



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

**held on Wednesday 4 November 2015 at 6.30pm
in the Reading Room at the Fitzroy Town Hall**

I. ATTENDANCE

Councillor Roberto Colanzi
Councillor Amanda Stone
Councillor Phillip Vlahogiannis

Matt Cohen (Manager Statutory Planning)
John Theodosakis (Senior Statutory Planner)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

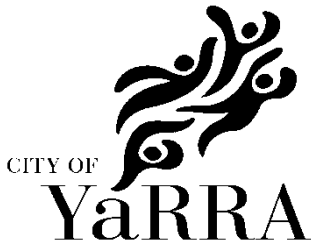
Moved: Councillor Vlahogiannis **Seconded:** Councillor Stone

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 28 October 2015 be confirmed.

CARRIED

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***"Welcome to the City of Yarra.
Yarra City Council acknowledges the
Wurundjeri as the Traditional Owners
of this country, pays tribute to all
Aboriginal and Torres Strait Islander
people in Yarra and gives respect to
the Elders past and present."***



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 Colanzi nominated Councillor Stone as Chair.

There being no other nominations, Councillor Stone was appointed Chair.

Councillor Stone assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	16-18 River Street, Richmond - PLN13/0483.01 - Section 72 Amendment to allow a change of use to part of the land for a food and drink premises (cafe), amendment to Condition 7 of the permit to increase the hours of coffee roasting, buildings and works and a reduction in the car parking requirement.	6	10
1.2	PLN15/0382 - 53 Butler Street, Richmond	15	18
1.3	597 Church Street, Richmond - Amendment to Planning Permit No. PL07/0390 to change the use of the land from a cafe to a restaurant, extend the liquor license area, increase patron numbers from 28 to 75, and associated reduction in car parking requirements.	19	21

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- 1.1 **16-18 River Street, Richmond - PLN13/0483.01 - Section 72 Amendment to allow a change of use to part of the land for a food and drink premises (cafe), amendment to Condition 7 of the permit to increase the hours of coffee roasting, buildings and works and a reduction in the car parking requirement.**
-

Trim Record Number: D15/131602
Responsible Officer: Principal Planner

RECOMMENDATION

That having considered all relevant planning policies and pursuant to Section 74 of the *Planning and Environment Act 1987*, the Committee resolves to issue a Notice of Decision to amend Planning Permit PLN13/0483 for use of the land as industry (coffee roasting), with an associated reduction in the car parking requirements, at 16-18 River Street, Richmond generally in accordance with the plans received by Council on 16 January 2015 and with the following changes to the preamble and conditions;

(all changes in bold)

Current preamble;

- *Use of the land as industry (coffee roasting), with an associated reduction in the car parking requirements*

Proposed preamble;

- ***Use of the land as industry (coffee roasting) and a food and drink premises (café), buildings and works and a reduction in the car parking requirements***

Condition 1 to be replaced with the following;

1. ***Before the amended 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 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 by Council on 16 January 2015 but modified to show:***
 - a. **** deleted****
 - b. **** deleted****
 - c. ****deleted****
 - d. *Any works resulting from Conditions 2 and 3 where relevant to show on plans;*
 - e. ***A notation confirming that the new ground floor windows on the east and north facades are to remain closed whilst the coffee roaster is operational.***

Condition 2 to be replaced with the following;

2. ***Prior to the increase in hours of operations of the coffee roaster and before the café use commences, an amended acoustic report prepared by a suitably qualified expert to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the Renzo Tonin & Associates report, dated 28 May 2015, but modified to address the acoustic impacts of the proposal on the accommodation at 12 River Street, Richmond and the impacts of loading and unloading activities, demonstrating compliance with SEPP N-1.***

Condition 3 has been met;

3. *Prior to the commencement of the use, a report prepared by a NATA (National Association of Testing Authorities Australia) accredited professional, or a suitably qualified professional to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit.*

This report must assess the emissions from the site and the impacts to adjoining properties. The report must demonstrate that the food/beverage production operation is in compliance with the State Environment Protection Policy (Air Quality Management) and that the criteria of 1 Odour Unit will not be exceeded beyond the site boundary; or recommend methods to ensure compliance with the State Environment Protection Policy (Air Quality Management) can be achieved and maintained throughout the operation of the business, to the satisfaction of the Responsible Authority.

