

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

**held on Wednesday 1 February 2017 at 6.30pm**  
**in Meeting Room 3 at the Richmond Town Hall**

**I. ATTENDANCE**

Councillor Amanda Stone  
Councillor James Searle (substitute for Cr Fristacky)  
Councillor Mi-Lin Chen Yi Mei

Danielle Connell (Coordinator Statutory Planning)  
James Sutherland (Principal Planner)  
Cindi Johnston (Governance Officer)

**II. APOLOGIES AND LEAVE OF ABSENCE**

Councillor Jackie Fristacky

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

Nil

**IV. CONFIRMATION OF MINUTES**

**Internal Development Approvals Committee Resolution:**

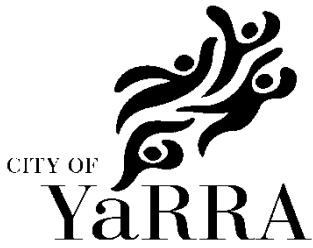
**Moved:** Councillor Stone **Seconded:** Councillor Chen Yi Mei

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 18 January 2017 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**

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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 Stone nominated Councillor Searle as Chair.

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

Councillor Searle assumed the Chair.

## 1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN15/0712 - 95-105 Victoria St and 277-285 Brunswick Street Fitzroy - Use of part of the land as a tavern and for the sale and consumption of liquor (on-premises licence), part demolition and buildings and works associated with a tunnel, air bridge and a new 5th and 6th floor above 95-105 Victoria Street, with an associated reduction (to zero) of the car parking requirements and waiver of the loading bay requirement.	6	11
1.2	Planning Permit Application No. PLN16/0092 - 15 - 21 Derby Street and 27 - 29 Oxford Street Collingwood - Construction of a multi-storey building containing two or more dwellings, use of the land for shops, reduction in the car parking requirements and waiver of the loading bay requirement	18	25
1.3	PLN13/0116.02 - 201 Brunswick Street, Fitzroy - Section 72 Amendment to increase in the hours of operation associated with the existing tavern, amend the licence type (to late night on-premises), add acoustic attenuation works, reduce patron capacity (from 113 to 100) and update the Noise and Amenity Action Plan.	32	41

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- 1.1      PLN15/0712 - 95-105 Victoria St and 277-285 Brunswick Street Fitzroy - Use of part of the land as a tavern and for the sale and consumption of liquor (on-premises licence), part demolition and buildings and works associated with a tunnel, air bridge and a new 5th and 6th floor above 95-105 Victoria Street, with an associated reduction (to zero) of the car parking requirements and waiver of the loading bay requirement.**
- 

Trim Record Number: D17/6356

Responsible Officer: Manager Statutory Planning

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Permit PLN15/0712 be issued for 95-105 Victoria Street and 277-285 Brunswick Street, Fitzroy VIC 3065 for the use of part of the land as a tavern and for the sale and consumption of liquor (on-premises liquor licence) at 95-105 Victoria Street, part demolition and buildings and works associated with a tunnel, air bridge and a new 5<sup>th</sup> and 6<sup>th</sup> floor above 95-105 Victoria Street, with an associated reduction of the car parking requirements and waiver of the loading bay requirements in accordance with the endorsed plans and subject to the following conditions:

1. Before the use or 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 on-site patron smoking area(s);
  - (b) seating for at least 70% of patrons;
  - (c) the material key as per the plans (deleting any redundant material references);
  - (d) details of the three galvanized steel elements (2) are as shown on the south elevation, confirming the finish will be matt (i.e. not highly reflective or a natural finish);
  - (e) bicycle parking as per clause 52.34 of the Yarra Planning Scheme (including design and signage as per clauses 52.34-4 and 52.34-5);
  - (f) acoustic items, where relevant to show on the plans; and
  - (g) all window openings should be shown on the architectural elevation drawings.

## *General*

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. The 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.
4. Before the use commences, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

5. 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.
6. The Permit Applicant must seek cancellation of this permit should the tavern at 285 Brunswick Street, Fitzroy stop operating in accordance with planning permit PL09/0902.

