



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

**held on Wednesday 30 March 2016 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Misha Coleman
Councillor Geoff Barbour
Councillor Jackie Fristacky

Amy Hogden (Acting Co-ordinator Statutory Planning)
James Sutherland (Principal 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 Barbour **Seconded:** Councillor Fristacky

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 16 March 2016 be confirmed.

CARRIED

Printed on 100% recycled paper

***"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 Barbour nominated Councillor Fristacky as Chair.

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

Councillor Fristacky assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN14/0387 - 285 Lennox Street Richmond - Develop and use the land for the construction of a four-storey mixed use development consisting of a food and drink premises (café) and dwellings (no permit for use), full demolition of the existing building and a reduction in the car parking requirements and a waiver of the loading bay requirement	6	11
1.2	122-138 Roseneath Street, Clifton Hill - Planning Application PLN15/0636 - Development of the land for the construction of a mixed use six-storey development consisting of a food and drinks premises (cafe)(no permit required for use) and dwellings, including part demolition, and reduction in the car parking requirements and a waiver of the loading bay requirements	18	24
1.3	312-314 Burnley Street, Richmond - Planning Application PLN15/0619	31	35
1.4	No. 9 Miller Street, Richmond. Planning Permit Application PLN14/1186- Development of land for two (2) double storey dwellings including the full demolition of the existing dwelling and associated reduction in the car parking requirements.	40	42
1.5	Supplementary Report - 62 - 64 Clauscen Street, North Fitzroy VIC 3068 - Planning Permit Application No. PLN14/0960	45	47

1.1 PLN14/0387 - 285 Lennox Street Richmond - Develop and use the land for the construction of a four-storey mixed use development consisting of a food and drink premises (café) and dwellings (no permit for use), full demolition of the existing building and a reduction in the car parking requirements and a waiver of the loading bay requirement

Trim Record Number: D16/32418

Responsible Officer: Principal Statutory Planner

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/0387, to develop and use the land for the construction of a four-storey mixed use development consisting of a food and drink premises (café) and dwellings (no permit for use), full demolition of the existing building and a reduction in the car parking requirements and a waiver of the loading bay requirement, at 285 Lennox Street Richmond, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Sketch Plans (SK01 to SK08 - dated 26 February, 2016), which show:
 - (a) Level 1:SK02:
 - (i) Deletion of apartment 1.04;
 - (ii) Apartment 1.02 increased from 1-bed to 2-bed;
 - (iii) Apartment 1.03 increased from 2-bed to 3-bed;
 - (iv) Relocation of balconies on the west façade as a result of the above;
 - (v) Increased setback of northern wall of Apartment 1.04 from 1.6m to 1.86m from the northern boundary;
 - (vi) Reduction in the size of the balcony of Apartment 1.04 from 18sqm to 15sqm and an increase in the setback from 0m to 1.86m from the northern boundary.
 - (b) Level 2:SK03:
 - (i) Deletion of Apartment 2.04;
 - (ii) Apartment 2.02 increased from 1-bed to 2-bed;
 - (iii) Apartment 2.03 increased in size and the northern wall to be setback 1.84m from the northern boundary;
 - (iv) The northern wall of Apartment 2.04 to have an increased setback from 1.6m to 1.86m from the northern boundary;
 - (v) The northern wall of the corridor and kitchen of Apartment 2.04 have an increased setback from 0m-1.6m to 3.08m from the northern boundary;
 - (vi) The eastern wall of Apartment 2.06 (previously Apartment 2.07) increased in setback from 0m to 2.11m from the eastern boundary, however, maintaining a minimum 8sqm balcony.
 - (c) Level 3:SK04:
 - (i) Increased setback of the northern wall of Apartment 3.03 from 4.4m to 4.84m;
 - (ii) Reconfiguration of Apartment 3.04 with the northern wall having an increased setback from 1.6m to between 1.86m and 4.84m (no change to balcony setback);
 - (iii) The eastern wall of Apartment 3.06 increased in setback from 0m to 2.11m from the eastern boundary, however, maintaining a minimum 8sqm balcony.
 - (d) Deletion of the roof-top terrace (SK05);
 - (e) Design and material changes to the north, west, south, and east elevations (SK06 and SK07).

And further modified to show:

- (f) The removal of the southern wall to the ground-floor offices of apartments G.02 and G.03;

- (g) The rainwater tanks to be connected to all toilets at ground and first-floor and the STORM report amended accordingly demonstrating a minimum score of 100% and the ESD report amended accordingly;
- (h) All internal corridors to be naturally ventilated via operable window(s);
- (i) External sun shading to all west-facing habitable room windows;
- (j) All windows and balconies on the eastern elevation to demonstrate compliance with Standard B22 (Overlooking) of Clause 55 of the Yarra Planning Scheme;
- (k) All balconies to demonstrate compliance with Standard B24 (Internal Views) of Clause 55 of the Yarra Planning Scheme;
- (l) Provision of a storage unit for each dwelling;
- (m) Provision of one bicycle space per dwelling to be located within the ground-floor common areas;
- (n) Any changes required by the Waste Management Plan in accordance with Condition 22.