Condition 4 has been met;

4. *Prior to the commencement of the use, an operation management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will then form part of the permit. The plan must include/address:*
 - a. *procedures for minimising offsite impacts during upset conditions (e.g. plant malfunction);*
 - b. *procedures for recording, responding to and investigating complaints from the local community regarding noise and air emissions; and*
 - c. *a complaints and incident register, which must be made available to Council officers upon request.*

Condition 5 to be replaced with the following;

5. ***Prior to the increase in hours of operations of the coffee roaster and before the café use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.***

Condition 6 to be replaced with the following;

6. ***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.***

Condition 7 to be replaced with the following;

7. ***Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:***

Coffee roasting

- a. ***7.00am to 9.00pm, Monday to Friday***
- b. ***9.00am to 7.00pm Saturday***
- c. ***10.00am to 7.00pm Sunday***

Food and drinks premises (café)

- a. ***7.00am to 4.00pm***

Condition 8 to be replaced with the following;

- 8. The two minor roaster (15kg and 5kg capacity) will not be operated when Roaster No. 1 is in operation, neither will they be operated at the following time:**
- a. Monday – Friday - after 6 p.m.**
 - b. Saturday and Sunday – after 5 p.m.**

Condition 9 to be replaced with the following;

- 9. No more than 80 patrons associated with the café are permitted on the land at any one time.**

Condition 10 to be replaced with the following;

- 10. Not more than 20 staff may be present on the premises at any one time, unless with the prior written consent of the Responsible Authority.**

Condition 11 to be replaced with the following;

- 11. 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**
- to the satisfaction of the Responsible Authority**

The current condition 9 to be renumbered condition 12;

- 12. Windows and doors in the north and east facades must remain closed during roasting operations (the rear delivery entry may be left opened and doors may be opened to allow for pedestrian ingress and egress).*

The current condition 10 to be renumbered condition 13;

- 13. All delivery and collection of goods (other than waste) associated with the business must be conducted between 7.30am and 5pm Monday to Friday.*

The current condition 11 to be renumbered condition 14;

- 14. Parking and loading areas and access lanes must be kept available for those purposes at all times and must not be used for any other purpose (such as storage).*

The current condition 12 to be renumbered condition 15;

- 15. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority. The loading bay must be kept clear at all times for reception of goods.*

The current condition 13 to be renumbered condition 16;

- 16. Waste (rubbish and recycling) may only be collected between:*
- a. 7.00 am – 8.00 pm Monday to Saturday;*
 - b. 9.00 am – 8.00 pm Sunday and public holidays.*

The current condition 14 to be renumbered condition 17;

17. *Bottles must not be broken up on the site and compaction must be carried out while the waste collection vehicle is moving, to the satisfaction of the Responsible Authority.*

Current EPA Conditions 15 to 19 to be maintained and renumbered 18 to 22;

18. *Offensive odours must not be discharged beyond the boundary of the premises.*
19. *Nuisance dust must not be discharged beyond the boundary of the premises.*
20. *Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.*
21. *A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, to the satisfaction of the Responsible Authority.*
22. *There must be no discharge or seepage of waste from the premises to the land or water (including stormwater) environments.*

The current condition 20 renumbered to condition 23;

23. *Any new vehicular crossing must be constructed in accordance with Council's standard vehicular crossing specifications, prior to completion of the development, and to the satisfaction of the Responsible Authority.*

Condition 21 altered as follows and renumbered to condition 24;

24. This permit will expire if:

- a) *the development is not commenced within two years of the date of the amended permit;*
- b) *the development is not completed within four years of the date of the amended permit; or*
- c) *the extended operation hours of coffee roasting and café is not commenced within five years of the date of the amended 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.

The following note to be included on the permit;

NOTE: All future employees within the development and use approved under this permit will not be permitted to obtain employee or visitor parking permits.