#### *Hours*

7. Except with the prior written consent of the Responsible Authority, the use (tavern and sale and consumption of liquor at 95-105 Victoria Street) may only occur between the hours of:
  - (a) 12 noon and 11pm Sunday, Monday, Tuesday and Wednesday
  - (b) 12 noon and 11.30pm Thursday
  - (c) 12 noon and 12.30pm the following day Friday and Saturday and on Anzac Day, Good Friday and on the eve of a Public Holiday.
8. Food must be available for purchase on the site at all times when the venue is open.

#### *Patrons*

9. Until 11pm, no more than 350 patrons are permitted at 95-105 Victoria Street at any one time (a maximum of 30 in the basement and 320 across levels 5 and 6).
10. After 11pm (on days where post 11pm trade is permitted), no more than 200 patrons are permitted at 95-105 Victoria Street at any one time.
11. Seating must be available for at least 70% of patrons at all times.
12. Patrons may only enter and exit the venue via the Brunswick Street entrance.

#### *Acoustic*

13. Before the use or 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 A&AS and dated 14 July 2016 but modified to include (or show, or address):
  - (b) a corrected methodology for assessing patron noise (including location and levels); and
  - (c) an assessment against SEPP N-2, demonstrating that the proposal would meet relevant standards.

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.

14. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

15. Within 3 months of the commencement of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess if the acoustic targets in the report endorsed under condition 12 have been met.
16. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1) and State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
17. The provision of music and entertainment on the land must be at a background noise level (no live music is permitted).
18. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
19. 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.

#### *NAAP*

20. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Priority Planning and dated 4 July 2015, but modified to include (or show, or address):
  - (a) hours and patron numbers as per conditions 7, 9 and 10; and
  - (b) how patrons of 95-105 Victoria Street would be managed when walking through 285 Brunswick Street, in terms of:
    - (i) general patron management; and
    - (ii) existing liquor license/planning permit patron number restrictions at 285 Brunswick Street.
21. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### *SMP*

22. Before the use or development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Lid Consulting and dated 1 October 2015, but modified to include or show:
  - (a) Council's best practice standard on energy efficiency is at least 10% above the NCC standards; and
  - (b) a STORM report (or similar) demonstrating how Council's best practice standard in regard to stormwater management will be met.

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

#### *Waste management*

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

#### *Laneway*

25. Before the development commences, the Permit Holder must do all things necessary to have the required parcels of land discontinued to enable them to purchase the land required for the tunnel and air bridge.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of this process/these processes, including the reasonable costs borne by the Responsible Authority.

26. Prior to the commencement of the development (including demolition), a detailed and annotated photographic record of the existing laneway must be submitted to and approved by the Responsible Authority. The photographs must:
  - (a) be submitted in black and white format; and
  - (b) be taken by a suitably qualified heritage photographer.
27. Any bluestone in the laneway must be re-layed as per existing conditions (including any spoon drains and other features).
28. Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
  - (a) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with airbridge and tunnel above/below the laneway.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

29. Prior to the commencement of the development, the owner of the site must submit detailed engineering documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner showing the following:
  - (a) details of the air bridge and tunnel above/below the laneway;
  - (b) all underground utility services within the laneway (including depth and location);
  - (c) a notation confirming that any service realignment or modification required as a result of the tunnel will be borne by the Permit Holder and subject to approval from the relevant authority/authorities; and
  - (d) the minimum cover for the tunnel (i.e. the depth to the top of the tunnel measured from the surface of the Right of Way).

#### *City West Water*

30. Prior to the commencement of the development:

- (a) the permit holder must enter into an agreement with City West Water for the provision of water supply and sewerage; and
- (b) evidence of this agreement must be provided to the Responsible Authority.

### *Construction*

31. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
  
32. 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; 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.
  
33. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
  
34. 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:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

35. 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.

*Expiry*

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

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

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

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

NOTE: 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.

NOTE: 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.

