



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

**held on Wednesday 18 November 2015 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Roberto Colanzi (substitute for Cr Fristacky)
Councillor Geoff Barbour

Ally Huynh (Acting Co-ordinator Statutory Planning)
Chris Harries (Senior Statutory Planner)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

Councillor Jackie Fristacky
Councillor Misha Coleman

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

Moved: Councillor Colanzi **Seconded:** Councillor Barbour

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 4 November 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 Barbour as Chair.

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

Councillor Barbour assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN15/0302 - 556 Swan Street, Richmond - Construction of a double storey building for the use of the land as a childcare centre and associated reduction in the car parking requirements and alter access to a Road Zone Category 1 road	6	11
1.2	17 Cubitt Street, Cremorne - PLN15/0011 - Use and development of the land for a four storey building (plus roof terrace) for Industry (electronic component manufacturing), Office and a caretaker's dwelling, a reduction in car parking requirements and a waiver of loading bay requirements. (Use of the land as Industry and Office does not require a planning permit).	17	20
1.3	PLN14/0826 - 250 Gore St and 221 Moor St, Fitzroy - Use and development of the land for demolition and the construction of a residential building and an associated reduction in car parking requirements [CONFIDENTIAL ITEM - VCAT COMPULSORY CONFERENCE WITHOUT PREJUDICE POSITION]	21	21

1.1 PLN15/0302 - 556 Swan Street, Richmond - Construction of a double storey building for the use of the land as a childcare centre and associated reduction in the car parking requirements and alter access to a Road Zone Category 1 road

Trim Record Number: D15/143388

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant a Planning Permit (PLN15/0302) be issued for the construction of a double storey building for the use of the land as a childcare centre and associated reduction in the car parking requirements and alterations to a Road Zone Category 1 Road at 556 Swan Street, Richmond, generally in accordance with the decision plans received 2 July 2015 and subject to the following conditions:

1. Before the 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:
 - (a) Reduction in the height of the eastern boundary wall so that it is no higher than the height of the adjacent eastern first floor roof;
 - (b) The 'barcode' pattern screen replaced with an alternative decorative pattern;
 - (c) Front pedestrian gate to open inwards into the site;
 - (d) Front pedestrian gate of Swan Street modified with a different material, design or finish to be clearly identifiable (i.e. different from the fence);
 - (e) Location of staff showers and change facilities;
 - (f) Notation that the rainwater tanks are to be connected to toilet flushing;
 - (g) Location of the lift overrun on the roof plan and elevations;
 - (h) Relocate bicycle spaces from the carriageway easement to an alternative weather-protected and secure location accessible;
 - (i) Extent of the widened crossover;
 - (j) Details of illumination to the car parking area; and
 - (k) Any other changes as required by the amended Sustainable Management Plan under Condition 4

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.

3. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

4. Before the use and/or 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 Design Assessment prepared by WSP Built Ecology and dated 25 June 2015, but modified to include or show:
 - (a) 10% improvement to the NCC Section J requirements for insulation and glazing; and
 - (b) 5kw solar installation.

5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

6. No more than 31 staff are permitted on the land at any one time.
7. No more than 134 children are permitted on the land at any one time.
8. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday 6.30am – 6.30pm
9. Except with the prior written consent of the Responsible Authority, the outdoor play areas may only be used between the following hours:
 - (a) Monday to Friday 7.00am – 6.00pm
10. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Works and dated 28 July 2015, but modified to include (or show, or address):
 - (a) Acoustic panels installed to the outdoor play areas to have an NRC rating of not less than 0.7 for the whole system, including any protective or decorative covers
11. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two (2) bike rails must be installed on the footpath:
 - (a) at the permit holder's cost; and
 - (b) in a location and manner,to the satisfaction of the Responsible Authority.
13. 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;
 - (j) materials and waste;
 - (k) dust;
 - (l) stormwater contamination from run-off and wash-waters;
 - (m) sediment from the land on roads;
 - (n) washing of concrete trucks and other vehicles and machinery; and