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. Finished floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.

Environmental Sustainable Design (ESD)

- 4. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by GIW Environmental Solutions and dated 9 May, 2014, but modified to include or show:
 - (a) The toilet flushing requirements as amended STORM report as per condition 1 (f);
- 5. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority, and be clearly shown on plans.

Food and Drink Premises

- 6. The food and drink premises (café) use may only operate between the hours of 8.00am and 8.00pm seven days a week.
- 7. No more than two staff are permitted to work from the food and drink premises (café) use at any time.
- 8. A maximum of 30 seats are permitted in association with the food and drink premises (café) use at any time.
- 9. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 10. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

11. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.
12. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
13. The amenity of the area must not be detrimentally affected by the use, 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.

Car Parking

14. No fewer than 14 car spaces must be provided on the land for the residential use.
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
16. The car parking areas must be used for no other purpose and must be line-marked and maintained at all times to the satisfaction of the Responsible Authority.

Engineering

17. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
18. Within 2 months of the completion of the development/Before the building/s is/are 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.

Bicycle Parking

19. A minimum of 22 bicycle spaces (20 - residential and 2 - café) must be provided within the building to support the development hereby permitted to the satisfaction of the Responsible Authority.

Lighting

20. 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, pedestrian entries, stairwells, lifts and dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;

- (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

Boundary walls

21. 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.

Screening

22. 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.

Waste Management

23. Prior to the endorsement of plans under Condition 1 of this permit, an amended Waste Management Plan, prepared by a suitably qualified waste management professional, 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.

Noise

24. Any noise emanating from the development including plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (EPA), to the satisfaction of the Responsible Authority.

Construction

25. Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved in writing by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must include, but not be limited to the following.
- (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; and
- (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.
- (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;
 - (v) other relevant considerations; and
 - (vi) any site-specific requirements.
- (r) during the construction:
 - (i) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (ii) 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;
 - (iii) vehicle borne material must not accumulate on the roads abutting the land;
 - (iv) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

25. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Time Limit

26. This permit will expire if:
- (a) The development is not commenced within two years from the date of this permit.
 - (b) All development must be completed within four years from the date of this permit.
 - (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.

NOTE: This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

NOTE: 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 works permitted under the permit.

NOTE: 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.

NOTE: A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

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

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

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

NOTE: These premises will be required to comply with the Food Act 1984. The use must not commence until approval has been granted by Council's Health Protection Unit.

Submissions

The Applicants, Mr Luke Chamberlain and Mr Gary Wertheimer addressed the Committee.

The following people also addressed the Committee:

*Ms Robyn Price;
Ms Marina Malcolm;
Ms Lyn Murphy;
Ms Gwen Jewell;
Ms Andrew Bott; and
Mr Jason Paige.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Barbour

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/0387, to develop and use the land for the construction of a four-storey mixed use development consisting of a food and drink premises (café) and dwellings (no permit for use), full demolition of the existing building and a reduction in the car parking requirements and a waiver of the loading bay requirement, at 285 Lennox Street Richmond, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Sketch Plans (SK01 to SK08 - dated 26 February, 2016), which show:
 - (a) Level 1:SK02:

- (i) Deletion of apartment 1.04;
- (ii) Apartment 1.02 increased from 1-bed to 2-bed;
- (iii) Apartment 1.03 increased from 2-bed to 3-bed;
- (iv) Relocation of balconies on the west façade as a result of the above;
- (v) Increased setback of northern wall of Apartment 1.04 from 1.6m to 1.86m from the northern boundary;
- (vi) Reduction in the size of the balcony of Apartment 1.04 from 18sqm to 15sqm and an increase in the setback from 0m to 1.86m from the northern boundary.
- (b) Level 2:SK03:
 - (i) Deletion of Apartment 2.04;
 - (ii) Apartment 2.02 increased from 1-bed to 2-bed;
 - (iii) Apartment 2.03 increased in size and the northern wall to be setback 1.84m from the northern boundary;
 - (iv) The northern wall of Apartment 2.04 to have an increased setback from 1.6m to 1.86m from the northern boundary;
 - (v) The northern wall of the corridor and kitchen of Apartment 2.04 have an increased setback from 0m-1.6m to 3.08m from the northern boundary;
 - (vi) The eastern wall of Apartment 2.06 (previously Apartment 2.07) increased in setback from 0m to 2.11m from the eastern boundary, however, maintaining a minimum 8sqm balcony.
- (c) Level 3:SK04:
 - (i) Increased setback of the northern wall of Apartment 3.03 from 4.4m to 4.84m;
 - (ii) Reconfiguration of Apartment 3.04 with the northern wall having an increased setback from 1.6m to between 1.86m and 4.84m (no change to balcony setback);
 - (iii) The eastern wall of Apartment 3.06 increased in setback from 0m to 2.11m from the eastern boundary, however, maintaining a minimum 8sqm balcony.
- (d) Deletion of the roof-top terrace (SK05);
- (e) Design and material changes to the north, west, south, and east elevations (SK06 and SK07).