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 Applicant, Mr Max Finke addressed the Committee.*

*The following people also addressed the Committee:*

*Mr Richard Dexter; and  
Ms Alison Clarke.*

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Permit PLN15/0712 be issued for 95-105 Victoria Street and 277-285 Brunswick Street, Fitzroy VIC 3065 for the use of part of the land as a tavern and for the sale and consumption of liquor (on-premises liquor licence) at 95-105 Victoria Street, part demolition and buildings and works associated with a tunnel, air bridge and a new 5<sup>th</sup> and 6<sup>th</sup> floor above 95-105 Victoria Street, with an associated reduction of the car parking requirements and waiver of the loading bay requirements in accordance with the endorsed plans and subject to the following conditions:

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 To the satisfaction of the Responsible Authority.
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#### *Waste management*

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#### *Laneway*

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The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of this process/these processes, including the reasonable costs borne by the Responsible Authority.

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  - (a) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with airbridge and tunnel above/below the laneway.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

29. Prior to the commencement of the development, the owner of the site must submit detailed engineering documentation to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner showing the following:
  - (a) details of the air bridge and tunnel above/below the laneway;
  - (b) all underground utility services within the laneway (including depth and location);
  - (c) a notation confirming that any service realignment or modification required as a result of the tunnel will be borne by the Permit Holder and subject to approval from the relevant authority/authorities; and
  - (d) the minimum cover for the tunnel (i.e. the depth to the top of the tunnel measured from the surface of the Right of Way).

#### *City West Water*

30. Prior to the commencement of the development:
  - (a) the permit holder must enter into an agreement with City West Water for the provision of water supply and sewerage; and
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#### *Construction*

31. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
32. 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;
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  - (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.
33. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
34. 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:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
35. 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.

#### *Expiry*

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

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

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

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

NOTE: 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.

NOTE: 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.

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**

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**1.2 Planning Permit Application No. PLN16/0092 - 15 - 21 Derby Street and 27 - 29 Oxford Street Collingwood - Construction of a multi-storey building containing two or more dwellings, use of the land for shops, reduction in the car parking requirements and waiver of the loading bay requirement**

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Trim Record Number: D17/2177

Responsible Officer: Coordinator Statutory Planning

**RECOMMENDATION**

That having considered all relevant planning policies and objections, the Committee resolves to advise all objectors, parties to the appeal and VCAT that if Council had been in a position to, it would have issued a Notice of Decision to Grant Planning Permit PLN16/0092 for construction of a multi-storey building containing two or more dwellings, use of the land for shops, reduction in the car parking requirements and waiver of the loading bay requirement at Nos. 15 – 21 Derby Street and 27 – 29 Oxford Street, Collingwood 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 plans prepared by Stoll Long Architecture drawing nos. TP04 Rev 2, TP05 Rev 1, TP06 Rev 2, TP07 Rev 2, :TP08 Rev 2, TP09 Rev 3, TP10 Rev 3, TP11 Rev 3, TP12 Rev 3, TP 13 Rev 4, TP14 Rev 4, TP15 Rev 5, TP16 Rev 5, TP17 Rev 5, TP18 Rev 5, TP19 Rev 3, TP 20 Rev 5, all dated 22.11.2016, but modified to show:
  - (a) The canopy over the apartment and shop entrances setback by at least 750mm from the edge of the curb;
  - (b) The south-facing awning windows at the ground floor and Level 1 as not opening into the laneway;
  - (c) The pedestrian access gates for dwellings G01, G02 and G03 being inward opening;
  - (d) Dwellings 1.03, 1.06, 2.03 and 2.04, 2.07, 3.03, 3.04, 4.02 and 4.03 having ceiling fans in living room areas (except units 1.06 and 2.07 where they must be in the bedroom) and kitchens with extraction fans (not re-circulating ranges);
  - (e) Additional external shading to the east and north facades to limit summer sun impacts or the SMP required by condition 8 modified to demonstrate that all north and east facing dwellings have a maximum summer cooling load of <30MJ/m<sup>2</sup>;
  - (f) The south facing walls of levels 3 and 4 as a light grey colour;
  - (g) The louveres shown as material F15 confirmed as being no more than 25% transparent;
  - (h) At least one on-site bike parking space in a secure area(s) per dwelling;
  - (i) At least 20% of the on-site bike parking spaces as being on the ground rather than attached to a wall (e.g. Ned Kelly style rack);
  - (j) A cross-sectional drawing and ground clearance check of the development entrance to for a B99 design vehicle. All levels, grades and dimensions must be shown as well as headroom clearances. The new Right of Way profile (full width) must be incorporated in cross sectional drawing.
  - (k) Swept path diagrams using the B85 design vehicle should be provided for vehicle reversing movements out of the bays adjacent to blind aisle ends (spaces 1 and 22 on Basement 1 level and spaces 1 and 24 on Basement 2 level);
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.

