the decision plans prepared by Warner and Mahoney dated 10 June 2014 but modified to include (or show):
 - (a) further details regarding the planter boxes and the roof terrace;
 - (b) information regarding the species proposed; and
 - (c) a schedule for maintenance.
6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plantsto the satisfaction of the Responsible Authority.
7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park and pedestrian entries must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensityto the satisfaction of the Responsible Authority.

8. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Building/Engineering

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
10. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
11. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
12. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces to the satisfaction of the Responsible Authority.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossings must be constructed: in accordance with any requirements or conditions imposed by Council; at the permit holder's cost; and to the satisfaction of the Responsible Authority.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

18. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
19. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and
 - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;

- (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer; and
 - (v) Other relevant considerations.
20. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (d) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Shop Use

21. Except with the prior written consent of the Responsible Authority, the retail use authorised by this permit may only operate between the following hours of 8.00am to 8.00pm (Monday to Sunday).
22. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
23. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-2).
24. Speakers external to the building must not be erected or used.
25. The collection of waste from the shops must be by private collection, unless with the prior written consent of the Responsible Authority.

Expiry

26. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the use of the land as a shop has not commenced within two years of the date of this permit.

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

Notes:

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

All future residents, visitors, business owners and employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

Submissions

The applicant, Mr Simon Gilbertson addressed the Committee regarding this matter.

The following people also addressed the Committee regarding this matter.

*Mr Mark Walden;
Mr Jordan Capp;
Mr David Schwartz; and
Mr David Taylor.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Colanzi

That having considered all relevant planning policies, the Committee resolves to advise the VCAT that had it been in a position to, it would have issued a Notice of Decision to Grant a planning permit PLN14/0535 for the construction of a six storey building containing dwellings and use for two shops with a partial reduction of the car parking requirement and a waiver of the loading bay requirement at 24-28 Stanley Street Collingwood, subject to the following conditions:

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Height

- (a) Deletion of level 5, reducing the overall height of the building a minimum of 3.1 metres.

Setback to the North

- (b) Increase the setback of the upper levels (four and above) a minimum of 4.5 metres from the northern (rear) boundary, with balconies setback a minimum of 3.5m.

Setback to the East

- (c) Deletion of dwellings 2.06 and 3.06 setting back the building a minimum of 3.5m from the eastern boundary.
- (d) Increase the eastern setback to dwellings 1.04, 1.05, 2.04, 2.05, 3.04 and 3.05 a minimum of 3.5m with no balconies protruding into the setback and subsequent internal rearrangements.
- (e) Increase the setback of dwellings 4.03 and 6.02 to a minimum of 4.5 metres from the eastern boundary and subsequent internal rearrangements.

Setback to the West:

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- (g) Deletion of the western terraces to dwellings 6.01 and 6.04, maintaining a minimum setback of 3.5m.

Windows and Balconies:

- (h) Provision of a highlight window to dwellings 2.07 and 3.07 to allow for ventilation and daylight.
- (i) All balconies a minimum of 8m² with a width of no less than 1.5m.
- (j) Provision of alternative screening devices to windows and balconies within a 9m radius of habitable room windows and private open space on neighbouring properties, removing the reliance upon planting.
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- (l) Natural ventilation to corridors.

Design Detail:

- (m) Provision of a convex mirror at the exit of the car lift.
- (n) The western edge of the existing vehicle crossover made perpendicular to the building line.
- (o) Provision of one storage cage per dwelling clearly marked on the plans with a minimum area of 3m³ per dwelling.
- (p) A detailed plan of the pedestrian entry detailing weather protection, lighting, security and the location of services including the intercom. The entry to either includes a recess into the building from Stanley Street or a canopy if access is restricted to the footpath.
- (q) A schedule of all materials and finishes including colour samples.
- (r) The internal corridor wall of the dwellings utilising borrowed light to be a partially glazed sliding door.
- (s) The provision of additional sun shading to the level 4 and 6, east and west-facing glazing.
- (t) Air-conditioners must be concealed from the street.
- (u) The provision of direct access to light and ventilation for all bedrooms, deleting any reliance upon borrowed light or air.

- (v) The provision of 4 on-site visitor car parking spaces.
- (w) Apartments 104 and 602 be correctly labelled.
- (x) Details of layout and amenities of the rooftop garden to the satisfaction of the Responsible Authority.

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

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 - (c) the proposal must use low VOC products, sustainable materials and timber and low embodied energy products;
 - (d) the provision of showers and lockers available to staff of the shops; and
 - (e) the provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensityto the satisfaction of the Responsible Authority.
8. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Building/Engineering

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
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 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
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16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
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 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

- (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
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 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads; and
 - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer; and
 - (v) other relevant considerations.
20. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Shop Use

21. Except with the prior written consent of the Responsible Authority, the retail use authorised by this permit may only operate between the following hours of 8.00am to 8.00pm (Monday

to Sunday).

22. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin
- to the satisfaction of the Responsible Authority.
23. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-2).
24. Speakers external to the building must not be erected or used.
25. The collection of waste from the shops must be by private collection, unless with the prior written consent of the Responsible Authority.

Expiry

26. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
 - (c) the use of the land as a shop has not commenced within two years of the date of this permit.

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

Notes:

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

All future residents, visitors, business owners and employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

CARRIED

Call for a division

For: Councillors Colanzi and Stone

Against: Councillor Vlahogiannis

CARRIED

1.2 Planning Application No. PLN11/0824.02 - 9 St Heliers Street Abbotsford - Section 72 Amendment to Planning Permit PLN11/0824 for the sale and consumption of alcohol in association with the use of the land as an outdoor cinema and as a Place of Assembly

Trim Record Number: D15/3140

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit No. PLN11/0824 for the sale and consumption of liquor (in association with the use of part of the land as an outdoor cinema and Place of Assembly – no permit required for use), at 9 St. Heliers Street Abbotsford, generally in accordance with the plans dated 18 June, 2014, and subject to the following permit changes (new or amended conditions are in bold for ease of reference):

New Permit Preamble

Sale and consumption of alcohol in association with the use of part of the land as an outdoor cinema and Place of Assembly (no permit required for uses)

New and Amended Permit Conditions

1. Before the use and 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 advertised plans received by Council on 18 June, 2014, but modified to show:
 - (a) **The erection of a sign at the entry / exit to the premises, notifying patrons of the residential neighbourhood and that patrons are to leave the premises in a quiet and respectful manner;**
 - (b) **Before the use continues an amended Noise and Amenity Action Plan [NAAP] must be submitted to and approved by the Responsible Authority. When approved, the NAAP (Part 1: Open air cinema; Part 2: Indoor performance space; Part 3: Open air performance space) will be endorsed and will then form part of the permit. The three part NAAP must be generally in accordance with the advertised NAAP (received by Council on 18 June 2014), but modified as follows:**
 - (i) **Section 3: Patrons – Existing the venue: to include reference to the installation of a sign, located at the premises exit, notifying patrons that they are in a residential neighbourhood and are to leave the venue in a quiet and respectful manner;**
 - (ii) **Section 3: Patrons – Existing the venue: patrons to be directed by staff to use the new pedestrian footpath (to be completed February 2015) through the convent car park to Johnston Street (as opposed to St. Heliers and Clarke Street).**
2. The layout of the licensed area on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. **No more than 300 patrons are permitted within the premises during the licensed hours.**

4. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:**
 - (a) **Monday to Sunday - Between 12 noon to 11pm; and**
 - (b) **Seven days a week, all year round.**
5. **The licensed premises must be managed in accordance with the endorsed three part Noise and Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority.**
6. **In regards to the playing of music and sound-track:**
 - (a) **no amplified music to be played:**
 - (i) **after 11pm within the outdoor courtyard (performance space) on any day (and controlled by a sound limiter to meet SEPP N-2); and**
 - (ii) **after 11pm within the building (former Old Industrial School) on any day;**
 - (b) **no amplified soundtrack within the outdoor cinema after 11pm on any day; and**
 - (c) **no live or acoustic music to be played in the outdoor courtyard after 8pm on any day and after 11pm within building (former Old Industrial School) on any day;**
7. **Noise emissions must comply with State Environment Protection Policy (SEPP N-2) and all music played within the premises must not exceed 65 dBA at the boundary of the site.**
8. **Prior to the commencement of the sale and consumption of alcohol in association with the use of the land as a Place of Assembly, a Noise Limiter must be installed on the land (for both the courtyard and the former Old Industrial School building). The Noise Limiter must:**
 - (a) **be set at a level specified by a qualified acoustic engineer;**
 - (b) **ensure the emission of noise from amplified / recorded music / soundtrack does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and**
 - (c) **be maintained and operated at all times****to the satisfaction of the Responsible Authority.**
9. **Within three months of the amended permit issue, an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to the satisfaction of the Responsible Authority demonstrating that the required level of noise attenuation has been achieved in accordance with conditions 7 and 8 of the permit, or if not, what works must be undertaken to achieve the required levels of noise attenuation.**
10. **Commencing 30 minutes prior to the commencement of a function and 30 minutes after closure of a function, crowd controllers, licensed under the Private Security Act, are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises.**
11. **No emptying of bottles into garbage bins is permitted after 10pm on any night, or before 7am on any day.**

12. 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.
13. 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 above the age of 18 years, responsible for the good conduct of the premises ("the Manager").
14. The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the use hereby authorised.
15. This permit will expire if the sale and consumption of liquor is not commenced within two years from the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

NOTE: This site is subject to a Heritage Overlay. A planning permit is required for any demolition, re-painting, sandblasting, exterior works, subdivision or consolidation.

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5351 to confirm.

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.

The Coordinator Statutory Planning tabled an apology from Ms Sharon D'Rozario, CEO, Good Shepherd Aged Services.

Submissions

The applicant, Mr Jay Renner addressed the Committee regarding this matter.