The following plans are to be endorsed;

- *Proposed ground-floor plan*
- *Proposed mezzanine plan*
- *Proposed elevations*

The following table is to be included on the amended permit:

THIS PERMIT IS TO BE AMENDED AS FOLLOWS

Date amended	Brief description of amendment
	Pursuant to Sections 73 and 74 of the <i>Planning and Environment Act</i> (1987), Section 72 Amendment to Planning Permit PLN13/0483 to allow a partial change of use of the land to a food and drink premises (cafe), amendment to Condition 7 of the permit to increase the hours of coffee roasting, buildings and works and a reduction in the car parking requirement.

Submissions

Mr Peter Barber and the owner addressed the Committee.

Mr William Hastie also addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Vlahogiannis

Seconded: Councillor Colanzi

That having considered all relevant planning policies and pursuant to Section 74 of the *Planning and Environment Act* 1987, the Committee resolves to issue a Notice of Decision to amend Planning Permit PLN13/0483 for use of the land as industry (coffee roasting), with an associated reduction in the car parking requirements, at 16-18 River Street, Richmond generally in accordance with the plans received by Council on 16 January 2015 and with the following changes to the preamble and conditions;

(all changes in bold)

Current preamble;

- *Use of the land as industry (coffee roasting), with an associated reduction in the car parking requirements*

Proposed preamble;

- ***Use of the land as industry (coffee roasting) and a food and drink premises (café), buildings and works and a reduction in the car parking requirements***

Condition 1 to be replaced with the following;

1. ***Before the amended 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 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 by Council on 16 January 2015 but modified to show:***
 - a. **** deleted****
 - b. **** deleted****
 - c. ****deleted****
 - d. ***Any works resulting from Conditions 2 and 3 where relevant to show on plans;***

- e. ***A notation confirming that the new ground floor windows on the east and north facades are to remain closed whilst the coffee roaster is operational.***
- f. **Showing the location of all flues.**

Condition 2 to be replaced with the following;

- 2. ***Prior to the increase in hours of operations of the coffee roaster and before the café use commences, an amended acoustic report prepared by a suitably qualified expert to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the Renzo Tonin & Associates report, dated 28 May 2015, but modified to address the acoustic impacts of the proposal on the accommodation at 12 River Street, Richmond and the impacts of loading and unloading activities, demonstrating compliance with SEPP N-1.***

Condition 3 has been met;

- 3. *Prior to the commencement of the use, a report prepared by a NATA (National Association of Testing Authorities Australia) accredited professional, or a suitably qualified professional to the satisfaction of the Responsible Authority, must be submitted to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit.*

This report must assess the emissions from the site and the impacts to adjoining properties. The report must demonstrate that the food/beverage production operation is in compliance with the State Environment Protection Policy (Air Quality Management) and that the criteria of 1 Odour Unit will not be exceeded beyond the site boundary; or recommend methods to ensure compliance with the State Environment Protection Policy (Air Quality Management) can be achieved and maintained throughout the operation of the business, to the satisfaction of the Responsible Authority.

Condition 4 has been met;

- 4. *Prior to the commencement of the use, an **updated** operation management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will then form part of the permit. The plan must include/address:*
 - a. *procedures for minimising offsite impacts during upset conditions (e.g. plant malfunction);*
 - b. *procedures for recording, responding to and investigating complaints from the local community regarding noise and air emissions;*
 - c. *a complaints and incident register, which must be made available to Council officers upon request; **and***
 - d. **access to onsite car parking for café patrons.**

Condition 5 to be replaced with the following;

- 5. ***Prior to the increase in hours of operations of the coffee roaster and before the café use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.***

Condition 6 to be replaced with the following;

6. ***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.***

Condition 7 to be replaced with the following;

7. ***Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:***

Coffee roasting (all components)

- a. ***7.00am to 9.00pm, Monday to Friday***
- b. ***9.00am to 7.00pm Saturday***
- c. ***10.00am to 5.00pm Sunday***

Food and drinks premises (café)

- a. ***7.00am to 4.00pm***

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8. ***The two minor roaster (15kg and 5kg capacity) will not be operated when Roaster No. 1 is in operation, neither will they be operated at the following time:***
- a. ***Monday – Friday - after 6 p.m.***
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9. ***No more than 80 patrons associated with the café are permitted on the land at any one time.***

Condition 10 to be replaced with the following;

