



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

**held on Wednesday 24 August 2016 at 6.30pm
in Meeting Room 3 in the Richmond Town Hall**

I. ATTENDANCE

Councillor Jackie Fristacky (substitute for Cr Roberto Colanzi)
Councillor Amanda Stone
Councillor Phillip Vlahogiannis

Sarah Thomas (Principal Planner)
Tarquin Leaver (Coordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

Councillor Roberto Colanzi

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

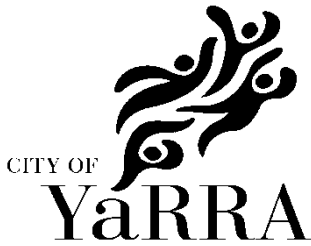
Moved: Councillor Fristacky **Seconded:** Councillor Vlahogiannis

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 10 August 2016 be confirmed.

CARRIED

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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

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

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

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

**Governance Branch
2008**

Councillor Fristacky nominated Councillor Stone as Chair.

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

Councillor Stone assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	45 Wangaratta Street, Richmond VIC 3121 - Planning Permit Application No. PLN15/1260 - Demolition and construction of a 9 storey building (plus basement) containing 15 dwellings, reduction in the car parking requirement associated with dwellings, food and drinks premises (cafe) and office (no permit required for land uses) and waiver of the loading bay requirement.	6	11
1.2	708 - 714 Nicholson Street, Fitzroy North VIC 3068 - Planning Application No. PLN14/0677.01 to amend Condition 4 of the planning permit to increase the operating hours of the courtyard from 10pm close, to 1am close the following day (Monday to Sunday); and changes to plans to construct a 7.1m high wall and a retractable awning over the courtyard.	18	20

1.1 45 Wangaratta Street, Richmond VIC 3121 - Planning Permit Application No. PLN15/1260 - Demolition and construction of a 9 storey building (plus basement) containing 15 dwellings, reduction in the car parking requirement associated with dwellings, food and drinks premises (cafe) and office (no permit required for land uses) and waiver of the loading bay requirement.

Trim Record Number: D16/103037

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies and objections, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN15/1260 for construction of a 7 storey building containing dwellings above one basement level, reduction in the car parking requirements and waiver of the loading bay requirement at 45 Wangaratta 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) A demolition plan clearly showing all parts of the building on the site to be removed.
 - (b) Deletion of Levels 7 and 8 as well as unit 6.01 at level 6. The area of unit 6.01 may be converted into an outdoor space accessible from the level 6 corridor.
 - (c) Setback of levels 3 and above, at least 3m from the western boundary of the site (except for the balcony balustrade at level 3).
 - (d) Screening of any open space in the area formerly occupied by unit 6.01 so as to prevent views downward into habitable rooms facing the lightcourts.
 - (e) Screening between abutting balconies of separate units noted as being at least 1.7m in height, fixed, permanent and no more than 25% transparent.
 - (f) Screening of any plant and equipment relocated as a result of condition 1(a);
 - (g) Any changes (where relevant) as a result on the endorsed acoustic report (including winter-gardens to bedrooms facing the southern lightcourts).
 - (h) Water tanks noted as being connected to toilets and notes regarding where water is collected from.
 - (i) Car spaces shown as being at least 2.4m in width.
 - (j) Swept path diagrams showing that a car can access and egress out of the turn table device. The swept paths diagrams must incorporate the east and west edges of Botherambo Street.
 - (k) Swept path diagrams showing that the turntable can conduct full circle movements while a car is parked on it.
 - (l) Signage in accordance with clause 52.34-5.
 - (m) A 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels (not interpolated levels from the application drawings) of the Botherambo Street road profile, including the building line and top of kerb levels. The applicant must demonstrate by way of a ground clearance check that vehicles can traverse the new vehicle crossing without scraping or bottoming out.

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.