And further modified to show:

- (f) The removal of the southern wall to the ground-floor offices of apartments G.02 and G.03;
- (g) The rainwater tanks to be connected to all toilets at ground and first-floor and the STORM report amended accordingly demonstrating a minimum score of 100% and the ESD report amended accordingly;
- (h) All internal corridors to be naturally ventilated via operable window(s);
- (i) External sun shading to all west-facing habitable room windows;
- (j) All windows and balconies on the eastern elevation to demonstrate compliance with Standard B22 (Overlooking) of Clause 55 of the Yarra Planning Scheme;
- (k) All balconies to demonstrate compliance with Standard B24 (Internal Views) of Clause 55 of the Yarra Planning Scheme;
- (l) Provision of a storage unit for each dwelling;
- (m) Provision of one bicycle space per dwelling to be located within the ground-floor common areas;
- (n) Any changes required by the Waste Management Plan in accordance with Condition 22;
- (o) Provision of a visitor car space within the ground-floor car park;
- (p) Deletion of one floor (maximum three-storey building); and
- (q) Relocation of the air conditioning condensers to the south of the lift core.

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. Finished floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.

Environmental Sustainable Design (ESD)

4. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by GIW Environmental Solutions and dated 9 May, 2014, but modified to include or show:
 - (a) The toilet flushing requirements as amended STORM report as per condition 1 (f);
5. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority, and be clearly shown on plans.

Food and Drink Premises

6. The food and drink premises (café) use may only operate between the hours of 8.00am and 8.00pm seven days a week.
7. No more than two staff are permitted to work from the food and drink premises (café) use at any time.
8. A maximum of 30 seats are permitted in association with the food and drink premises (café) use at any time.
9. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
10. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
11. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.
12. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
13. The amenity of the area must not be detrimentally affected by the use, 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.

Car Parking

14. No fewer than 14 car spaces must be provided on the land for the residential use.

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
16. The car parking areas must be used for no other purpose and must be line-marked and maintained at all times to the satisfaction of the Responsible Authority.

Engineering

17. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
18. Within 2 months of the completion of the development/Before the building/s is/are 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.

Bicycle Parking

19. A minimum of 22 bicycle spaces (20 - residential and 2 - café) must be provided within the building to support the development hereby permitted to the satisfaction of the Responsible Authority.

Lighting

20. 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, pedestrian entries, stairwells, lifts and dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.

Boundary walls

21. 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.

Screening

22. 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.

Waste Management

23. Prior to the endorsement of plans under Condition 1 of this permit, an amended Waste Management Plan, prepared by a suitably qualified waste management professional, 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.

Noise

24. Any noise emanating from the development including plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (EPA), to the satisfaction of the Responsible Authority.

Construction

25. Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved in writing by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must include, but not be limited to the following.
- (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;
 - (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;
 - (v) other relevant considerations; and
 - (vi) any site-specific requirements.
- (r) during the construction:
- (i) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (ii) 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;
 - (iii) vehicle borne material must not accumulate on the roads abutting the land;
 - (iv) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

25. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

Time Limit

26. This permit will expire if:
- (a) The development is not commenced within two years from the date of this permit.
 - (b) All development must be completed within four years from the date of this permit.
 - (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.

NOTE: This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

NOTE: 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 works permitted under the permit.

NOTE: 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.

NOTE: A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

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

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

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

NOTE: These premises will be required to comply with the Food Act 1984. The use must not commence until approval has been granted by Council's Health Protection Unit.

CARRIED UNANIMOUSLY

1.2 122-138 Roseneath Street, Clifton Hill - Planning Application PLN15/0636 - Development of the land for the construction of a mixed use six-storey development consisting of a food and drinks premises (cafe)(no permit required for use) and dwellings, including part demolition, and reduction in the car parking requirements and a waiver of the loading bay requirements