Shop use

3. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
  - (a) Monday to Sunday 8.00am – 6.00pm; and
4. The amenity of the area must not be detrimentally affected by the shop uses, 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.
5. The shop uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
6. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the shops may only occur between 8.30am and 5.30pm Monday to Friday and 9am to 4pm Saturday and Sunday.
7. The collection of waste from the shops must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Sustainable Management Plan

8. 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 Ark Resources, dated 28 January 2015, but modified to include or show:
  - (a) Any changes as a result of condition 1.
9. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

10. 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 21 December 2015, but modified to include:
  - (a) Any changes as a result of condition 1.

- (b) All changes as shown in the Waste Management Plan prepared by Leigh Design and dated 15 April 2016.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape plan

12. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (b) detail the design and layout of the planters and ground level planting areas;
  - (c) provide a specification of works to be undertaken prior to planting; and
  - (d) detail plant/planting maintenance schedules and requirements.

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 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.

Car parking management

14. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following (as appropriate):
- (a) A car parking allocation including at least two spaces for residential visitors and one space for each of the shop tenancies;
  - (b) the use of a 'stop-go' lighting system to manage traffic within the development;
  - (c) the number and location of car parking spaces allocated to each tenancy/dwelling and visitors;
  - (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
  - (e) details of way-finding, cleaning and security of end of trip bicycle facilities;

- (f) policing arrangements and formal agreements;
  - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, and the use of the stop-go system etc;
15. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Construction Management

16. 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;
17. 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

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; andto the satisfaction of the Responsible Authority.
19. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
20. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
22. 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.
23. 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 intensityto the satisfaction of the Responsible Authority.
24. 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.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
26. 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.
27. 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.

Civil works

28. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
29. Before the development commences, the permit holder must make a one off contribution of \$6,447 to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.
30. Within 2 months of completing the development, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken, at the permit holder's cost and to the satisfaction of the Responsible Authority:
  - (a) Construction of four bike hoops on Derby Street along the site's frontage.
31. 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.
32. 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.
33. 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 Oxford and Derby Street road frontages must be reconstructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
34. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken at the permit holder's cost and to the satisfaction of the Responsible Authority.
  - (a) Reconstruction of the east-west aligned Right of Way abutting the southern boundary of the site;
  - (b) The section of bluestone channel immediately in front of the bicycle store area must be sawn to facilitate bicycle access;
  - (c) Reconstruction of the vehicle crossing servicing the east-west aligned Right of Way (located on west side of Oxford Street). The bluestones within vehicle crossing are to be sawn and inverted to Council's satisfaction;
  - (d) Reconstruction of the north-south aligned Right of Way that abuts the western boundary of the site. The bluestones in the eastern half of the north-south aligned Right of Way are to be sawn and inverted.
35. 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.

36. This permit will expire if:

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

37. 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:**

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.

Submissions

*The Applicants, Mr Stuart McGurn and Mr Craig Stoll addressed the Committee.*

*The following people also addressed the Committee:*

*Mr Andrew Young;  
Ms Gemma Pech;  
Mr Lee Anderson;  
Mr Mark Nipperus;  
Ms Anne McCraig;  
Ms Jenny Port;  
Ms Karen Delvin.*