Sustainable Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Urban Digester, dated 11/02/16, but modified to include or show:
 - (a) Any changes as a result of condition 1.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

5. Before the plans are endorsed, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the report prepared by Arup, dated 20 January 2016 but modified to include/address:
 - (a) Music and background noise levels and noise mitigation recommendations of the letter prepared by Arup dated 19 July 2016 including masonry wall construction on the south and west sides, window-gardens for habitable rooms facing the southern lightcourt and the construction of windows and doors facing the southern lightcourt, so as to achieve SEPPN-2 base noise limits inside habitable rooms.
 - (b) Treatments to achieve patron noise level limits of levels of 30 dBA for bedrooms and 35 dBA for living rooms as per AS/NZ 2107.
 - (c) Treatments to protect all dwelling occupants from external noise sources associated with the rail system to the west/south-west of the site by achieving an internal noise level of 50dBA Lmax in bedrooms and 60dBA Lmax in living rooms.
 - (d) Noise from mechanical plant and equipment associated designed to comply with including SEPP N-1 (commercial and body corporate operated plant, including carpark infrastructure); EPA Noise Control Guidelines / Publication 1254 (privately owned air conditioning condenser units) and sleep disturbance targets of 60 dBA Lmax outside openable windows of dwellings.
6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

7. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 16 November 2016, but modified to include:
 - (a) Any changes as a result of condition 1.
 - (b) Residential bin collection by private contractor and conducted by collection of the bins from within the site.

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

Construction Management

9. 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;
10. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface; and

to the satisfaction of the Responsible Authority.

12. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
13. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
14. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
15. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. 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 walkways and dwelling entrances (including from the street) must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity

to the satisfaction of the Responsible Authority.

17. 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.

18. 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.
19. 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.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new/modified 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.

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

Civil works

22. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
23. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any utility or other services providers 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.
24. Within 2 months of the completion of the development, 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 (if required by the Responsible Authority):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
25. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, footpath and kerb and channel along the property's Wangaratta and Botherambo Street road frontages must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
26. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, the full width of the Botherambo Street road pavement, extending in line with the site's northern and southern boundaries must be must stripped and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
27. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
28. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
29. 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 may be 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 property owners, residents, business owners and employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

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

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

Submissions

Mr Tim McBride-Burgess addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Mitchell Shaw;

Ms Nicky Ablesthorpe;

Mr Stephen McCulloch; and

Mr Andrew Barnett.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Vlahogiannis

That having considered all relevant planning policies and objections, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN15/1260 for construction of a 7 storey building containing dwellings above one basement level, reduction in the car parking requirements and waiver of the loading bay requirement at 45 Wangaratta Street, Richmond, subject to the following conditions:

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- (n) Graffiti proof surfaces at ground level facing Wangaratta and Botherambo Streets, Richmond.
- (o) Charging points for electric bicycles.

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.

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- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
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 - (c) treated with an all-weather seal or some other durable surface; and
- to the satisfaction of the Responsible Authority.
12. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
13. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
14. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

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 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensityto the satisfaction of the Responsible Authority.
17. 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.
18. 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.
19. 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.
20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new/modified 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.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers and car turntable must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers and turntable must be maintained thereafter to the satisfaction of the Responsible Authority.

Civil works

22. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
23. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any utility or other services providers 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.

24. Within 2 months of the completion of the development, 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 (if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
25. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, footpath and kerb and channel along the property's Wangaratta and Botherambo Street road frontages must be reconstructed:
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27. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
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28. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; or
29. 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 may be 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 property owners, residents, business owners and employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

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

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

CARRIED UNANIMOUSLY

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- 1.2 708 - 714 Nicholson Street, Fitzroy North VIC 3068 - Planning Application No. PLN14/0677.01 to amend Condition 4 of the planning permit to increase the operating hours of the courtyard from 10pm close, to 1am close the following day (Monday to Sunday); and changes to plans to construct a 7.1m high wall and a retractable awning over the courtyard.**
-

Trim Record Number: D16/114547

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN14/0677 to amend Condition 4 of the planning permit to increase the operating hours of the courtyard; and changes to plans to construct a 7.1m high wall and retractable awning over the courtyard at 708-714 Nicholson Street, Fitzroy North, subject to the following conditions:

1. **Before the extended hours/development of the courtyard 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) **Demolition plans/elevations to include demolition as originally approved (ie pages 1-4 of the currently endorsed plans);**
 - (b) **Details of the awning construction as per sketch plans received on 9 August 2016;**
 - (c) **Any changes required by the amended acoustic report (Condition 5).**
2. The use 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. No more than 70 patrons are permitted in the courtyard at any one time, to the satisfaction of the Responsible Authority.
4. **Except with the prior written consent of the Responsible Authority, the courtyard authorised by this permit may only operate between the following hours:**
 - (a) **Monday to Saturday 7am – 1am the following day**
 - (b) **Sunday 10am -11pm**
 - (c) **Any other day 10am to 1am the following day**
5. **Before the extended hours/development of the courtyard 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 ARUP Pty Ltd and dated 24 February 2016, but modified to include (or show, or address):**
 - (a) **Noise barrier construction including deletion of reference to Option 2 and detailing specific materials (not “similar construction with the approval of the Acoustic Consultant”)**
 - (b) **Specification of additional acoustic absorption material onto the noise barrier and within the courtyard, to a minimum 50sq.m. (including NRC rating)**

6. **Within two months of the commencement of the extended use of the courtyard, an updated acoustic report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess:**

(a) Patron noise levels from the courtyard;

The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

7. **The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
8. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
9. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
10. The provision of music and entertainment on the land must be at a background noise level.
11. The location and configuration of the speakers must not be altered, unless with the prior written consent of the Responsible Authority.
12. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
13. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
14. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
15. This permit will expire if the use is not commenced within two years from the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

Notes:

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

Submissions

Ms Mia Zar addressed the Committee on behalf of the Applicant.

Ms Kristen Walker also addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Vlahogiannis

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN14/0677 to amend Condition 4 of the planning permit to increase the operating hours of the courtyard; and changes to plans to construct a 7.1m high wall and retractable awning over the courtyard at 708-714 Nicholson Street, Fitzroy North, subject to the following conditions:

1. **Before the extended hours/development of the courtyard 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) **Demolition plans/elevations to include demolition as originally approved (ie pages 1-4 of the currently endorsed plans);**
 - (b) **Details of the awning construction as per sketch plans received on 9 August 2016;**
 - (c) **Any changes required by the amended acoustic report (Condition 5)**
2. The use 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. No more than 70 patrons are permitted in the courtyard at any one time, to the satisfaction of the Responsible Authority.
4. **Except with the prior written consent of the Responsible Authority, the courtyard authorised by this permit may only operate between the following hours:**
 - (a) Monday to Thursday 7am – 11pm**
 - (b) Friday & Saturday 7am – 1am the following day**
 - (c) Sunday 10am – 11pm**
 - (c) Any other day 10am to 11pm**
5. **Before the extended hours/development of the courtyard 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 ARUP Pty Ltd and dated 24 February 2016, but modified to include (or show, or address):**
 - (a) **Noise barrier construction including deletion of reference to Option 2 and detailing specific materials (not “similar construction with the approval of the Acoustic Consultant”)**
 - (b) **Specification of additional acoustic absorption material onto the noise barrier and within the courtyard, to a minimum 50sq.m. (including NRC rating)**
6. **Within two months of the commencement of the extended use of the courtyard, an updated acoustic report prepared by a suitably qualified acoustic engineer must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess:**

(a) Patron noise levels from the courtyard;

The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

- 7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
8. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
9. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
10. The provision of music and entertainment on the land, including for the television, must be at a background noise level, and subject to a noise monitor.
11. The operator must display a notice in a prominent location and on drink and food menus, requesting patrons respect the amenity of nearby residents when departing the premises, and to keep noise at a minimum.
12. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
13. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
14. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
15. This permit will expire if the use is not commenced within two years from the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

Notes:

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

CARRIED UNANIMOUSLY

The meeting closed at 8.33pm.

Confirmed at the meeting held on Wednesday 31 August 2016

Chair