Trim Record Number: D16/29496

Responsible Officer: Principal Statutory Planner

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN15/0636 for development of the land by part demolition, to allow for the construction of a mixed-use six-storey development consisting of a food and drink premises (café) (no permit required for use) and dwellings, and reduction in the car parking requirements and a waiver of loading bay requirements, at 122-138 Roseneath Street, Clifton Hill, 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) The reconfiguration of the northern façade of the western, central and eastern buildings, replacing the trapezoid and cantilever balconies with balconies integrated within the façade (framed), with balustrades to be either solid or alternative material (not timber);
 - (b) The timber cladding to upper levels of the northern façade to be replaced with an alternative material;
 - (c) Footpath clearance of a minimum of 1.8m from title to bicycle hoops to be shown on plans;
 - (d) Cross-sections demonstration compliance of all east and west-facing windows and roof terrace with Standard B22 (Overlooking) of clause 55 of the Yarra Planning Scheme and additional screening devices as required;
 - (e) All internal corridors to be a minimum of 1.5m in width;
 - (f) All townhouses and apartments of three (or more) bedrooms to provide a storage area of a minimum of 6m³, and all two-bed townhouses and apartment to provide a minimum storage area of 4sqm;
 - (g) All walls within the development adjacent to the ground-floor courtyards of the western and eastern townhouses to be painted white or a light reflective colour;
 - (h) Planting of four "Tristaniopsis Laurina" in the Roseneath Street footpath to be shown on the planning drawings;
 - (i) A minimum width of at least 1.8m for the trafficable footpath of the western and eastern laneways;
 - (j) New on-street parking bay lines to be removed from plans;
 - (k) Finished floor levels (RL) to be noted on plans;

- (l) All redundant vehicle crossings to be demolished and reinstated with paving, kerb and channel to council requirements;
 - (m) The dimensions of all at-grade parking bays, aisles, column setbacks or stacker platforms to be shown on ground-floor plan;
 - (n) Swept path diagrams using the B85 design vehicle into critical car parking spaces and stacker platforms are to be submitted to Council to confirm access into and out of these spaces;
 - (o) The two scooter spaces should be designed to satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004 clause 2.4.7 or alternatively removed from 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. Except with the prior written consent of the Responsible Authority, the Food and Drink Premises (Café) use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday - 8.00am – 8.00pm
4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
5. Before the development commences, the permit holder must make a one-off contribution of \$3200 to the Responsible Authority to be used for new street tree plantings that are required as a result of this development.
6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, twelve (12) bike racks must be installed along the Roseneath Street footpath:
- (a) at the permit holder's cost; and
 - (b) in a location and manner,
- to the satisfaction of the Responsible Authority.
7. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with 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, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the property frontage to Roseneath Street):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

10. 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.

11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area 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.

12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

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

14. 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 dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,

to the satisfaction of the Responsible Authority.

15. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

16. 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.

17. 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.

18. As part of the ongoing consultant team, Assemble Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

19. 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.

21. Before the use and/or development commences, an amended 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 amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by MALA Studio and dated June 2015, but modified to include (or show):
 - (a) The width of the trafficable footpath of the western and eastern laneways to be a minimum of 1.8m (as per condition 1(i));
 - (b) New Roseneath Street footpaths to be asphalt to be fully consistent with existing footpath material;
 - (c) Footpath clearance of a minimum of 1.8m from title to bicycle hoops to be shown on plans;
 - (d) Further detail is required on the planter boxes showing the soil media, mulch, water proof membrane, drainage, etc with full dimensions.
 - (e) Further information on irrigation, or the collection and reuse of stormwater for irrigation.
 - (f) Confirm if trees need tree anchors to remain stable if they are allowed to grow to full size;
 - (g) Provide details and cross-section of play area with details of maintenance responsibility;

22. 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 plants,to the satisfaction of the Responsible Authority.

23. 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.

24. The food and drink premises (café) must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
25. The food and drink premises (café) must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
27. 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.
 - (p) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by council and the relevant power authority; and
 - (q) 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;
- (v) other relevant considerations;

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (t) 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;
- (u) vehicle borne material must not accumulate on the roads abutting the land;
- (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

28. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four 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:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

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.

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

All future residents, employees and occupiers residing 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.

Submissions

The Applicants, Mr Luke Chamberlain and Mr Kino Holland addressed the Committee:

The following people also addressed the Committee:

*Mr Alan Gray;
Mr Nick Trevorrow;
Ms Annabelle Pamela Margaret Murray-Smith;
Mr Brian Fentinen; and
Ms Glenda Wilson*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Barbour

Seconded: Councillor Fristacky

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN15/0636 for development of the land by part demolition, to allow for the construction of a mixed-use six-storey development consisting of a food and drink premises (café) (no permit required for use) and dwellings, and reduction in the car parking requirements and a waiver of loading bay requirements, at 122-138 Roseneath Street, Clifton Hill, 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) The reconfiguration of the northern façade of the western, central and eastern buildings, replacing the trapezoid and cantilever balconies with balconies integrated within the façade (framed), with balustrades to be either solid or alternative material (not timber);
 - (b) The timber cladding to upper levels of the northern façade to be replaced with an alternative material;
 - (c) Footpath clearance of a minimum of 1.8m from title to bicycle hoops to be shown on plans;
 - (d) Cross-sections demonstration compliance of all east and west-facing windows and roof terrace with Standard B22 (Overlooking) of clause 55 of the Yarra Planning Scheme and additional screening devices as required;
 - (e) All internal corridors to be a minimum of 1.5m in width;
 - (f) All townhouses and apartments of three (or more) bedrooms to provide a storage area of a minimum of 6m³, and all two-bed townhouses and apartment to provide a minimum storage area of 4sqm;
 - (g) All walls within the development adjacent to the ground-floor courtyards of the western and eastern townhouses to be painted white or a light reflective colour;
 - (h) Planting of four "Tristanopsis Laurina" in the Roseneath Street footpath to be shown on the planning drawings;