10. ***Not more than 20 staff may be present on the premises at any one time, unless with the prior written consent of the Responsible Authority.***

Condition 11 to be replaced with the following;

11. ***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***
- to the satisfaction of the Responsible Authority***

The current condition 9 to be renumbered condition 12;

12. ***Windows and doors in the north and east facades must remain closed during roasting operations (the rear delivery entry may be left opened and doors may be opened to allow for pedestrian ingress and egress).***

The current condition 10 to be renumbered condition 13;

13. ***All delivery and collection of goods (other than waste) associated with the business must be conducted between 7.30am and 5pm Monday to Friday.***

The current condition 11 to be renumbered condition 14;

14. *Parking and loading areas and access lanes must be kept available for those purposes at all times and must not be used for any other purpose (such as storage).*

The current condition 12 to be renumbered condition 15;

15. *The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority. The loading bay must be kept clear at all times for reception of goods.*

The current condition 13 to be renumbered condition 16;

16. *Waste (rubbish and recycling) may only be collected between:*
a. *7.00 am – 8.00 pm Monday to Saturday;*
b. *9.00 am – 8.00 pm Sunday and public holidays.*

The current condition 14 to be renumbered condition 17;

17. *Bottles must not be broken up on the site and compaction must be carried out while the waste collection vehicle is moving, to the satisfaction of the Responsible Authority.*

Current EPA Conditions 15 to 19 to be maintained and renumbered 18 to 22;

18. *Offensive odours must not be discharged beyond the boundary of the premises.*
19. *Nuisance dust must not be discharged beyond the boundary of the premises.*
20. *Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.*
21. *A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, to the satisfaction of the Responsible Authority.*
22. *There must be no discharge or seepage of waste from the premises to the land or water (including stormwater) environments.*

The current condition 20 renumbered to condition 23;

23. *Any new vehicular crossing must be constructed in accordance with Council's standard vehicular crossing specifications, prior to completion of the development, and to the satisfaction of the Responsible Authority.*

Condition 21 altered as follows and renumbered to condition 24;

24. *This permit will expire if:*

- a) ***the development is not commenced within two years of the date of the amended permit;***
- b) ***the development is not completed within four years of the date of the amended permit; or***
- c) ***the extended operation hours of coffee roasting and café is not commenced within five years of the date of the amended 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.

The following note to be included on the permit;

NOTE: ***All future employees within the development and use approved under this permit will not be permitted to obtain employee or visitor parking permits.***

The following plans are to be endorsed;

- *Proposed ground-floor plan*
- *Proposed mezzanine plan*
- *Proposed elevations*

The following table is to be included on the amended permit:

THIS PERMIT IS TO BE AMENDED AS FOLLOWS

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	Pursuant to Sections 73 and 74 of the <i>Planning and Environment Act (1987)</i> , Section 72 Amendment to Planning Permit PLN13/0483 to allow a partial change of use of the land to a food and drink premises (cafe), amendment to Condition 7 of the permit to increase the hours of coffee roasting, buildings and works and a reduction in the car parking requirement.

CARRIED UNANIMOUSLY

1.2 PLN15/0382 - 53 Butler Street, Richmond

Trim Record Number: D15/139418

Responsible Officer: Acting Manager Statutory Planning

RECOMMENDATION

That a Notice of Decision to Grant PLN15/0382 be issued for the development of the land for the construction of a four storey building (including roof deck) with an associated reduction in the car parking requirements associated with offices at 53 Butler Street, Richmond VIC 3121, generally in accordance with the advertised plans and subject to the following conditions:

1. Prior to the commencement of the development, 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 (01.9D, 01.10C, 01.11C, 01.12C, 02.3A, 02.1A, 02.2A, 02.4A, prepared by Hinge Architects) but modified to show:
 - (a) the finished floor level of the garage slab designed to provide satisfactory access and egress for a B85 design vehicle via Little Butler Street;
 - (b) any ancillaries (plant and equipment), screened from street view (where necessary);
 - (c) external screens to the north facing windows.

Endorsed plans

2. The 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.
3. The floor area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

General

4. 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.
5. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Car parking

6. 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.