The following people also addressed the Committee regarding this matter.

*Ms Susan Bannerman;
Ms Ruth Learner;
Mr Matthew Ainio; and
Ms Therese O'Brien.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Colanzi

That having considered all relevant planning policies, the Committee resolves to refuse the Amended Permit No. PLN11/0824 for the sale and consumption of liquor (in association with the use of part of the land as an outdoor cinema and Place of Assembly – no permit required for use), at 9 St. Heliers Street Abbotsford, on the following grounds:

1. The proposal will have an adverse amenity impact on nearby residents in Abbotsford with regards to noise and all year round alcohol, consumption, and does not comply with Clause 22.09-3.4 (Noise) and Clause 22.09-3.2 (hours of operation) of the Yarra Planning Scheme.
2. The proposal will have an adverse amenity impact on nearby residents in Abbotsford with regards to noise and all year-round-alcohol consumption and does not comply with Clause 52.27 (Licences Premises) of the Yarra Planning Scheme.

CARRIED

1.3 Supplementary Report - 261 - 265 Fitzroy Street, Fitzroy - Planning Permit Application No. PLN13/0150

Trim Record Number: D15/2968

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

1. That Council advise the VCAT that:

(a) the proposal fails to meet the following Clause 54 standards:

- (i) *Clause 54.02-1 – Standard A1 Neighbourhood character;*
- (ii) *Clause 54.02-2 – Standard A2 Integration with the street;*
- (iii) *Clause 54.04-2 – Standard A11 Walls on boundaries;*
- (iv) *Clause 54.04-3 – Standard A12 Daylight to existing windows;*
- (v) *Clause 54.04-4 – Standard A13 North-facing windows;*
- (vi) *Clause 54.04-5 – Standard A14 Overshadowing;*
- (vii) *Clause 54.06-1 – Standard A19 Design detail; and*
- (viii) *Clause 54.06-2 – Standard A20 Front fences;*

(b) the above areas of non-compliance could be addressed by the following conditions:

- (i) delete the screen to the new part of the dwelling to Fitzroy Street;
- (ii) delete the void glass box element above the pedestrian entry;
- (iii) provide fenestration to the new infill development derivative of the proportions of fenestration associated with the existing building to the Fitzroy Street façade;
- (iv) setback the first floor for the length of the void, a minimum distance of 2.92m from the southern boundary; and
- (v) the provision of a front fence to the east (at the front of the infill development) in accordance with the requirements at Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Yarra Planning Scheme with a maximum height of 1.5 metres.

Submissions

The applicant, Mr Matthew Furness addressed the Committee regarding this matter.

The following people also addressed the Committee regarding this matter.

*Ms Sivy Orr; and
Mr Joseph Brondolino.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Vlahogiannis

1. That Council advise the VCAT that:

(a) it reaffirms its position of refusal of this application;

(b) the proposal fails to meet the following Clause 54 standards:

(i) *Clause 54.02-1 – Standard A1 Neighbourhood character;*

(ii) *Clause 54.02-2 – Standard A2 Integration with the street;*

(iii) *Clause 54.04-2 – Standard A11 Walls on boundaries;*

(iv) *Clause 54.04-3 – Standard A12 Daylight to existing windows;*

(v) *Clause 54.04-4 – Standard A13 North-facing windows;*

(vi) *Clause 54.04-5 – Standard A14 Overshadowing;*

(vii) *Clause 54.06-1 – Standard A19 Design detail; and*

(viii) *Clause 54.06-2 – Standard A20 Front fences;*

(c) the above areas of non-compliance could be addressed by the following conditions:

(i) delete the screen to the new part of the dwelling to Fitzroy Street;

(ii) delete the void glass box element above the pedestrian entry;

(iii) provide fenestration to the new infill development derivative of the proportions of fenestration associated with the existing building to the Fitzroy Street façade;

(iv) setback the first floor for the length of the void, a minimum distance of 2.92m from the southern boundary;

(v) delete the entire void above the lounge area; and

(vi) the provision of a front fence to the east (at the front of the infill development) in accordance with the requirements at Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Yarra Planning Scheme with a maximum height of 1.5 metres.

CARRIED

1.4 Heritage Victoria Referral (No. HO470) - 45 Brunswick Street, Fitzroy. Repairs and restoration of the rear balcony and front façade (including the removal of a non-original enclosure to the ground floor front verandah) to an existing guest house

Trim Record Number: D15/3873

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

1. While the City of Yarra does not object to the restoration of the building, the applicant should be required to provide further clarification on the proposed restoration works to ensure the building is repaired appropriately.
2. Concerns include that insufficient detail is provided on proposed window types, selected paint colours; and rear balcony balustrading is inappropriate to the period of the building. In addition, insufficient detail of repair and restoration work is provided and works described in the supporting written documentation are not shown on the development plans.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Vlahogiannis

That the recommendation be adopted.

CARRIED

The meeting closed at 9.18 pm.

Confirmed at the meeting held on Wednesday 11 February 2015

Chairperson