- (i) A minimum width of at least 1.8m for the trafficable footpath of the western and eastern laneways;
 - (j) New on-street parking bay lines to be removed from plans;
 - (k) Finished floor levels (RL) to be noted on plans;
 - (l) All redundant vehicle crossings to be demolished and reinstated with paving, kerb and channel to council requirements;
 - (m) The dimensions of all at-grade parking bays, aisles, column setbacks or stacker platforms to be shown on ground-floor plan;
 - (n) Swept path diagrams using the B85 design vehicle into critical car parking spaces and stacker platforms are to be submitted to Council to confirm access into and out of these spaces;
 - (o) The two scooter spaces should be designed to satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004 clause 2.4.7 or alternatively removed from plans;
 - (p) For townhouse 13, provision of fixed vertical screening fins to the level 2 bedroom window to limit overlooking to the private open space of the property at 2/118 Roseneath Street;
 - (q) For townhouses 13 and 14, relocation of the staircase between level 2 and the roof terrace to the east;
 - (r) For townhouses 13 and 14, the addition of a planter along the western edge of the roof terrace to limit overlooking to the private open space of the property at 2/118 Roseneath Street;
 - (s) The balcony associated with townhouse 5 to be screened to a height of 1.7m with a maximum of 25% visibility to prevent views to the deck of 2/140 Roseneath Street; and
 - (t) Provision of two visitor car parking spaces within the ground-floor car park.
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. Except with the prior written consent of the Responsible Authority, the Food and Drink Premises (Café) use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday - 8.00am – 8.00pm
 4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
 5. Before the development commences, the permit holder must make a one-off contribution of \$3200 to the Responsible Authority to be used for new street tree plantings that are required as a result of this development.
 6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, twelve (12) bike racks must be installed along the Roseneath Street footpath:

- (a) at the permit holder's cost; and
- (b) in a location and manner,

to the satisfaction of the Responsible Authority.

7. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with 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, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the property frontage to Roseneath Street):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
10. 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.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area 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.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
14. 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 dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and

- (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
15. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
16. 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.
17. 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.
18. As part of the ongoing consultant team, Assemble Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
19. 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.
21. Before the use and/or development commences, an amended 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 amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by MALA Studio and dated June 2015, but modified to include (or show):
- (a) The width of the trafficable footpath of the western and eastern laneways to be a minimum of 1.8m (as per condition 1(i));
 - (b) New Roseneath Street footpaths to be asphalt to be fully consistent with existing footpath material;
 - (c) Footpath clearance of a minimum of 1.8m from title to bicycle hoops to be shown on plans;
 - (d) Further detail is required on the planter boxes showing the soil media, mulch, water proof membrane, drainage, etc with full dimensions.
 - (e) Further information on irrigation, or the collection and reuse of stormwater for irrigation.
 - (f) Confirm if trees need tree anchors to remain stable if they are allowed to grow to full size;
 - (g) Provide details and cross-section of play area with details of maintenance responsibility;

22. 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 plants,
- to the satisfaction of the Responsible Authority.
23. 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.
24. The food and drink premises (café) must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
25. The food and drink premises (café) must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
27. 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.
- (p) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by council and the relevant power authority; and
- (q) 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;
 - (v) other relevant considerations;

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (t) 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;
- (u) vehicle borne material must not accumulate on the roads abutting the land;
- (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

28. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four 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:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

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.

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

All future owners, residents, employees and occupiers residing 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.

Council acknowledges the agreement between the developer and unit 2/140 Roseneath Street in relation to developer funding of rooftop solar panel modification to ensure there is no loss of solar performance.

CARRIED

AMENDMENT

Moved: Councillor Coleman

The inclusion of an additional condition:

1(u): Deletion of one level of the central building (maximum four-storey height)

Motion lapsed for want of a seconder.