Environmentally Sustainable Principles

7. Before the development commences, a Sustainable Design Assessment [**SDA**] to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Design Assessment will be endorsed and will form part of this permit. The SDA must include (at a minimum):
 - (a) the commitments made in the submitted Sustainable Design Scorecard and STORM report (received by Council 13 July 2015 and prepared by Hinge Architects);
 - (b) any heating and cooling equipment within 1 star of the highest available; and
 - (c) details of external screens to the north facing windows.
8. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste management

9. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction

11. 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) any site-specific requirements.
12. During the construction:
- (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (c) vehicle borne material must not accumulate on the roads abutting the land;
 - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
13. 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.
14. 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.

Time limits

15. 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 is not commenced within five 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:

A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

The vehicle crossing must be constructed in accordance with City of Yarra Standard Drawings and Specifications.

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

The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with Australian Standards.

Existing footpath, kerb and channel, and road pavement surface levels must not be altered.

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

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Submissions

Mr Edmond Carter addressed the Committee on behalf of the Applicant.

Ms Rey Pearce also addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Colanzi

Seconded: Councillor Vlahogiannis

That the Recommendation be adopted..

CARRIED UNANIMOUSLY

1.3 597 Church Street, Richmond - Amendment to Planning Permit No. PL07/0390 to change the use of the land from a cafe to a restaurant, extend the liquor license area, increase patron numbers from 28 to 75, and associated reduction in car parking requirements.

Trim Record Number: D15/138096

Responsible Officer: Acting Manager Statutory Planning

RECOMMENDATION

That pursuant to sections 73 and 75 of the *Planning and Environment Act*, 1987 a Notice of Decision to amend planning permit PL07/0390 be issued to land at 597 Church Street, Richmond, allowing for an amendment to the permit preamble to change the use from a licensed café to licensed restaurant and associated reduction in car parking requirements, increase in the patrons number from 28 to 75 and to extension to the liquor licensed area (changes to the permit are in bold, with new condition 16 and remaining condition renumbered):

Permit preamble amended from:

“Use of the site as a café with a liquor licence” to:

“Use of the site as a **restaurant** with a liquor licence **and associated reduction of car parking**”

1. *Prior to the commencement of the use (as amended), **an amended Noise and Amenity Action 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 then form part of the permit. **The NAAP must be generally in accordance with the application plan, but modified to show:**
 - (a) **location, type and details of existing licensed premises in the locality and the identification of all noise sources associated with the premises;**
 - (b) **details of staffing arrangements;**
 - (c) **details of training for staff in the responsible serving of alcohol;**
 - (d) **hours of operation; and**
 - (e) **measures to be undertaken when dealing with intoxicated patrons.**
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. The licensed premises must be managed in accordance with the Noise and Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority.
4. One (1) car space must be provided on the land for the **restaurant** use.
5. *The use must only operate between the following hours:
 - Monday to Sunday, including public holidays: 7am – 11pm.
6. The number of patrons permitted onsite at any one time must not exceed **75** without the further written consent of the Responsible Authority.
7. No live music is permitted on the premises. All music must be limited to background music only.
8. Music must not be played outside the building, and no speakers may be sited outside the building to the satisfaction of the Responsible Authority.

9. The licensee shall ensure that the level of noise emitted from the premises must not exceed:
 - (a) The permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 (Control of Noise from Commercial, Industrial or Trade Premises); and
 - (b) The permissible noise levels for entertainment noise as specified in the State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).
10. 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.
11. 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.
12. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").
13. No emptying of bottles into garbage bins located outside the approved waste storage areas is permitted after 10.00pm on any night, or before 7.00am on any day.
14. The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
15. All staff on the premises are to be appropriately trained in the responsible serving of alcohol.
16. **Before the commencement of the amended permit, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.**
17. This permit will expire if the use 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: 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 5166.

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 5166.

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

Submissions

Mr Peter Oldman and Mr Nicolay addressed the Committee on behalf of the Applicant.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Colanzi

Seconded: Councillor Vlahogiannis

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10. The amenity of the area must not be detrimentally affected by the use or development, through:
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12. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").
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CARRIED UNANIMOUSLY

The meeting closed at 7.54 pm.

Confirmed at the meeting held on Wednesday 18 November 2015

Chair