- (o) spillage from refuelling cranes and other vehicles and machinery;
 - (p) the construction program;
 - (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (r) parking facilities for construction workers;
 - (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (t) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (u) 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; and
 - (v) 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.
14. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 29 March 2015, but modified to include:
- (a) Collection within the site boundaries
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
16. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment relating to the potential for contamination must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
 - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
17. If the assessment required by condition 16 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
18. If the assessment required by condition 16 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the *Environment Protection Act* 1970 (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
- (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

If, pursuant to condition 18, a Statement is issued:

- (a) the use authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for that use;
- (b) the use authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the use commences (**pre-commencement conditions**);
- (c) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority pursuant to section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
- (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) 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.

20. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

21. Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Swan Street road frontage must be reconstructed to Council's satisfaction and at the developer's expense.

22. All pedestrian access into the property must be DDA compliant.

23. The construction of the new vehicle crossing on the south side of Swan Street must satisfy the following:

- (a) The vehicle crossing shall be constructed in accordance with VicRoads' and City of Yarra's requirements and specifications;
- (b) The new crossing must span the entire width of the internal accessway; and

- (c) An Application for a Permanent Vehicle Crossing Permit is to be taken out by the developer from Council's Construction Management Support team (based at the Richmond Town Hall).
24. 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.
25. 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 car park, must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
26. 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.
27. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-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

VicRoads Conditions (No. 28 to 30)

28. Driveways and crossover are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority, and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.
29. Prior to the commencement of the use of the building hereby approved, access lanes, driveways, crossovers and associated works must be provided and available for use and be:
- (a) Formed to such levels and drained so that they can be used in accordance with the plan.
 - (b) Treated with an all-weather seal or some other durable surface.
30. Driveways must be maintained in a fit and proper state so as to not to compromise the ability of vehicles to enter and leave the site in a safe manner or compromise operational efficiency of the road or public safety.
31. 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:

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.

VicRoads Note:

If the proposal requires the construction of a new crossover (including upgrading of existing crossover) Separate approval under The Road Management Act may be required from Vicroads (the roads Corporation) Please contact Vicroads prior to commencing any works.

Submissions

The Applicant, Mr Tim Hamilton addressed the Committee.

Ms Jill Frame also addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Colanzi

Seconded: Councillor Barbour

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant a Planning Permit (PLN15/0302) be issued for the construction of a double storey building for the use of the land as a childcare centre and associated reduction in the car parking requirements and alterations to a Road Zone Category 1 Road at 556 Swan Street, Richmond, generally in accordance with the decision plans received 2 July 2015 and subject to the following conditions:

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 6. No more than 134 children are permitted on the land at any one time.
 7. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday 6.30am – 6.30pm
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 - (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;
 - (j) materials and waste;
 - (k) dust;
 - (l) stormwater contamination from run-off and wash-waters;
 - (m) sediment from the land on roads;
 - (n) washing of concrete trucks and other vehicles and machinery; and
 - (o) spillage from refuelling cranes and other vehicles and machinery;
 - (p) the construction program;
 - (q) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (r) parking facilities for construction workers;
 - (s) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
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- (a) a description of previous land uses and activities on the land;

- (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
- (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
- (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

16. If the assessment required by condition 16 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

17. If the assessment required by condition 16 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the Environmental Auditor appointed under section 53S of the *Environment Protection Act* 1970 (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
- (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

If, pursuant to condition 18, a Statement is issued:

- (a) the use authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for that use;
- (b) the use authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the use commences (**pre-commencement conditions**);
- (c) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
- (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority pursuant to section 173 of the *Planning and Environment Act* 1987 (**Agreement**). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
- (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) 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.

19. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
20. Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Swan Street road frontage must be reconstructed to Council's satisfaction and at the developer's expense.
21. All pedestrian access into the property must be DDA compliant.
22. The construction of the new vehicle crossing on the south side of Swan Street must satisfy the following:
- (a) The vehicle crossing shall be constructed in accordance with VicRoads' and City of Yarra's requirements and specifications;
 - (b) The new crossing must span the entire width of the internal accessway; and
 - (c) An Application for a Permanent Vehicle Crossing Permit is to be taken out by the developer from Council's Construction Management Support team (based at the Richmond Town Hall).
23. 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.
24. 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 car park, must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
25. 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.
26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-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

VicRoads Conditions (No. 28 to 30)

27. Driveways and crossover are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority, and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.
28. Prior to the commencement of the use of the building hereby approved, access lanes, driveways, crossovers and associated works must be provided and available for use and be:
- (a) Formed to such levels and drained so that they can be used in accordance with the plan.
 - (b) Treated with an all-weather seal or some other durable surface.
29. Driveways must be maintained in a fit and proper state so as to not to compromise the ability of vehicles to enter and leave the site in a safe manner or compromise operational efficiency of the road or public safety.
30. 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:

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.

VicRoads Note:

If the proposal requires the construction of a new crossover (including upgrading of existing crossover) Separate approval under The Road Management Act may be required from Vicroads (the roads Corporation) Please contact Vicroads prior to commencing any works.

CARRIED UNANIMOUSLY

1.2 17 Cubitt Street, Cremorne - PLN15/0011 - Use and development of the land for a four storey building (plus roof terrace) for Industry (electronic component manufacturing), Office and a caretaker's dwelling, a reduction in car parking requirements and a waiver of loading bay requirements. (Use of the land as Industry and Office does not require a planning permit).

Trim Record Number: D15/141496
 Responsible Officer: Principal Planner

RECOMMENDATION

That a Notice of Decision to Grant PLN15/0011 be issued for use and development of the land for a four storey building (plus roof terrace) for industry (electronic component manufacturing), office and a caretaker's dwelling, a reduction in car parking requirements and a waiver of loading bay requirements (Use of the land as industry and office does not require a planning permit) at 17 Cubitt Street, Cremorne, generally in accordance with the decision plans and subject to the following conditions:

1. Prior to the commencement of the use and 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 decision plans dated 9 June 2015 but modified to show:
 - (a) A 1.7m high privacy screen (with a maximum transparency of 25%) along the southern perimeter of the roof terrace, unless the submission of an overlooking diagram can demonstrate that no unreasonable overlooking is available to habitable room windows within the residential building to the south.
 - (b) Any requirements of the endorsed Sustainable Design Assessment required via condition 4 (where relevant to show on plans).
 - (c) Any requirements of the endorsed Waste Management Plan required via condition 6 (where relevant to show on plans).
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.
3. Before the use and 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) Some form of operable window/roof form associated with the internal void/staircase to provide night purging and passive cooling;
 - (b) External shading provided to the glazed areas within the northern façade and the first floor western façade;
 - (c) Details and water supply for the water feature proposed at level 1;
 - (d) Details of the proposed rainwater tank, along with a STORM assessment (achieving a minimum 100% STORM rating). All details (tanks, connected toilets, collection areas, etc.) must be shown on the plans;
 - (e) The provision of a solar boosted hot water system;
 - (f) Details of heating and cooling appliances;
 - (g) Information outlining where the proposed design sits in comparison to current NCC energy efficiency requirements.
4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

5. Before the use and 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.
6. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to 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 car park and pedestrian entrance must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
8. 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.
9. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
10. 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.
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.
12. 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.
13. 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.
14. 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.

13. Should the industrial use cease to operate in accordance with this permit, the caretaker's dwelling hereby approved must also immediately cease.

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.

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

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.

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

*Ms Virginia Jackson addressed the Committee on behalf of the owner.
The owner, Mr Stephen Gale also addressed the Committee.*

The following people also addressed the Committee:

*Ms Melissa Clarke; and
Mr Daniel Stephenson.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Colanzi

Seconded: Councillor Barbour

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

The meeting closed at 7.09 pm.

Confirmed at the meeting held on Wednesday 9 December 2015

Chair