For: Crs Barbour and Fristacky

Against: Cr Coleman

1.3 312-314 Burnley Street, Richmond - Planning Application PLN15/0619

Trim Record Number: D16/28323

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN15/0619 for development of the land for dwellings, and variation of access to a Road Zone Category 1 at 312-314 Burnley Street, Richmond, 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) Deletion of the two upper-most levels and rooftop terrace areas;
 - (b) Screening to rooftop plant which is visible from Burnley Street;
 - (c) West-facing balustrading at first floor set back from the western boundary to meet the setbacks under Standard B17 – *Side and rear setbacks* under clause 55 of the Scheme;
 - (d) west-facing walls and balustrades at second floor set back from the western boundary or otherwise designed to meet the setbacks under Standard B17 – *Side and rear setbacks* under clause 55 of the Scheme;
 - (e) Dimensions for the height of the balustrading associated with the terrace for unit 202 required to create the line of sight shown in section C;
 - (f) The north-facing, bedroom window associated with unit 201 shown in elevation, being treated to avoid unreasonable overlooking generally in accordance with the requirements under Standard B22 – *Overlooking* under clause 55 of the Scheme;
 - (g) Dimensions for the planter setback associated with west-facing terraces required to create the line of sight shown in section A.
 - (h) A privacy screen between the west-facing terraces for units 101 & 102;
 - (i) details of the rainwater tank connection to toilets and the re-use of water for flushing;
 - (j) The north-facing lightcourt adjacent to the liftcore being clear to the sky with dimensions 2.15m x 1.57m;
 - (k) Dimensions for the proposed car stacker system;
 - (l) Width of the blind aisle within the car parking area;
 - (m) The width of the aisle between the car stacker and the southern wall
 - (n) A 1 in 20 section for the vehicle cross-over;

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. 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 ViPac and dated 11 August 2015, but modified to include (or show, or address):

- (a) *confirm that the glazing upgrades proposed will achieve the target indoor levels, and provide sufficient technical information to enable a review of this aspect of the acoustic report.*
 - (b) *minimum Rw rating for façade walls, such that the indoor design targets for road traffic noise will be achieved (a wall rating is currently noted in the report but not presented as a requirement).*
 - (c) *Clarification be provided as to the required Rw ratings for particular glazing configurations (e.g. the meaning of the dual ratings provided in Table 7-1 of the report).*
4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
6. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with 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, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the property frontage if deemed necessary by council):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement of Burnley Street (from centre line of road to west kerb line) along the property frontage must be profiled and re-sheeted to Council standard. Any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed. The cost associated with these road works must be borne by the developer.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; andto 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, 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.

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area 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. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
15. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

VicRoads conditions (conditions 16-17)

16. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the completion of the works hereby approved.
17. The redundant vehicle crossing must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the completion of the works hereby approved.
18. 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.
19. 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.
20. 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 dwelling entrances must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,

to the satisfaction of the Responsible Authority.

21. 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.

22. 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.
- (p) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by council and the relevant power authority;

23. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four 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 maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

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.

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.

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

Submission

The Applicant, Ms Genevieve Pool addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Barbour

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN15/0619 for development of the land for dwellings, and variation of access to a Road Zone Category 1 at 312-314 Burnley Street, Richmond, 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) Deletion of the two upper-most levels and rooftop terrace areas;
 - (b) Screening to rooftop plant which is visible from Burnley Street;
 - (c) West-facing balustrading at first floor set back from the western boundary to meet the setbacks under Standard B17 – *Side and rear setbacks* under clause 55 of the Scheme;
 - (d) west-facing walls and balustrades at second floor set back from the western boundary or otherwise designed to meet the setbacks under Standard B17 – *Side and rear setbacks* under clause 55 of the Scheme;
 - (e) Dimensions for the height of the balustrading associated with the terrace for unit 202 required to create the line of sight shown in section C;
 - (f) The north-facing, bedroom window associated with unit 201 shown in elevation, being treated to avoid unreasonable overlooking generally in accordance with the requirements under Standard B22 – *Overlooking* under clause 55 of the Scheme;
 - (g) Dimensions for the planter setback associated with west-facing terraces required to create the line of sight shown in section A.
 - (h) A privacy screen between the west-facing terraces for units 101 & 102;
 - (i) details of the rainwater tank connection to toilets and the re-use of water for flushing;
 - (j) The north-facing lightcourt adjacent to the liftcore being clear to the sky with dimensions 2.15m x 1.57m;
 - (k) Dimensions for the proposed car stacker system;
 - (l) Width of the blind aisle within the car parking area;

- (m) The width of the aisle between the car stacker and the southern wall
 - (n) A 1 in 20 section for the vehicle cross-over;
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. 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 ViPac and dated 11 August 2015, but modified to include (or show, or address):
 - (a) *confirm that the glazing upgrades proposed will achieve the target indoor levels, and provide sufficient technical information to enable a review of this aspect of the acoustic report.*
 - (b) *minimum Rw rating for façade walls, such that the indoor design targets for road traffic noise will be achieved (a wall rating is currently noted in the report but not presented as a requirement).*
 - (c) *Clarification be provided as to the required Rw ratings for particular glazing configurations (e.g. the meaning of the dual ratings provided in Table 7-1 of the report).*
 4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
 5. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
 6. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
 7. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with 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, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the property frontage if deemed necessary by council):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement of Burnley Street (from centre line of road to west kerb line) along the property frontage must be profiled and re-sheeted to Council standard. Any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed. The cost associated with these road works must be borne by the developer.