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Chen Yi Mei

That having considered all relevant planning policies and objections, the Committee resolves to advise all objectors, parties to the appeal and VCAT that if Council had been in a position to, it would have issued a Notice of Decision to Grant Planning Permit PLN16/0092 for construction of a multi-storey building containing two or more dwellings, use of the land for shops, reduction in the car parking requirements and waiver of the loading bay requirement at Nos. 15 – 21 Derby Street and 27 – 29 Oxford Street, Collingwood 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 plans prepared by Stoll Long Architecture drawing nos. TP04 Rev 2, TP05 Rev 1, TP06 Rev 2, TP07 Rev 2, TP08 Rev 2, TP09 Rev 3, TP10 Rev 3, TP11 Rev 3, TP12 Rev 3, TP 13 Rev 4, TP14 Rev 4, TP15 Rev 5, TP16 Rev 5, TP17 Rev 5, TP18 Rev 5, TP19 Rev 3, TP 20 Rev 5, all dated 22.11.2016, but modified to show:
  - (a) The canopy over the apartment and shop entrances setback by at least 750mm from the edge of the curb;
  - (b) The south-facing awning windows at the ground floor and Level 1 as not opening into the laneway;
  - (c) The pedestrian access gates for dwellings G01, G02 and G03 being inward opening;
  - (d) Dwellings 1.03, 1.06, 2.03 and 2.04, 2.07, 3.03, 3.04 having ceiling fans in living room areas (except units 1.06 and 2.07 where they must be in the bedroom) and kitchens with extraction fans (not re-circulating ranges);
  - (e) Additional external shading to the east and north facades to limit summer sun impacts or the SMP required by condition 8 modified to demonstrate that all north and east facing dwellings have a maximum summer cooling load of <30MJ/m2;
  - (f) The south facing walls of levels 3 and 4 as a light grey colour;
  - (g) The louveres shown as material F15 confirmed as being no more than 25% transparent;
  - (h) At least one on-site bike parking space in a secure area(s) per dwelling;
  - (i) At least 20% of the on-site bike parking spaces as being on the ground rather than attached to a wall (e.g. Ned Kelly style rack);
  - (j) A cross-sectional drawing and ground clearance check of the development entrance to for a B99 design vehicle. All levels, grades and dimensions must be shown as well as headroom clearances. The new Right of Way profile (full width) must be incorporated in cross sectional drawing;
  - (k) Swept path diagrams using the B85 design vehicle should be provided for vehicle reversing movements out of the bays adjacent to blind aisle ends (spaces 1 and 22 on Basement 1 level and spaces 1 and 24 on Basement 2 level); and
  - (l) Deletion of levels 4 and 7.
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.

### Shop use

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

(a) Monday to Sunday 8.00am – 6.00pm; and

4. The amenity of the area must not be detrimentally affected by the shop uses, 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.

5. The shop uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

6. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the shops may only occur between 8.30am and 5.30pm Monday to Friday and 9am to 4pm Saturday and Sunday.

7. The collection of waste from the shops must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Sustainable Management Plan

8. 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 Ark Resources, dated 28 January 2015, but modified to include or show:

- (a) Any changes as a result of condition 1.

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

#### Waste Management Plan

10. 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 21 December 2015, but modified to include:

- (a) Any changes as a result of condition 1.
- (b) All changes as shown in the Waste Management Plan prepared by Leigh Design and dated 15 April 2016.

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

Landscape plan

12. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:

- (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
- (b) detail the design and layout of the planters and ground level planting areas;
- (c) provide a specification of works to be undertaken prior to planting; and
- (d) detail plant/planting maintenance schedules and requirements.

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 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.

Car parking management

14. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following (as appropriate):

- (a) A car parking allocation including at least two spaces for residential visitors and one space for each of the shop tenancies;
- (b) the use of a 'stop-go' lighting system to manage traffic within the development;
- (c) the number and location of car parking spaces allocated to each tenancy/dwelling and visitors;
- (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (e) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (f) policing arrangements and formal agreements;

- (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, and the use of the stop-go system etc;

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

#### Construction Management

16. 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;
17. 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

18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; andto the satisfaction of the Responsible Authority.
19. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
20. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
22. 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.
23. 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 intensityto the satisfaction of the Responsible Authority.
24. 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.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
26. 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.
27. 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.

Civil works

28. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
29. Before the development commences, the permit holder must make a one off contribution of \$6,447 to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.
30. Within 2 months of completing the development, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken, at the permit holder's cost and to the satisfaction of the Responsible Authority:
  - (a) Construction of four bike hoops on Derby Street along the site's frontage.
31. 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.
32. 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.
33. 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 Oxford and Derby Street road frontages must be reconstructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
34. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, the following works must be undertaken at the permit holder's cost and to the satisfaction of the Responsible Authority.
  - (a) Reconstruction of the east-west aligned Right of Way abutting the southern boundary of the site;
  - (b) The section of bluestone channel immediately in front of the bicycle store area must be sawn to facilitate bicycle access;
  - (c) Reconstruction of the vehicle crossing servicing the east-west aligned Right of Way (located on west side of Oxford Street). The bluestones within vehicle crossing are to be sawn and inverted to Council's satisfaction;
  - (d) Reconstruction of the north-south aligned Right of Way that abuts the western boundary of the site. The bluestones in the eastern half of the north-south aligned Right of Way are to be sawn and inverted.
35. 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.