11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and

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, 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.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area 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. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
15. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

VicRoads conditions (conditions 16-17)

16. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the completion of the works hereby approved.
17. The redundant vehicle crossing must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the completion of the works hereby approved.
18. 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.
19. 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.

20. 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 dwelling entrances must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
21. 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.
22. 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.

- (p) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by council and the relevant power authority;

23. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four 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 maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

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.

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.

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

CARRIED UNANIMOUSLY

1.4 No. 9 Miller Street, Richmond. Planning Permit Application PLN14/1186- Development of land for two (2) double storey dwellings including the full demolition of the existing dwelling and associated reduction in the car parking requirements.

Trim Record Number: D16/23972

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/1186 for the development of the land for two (2) double storey dwellings including the full demolition of the existing dwelling and associated reduction in the car parking requirements, at No. 9 Miller Street, Richmond, 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 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 16 December 2015 and further modified as follows:
 - (a) The dwellings to have a maximum height of 8m above natural ground level;
 - (b) The position and size of the proposed rainwater gardens (in accordance with the submitted STORM reports);
 - (c) The dwellings entries to be clearly identifiable from the street, including the position of lighting and street numbers;
 - (d) The privacy screens (SC1) to first floor north, south and east-facing windows to detail whether the battens are fixed or operable, including the dimensions of battens and spacing between battens with corresponding detail provided on the section diagrams and material schedule; to demonstrate compliance with the requirements of standard B22 (*Overlooking objective*) of clause 55 of the Yarra Planning Scheme;
 - (e) A privacy screen to separate the proposed roof top terraces and to demonstrate compliance with the requirements of standard B23 (*Internal views objective*) of clause 55 of the Yarra Planning Scheme;
 - (f) The material schedule to detail the material of the garage doors to be a high quality finish that is suitable to the character of the heritage streetscape; and fence type correctly shown;
 - (g) Show a minimum of 6 cubic metres of storage for each dwelling;
 - (h) A splay to be provided on the western side of the vehicle crossover to Loughnan Street to achieve a minimum width of 4.1m at the southern boundary;
 - (i) The proposed east elevation clearly illustrated (without the existing on-boundary wall); and
 - (j) The SC1 screens (or similar) to be applied to the ground floor windows (not including glazed doors and glazing above the concrete trim feature) to Miller Street.

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. Before the development 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.
4. 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.
 5. Before the development 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.
 6. 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.
 7. Before the development is occupied and upon completion of all buildings and works and connections for underground utility services, or by such a later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Miller Street and Loughnan Street frontage must be stripped and re-sheeted:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
 8. 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.
 9. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four 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 on 9205 5585 to confirm.

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

All future occupiers approved under this permit will not be permitted to obtain resident or visitor parking permits.

The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

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.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

The vehicle crossings shall be constructed in accordance with City of Yarra Standard Drawings and Specifications.

The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004.

An Application for a Permanent Vehicle Crossing Permit is to be taken out by the developer from Council's Construction Management Support team.

Submission

The Applicant addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Barbour

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN14/1186 for the development of the land for two (2) double storey dwellings including the full demolition of the existing dwelling and associated reduction in the car parking requirements, at No. 9 Miller Street, Richmond, 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 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 16 December 2015 and further modified as follows:
 - (a) The dwellings to have a maximum height of 8m above natural ground level;
 - (b) The position and size of the proposed rainwater gardens (in accordance with the submitted STORM reports);
 - (c) The dwellings entries to be clearly identifiable from the street, including the position of lighting and street numbers;
 - (d) The privacy screens (SC1) to first floor north, south and east-facing windows to detail whether the battens are fixed or operable, including the dimensions of battens and spacing between battens with corresponding detail provided on the section diagrams and material schedule; to demonstrate compliance with the requirements of standard B22 (*Overlooking objective*) of clause 55 of the Yarra Planning Scheme;
 - (e) A privacy screen to separate the proposed roof top terraces and to demonstrate compliance with the requirements of standard B23 (*Internal views objective*) of clause 55 of the Yarra Planning Scheme;
 - (f) The material schedule to detail the material of the garage doors to be a high quality finish that is suitable to the character of the heritage streetscape; and fence type correctly shown;

- (g) Show a minimum of 6 cubic metres of storage for each dwelling;
 - (h) A splay to be provided on the western side of the vehicle crossover to Loughnan Street to achieve a minimum width of 4.1m at the southern boundary;
 - (i) The proposed east elevation clearly illustrated (without the existing on-boundary wall); and
 - (j) The SC1 screens (or similar) to be applied to the ground floor windows (not including glazed doors and glazing above the concrete trim feature) to Miller Street.
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. Before the development 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.
 4. 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.
 5. Before the development 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.
 6. 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.
 7. Before the development is occupied and upon completion of all buildings and works and connections for underground utility services, or by such a later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Miller Street and Loughnan Street frontage must be stripped and re-sheeted:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
 8. 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.
 9. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four 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 on 9205 5585 to confirm.

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

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

The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

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.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

The vehicle crossings shall be constructed in accordance with City of Yarra Standard Drawings and Specifications.

The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004.

An Application for a Permanent Vehicle Crossing Permit is to be taken out by the developer from Council's Construction Management Support team.

CARRIED UNANIMOUSLY

1.5 Supplementary Report - 62 - 64 Clauscen Street, North Fitzroy VIC 3068 - Planning Permit Application No. PLN14/0960

Trim Record Number: D16/30266

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

1. That having considered all relevant planning policies, the Committee resolves to advise VCAT, all parties to the appeal and objectors that Council now supports the development shown in the plans that are proposed to be substituted for the application plans at the hearing; for partial demolition of the existing dwelling to allow for a ground floor extension, and the development of the land for the construction of two, double-storey dwellings, including a reduction in the car parking requirement of the Yarra Planning Scheme at 62 – 64 Clauscen Street, North Fitzroy subject to the following conditions:
 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended / substituted plans received by Council on 01 March 2016 but modified to show:
 - (a) A clear set of demolition plans (including a western elevation) that scale 1:100, which also show all existing fences to be removed (consistent with the elevations);
 - (b) Full retention of the chimney to the existing dwelling (including a plan notation detailing this);
 - (c) The deletion of the clothes line from the western side of the existing dwelling, and relocated so that it is not visible from Clauscen Street;
 - (d) The pedestrian gate / fence to the western side of the existing dwelling, relocated to the northern side of the bicycle storage area associated with the existing dwelling;
 - (e) The first floor plans to include the east-facing windows to the study nook of Unit 3 and screened in accordance with Clause 55.04-6 (Overlooking objective) of the Yarra Planning Scheme;
 - (f) A plan notation confirming that all screening devices are no more than 25% transparent;
 - (g) A plan notation confirming that the screen to the north-facing, living room window of Unit 3 is fixed at a height of 1.7m above the floor level;
 - (h) The opaque glass to the south-facing kitchen window of Unit 2 shown as fixed;
 - (i) The water tanks to Units 2 and 3 to be shown purely for the flushing of the toilets;
 - (j) The provision of sensor lighting to new each porch / entry , appropriately shielded and of limited intensity so as to avoid any light spillage into adjoining properties;
 - (k) All site services including any A/C units to be show on the plans and appropriately located so as to be concealed from Clauscen Street;
 - (l) All elevations including an updated schedule of all external materials and finishes, including colours that exclude any reference to the retained walls of the existing as being constructed of shiplap cladding and showing these as being retained and painted.
 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. Before the development 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.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
5. Before the development 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.
6. 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.
7. Before the development 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.
8. 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.
9. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four 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 maybe required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

All future residents and occupiers within the development approved under this permit will not be permitted to obtain resident 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.

CitiPower requirements must be complied with in relation to the overhead cables / power lines. Please contact CitiPower for further information.

Submissions

The Applicants, Mr Ashley Thompson and Mr Sanford Shan addressed the Committee:

The following people also addressed the Committee:

*Ms Robyn Smith;
Ms Rachel Cook; and
Ms Barbara Hubl.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Coleman

1. That having considered all relevant planning policies, the Committee resolves to advise VCAT, all parties to the appeal and objectors that Council does not support the development shown in the plans that are proposed to be substituted for the application plans at the hearing; for partial demolition of the existing dwelling to allow for a ground floor extension, and the development of the land for the construction of two, double-storey dwellings, including a reduction in the car parking requirement of the Yarra Planning Scheme at 62 – 64 Clauscen Street, North Fitzroy on the following ground:
 1. The proposed new dwellings are excessive, and the design fails to respond appropriately to the neighbourhood character, contrary to the decision guidelines at Clause 43.01 (Heritage overlay) and policy at Clause 22.02 (Development Guidelines for sites subject to the Heritage Overlay) of the Yarra Planning Scheme.

Please note the removal of the following ground from the original IDAC refusal on 12 August 2015:

The proposal is an overdevelopment of the site as evidenced by the high site coverage (Standard B8 – Site coverage), and overshadowing impacts (Standard B21 – Overshadowing) as set out at Clause 55 of the Yarra Planning Scheme.

CARRIED UNANIMOUSLY

The meeting closed at 9.30pm.

Confirmed at the meeting held on Wednesday 13 April 2016

Chair