36. This permit will expire if:

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

37. 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:**

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.

**CARRIED UNANIMOUSLY**

- 
- 1.3 PLN13/0116.02 - 201 Brunswick Street, Fitzroy - Section 72**  
**Amendment to increase in the hours of operation associated with the existing tavern, amend the licence type (to late night on-premises), add acoustic attenuation works, reduce patron capacity (from 113 to 100) and update the Noise and Amenity Action Plan.**
- 

Trim Record Number: D17/6487

Responsible Officer: Coordinator Statutory Planning

## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend a Planning Permit PLN13/0116 for the sale and consumption of liquor associated with a tavern (**late night** on-premises licence) and development of the land for buildings and works including partial demolition to the existing building; and a reduction in the car parking requirement and waiver of the loading and unloading of vehicles requirements at 201 Brunswick St, Fitzroy, generally in accordance with the decision plans (received by Council on 12 January 2017) and subject to the following conditions:

### *Endorsed plans*

- 1. Before the use or 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 (received by Council 12 January 2017) but modified to show:**
  - (a) deletion of the existing endorsement stamps;**
  - (b) works as per section 6 of the SLR Acoustic report (dated 7 November 2016), in both plan and elevation form;**
  - (c) the rear door upgraded to include perimeter acoustic seals and a self-closing mechanism (such that it is closed at all times except for patron entry / egress);**
  - (b) basic compression seals to the perimeter of the rear (western) window to the courtyard, with a notation confirming this window will be shut by management by 10pm on all nights.**

### *General*

- 2. The development and use of the land for the sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.**
- 3. The private laneway abutting the rear of the premises is not to be accessible from the rear of the premises.**

### *Licensed hours*

- 4. Liquor may only be sold or consumed between:**

#### **Internal**

- (a) 9am to 1am the following day Sunday to Thursday; and**

**(b) 9am to 2.30am the following day Friday and Saturday.**

**Courtyard**

**(c) 9am to 1am the following day.**

*Patron numbers*

- 5. No more than 100 patrons may be on the premises at any one time without the prior written consent of the Responsible Authority.**
6. No more than 30 patrons may be in the courtyard at any one time without the prior written consent of the Responsible Authority:

*Staff numbers*

7. No more than 8 staff must be on the premises at any one time, without the prior written consent of the Responsible Authority.

*Acoustic*

- 8. Before the use or development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must be generally as per the SLR report dated 7 November 2016, but modified to show:
  - (a) hours of operation as per condition 6;**
  - (b) patron numbers as per condition 7; and**
  - (c) confirm which nights live music is currently played.****
- 9. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
- 10. Except with the prior written consent of the Responsible Authority, only background music may be played in the courtyard.**
- 11. Except with the prior written consent of the Responsible Authority, music must not be played in the courtyard after 10am on any night.**
- 12. Except with the prior written consent of the Responsible Authority, only background music may be played after 1am inside the venue, with maximum allowable internal levels of 80 dBA and 85 dBC (Leq or Slow average measurement).**
13. Prior to the commencement of the liquor licence a sound level meter (SLM) must be installed on the premises to monitor noise levels. All levels are to be measured using 'Slow' or 'S' time weighting and the measurement should be conducted over an extended period (e.g. 2 minutes) and the display on the SLM must not exceed the following levels at any time:
  - a. Music levels within the building:
    - 90 dBA (using A-weighted filter, 'Slow' time weighting), and
    - 98 dBC (using C-weighted filter, 'Slow' time weighting).

- b. Background music & patron noise levels in the rear courtyard:
  - 80 dBA (using A-weighted filter, 'Slow' time weighting), and
  - 85 dBC (using C-weighted filter, 'Slow' time weighting).
- 14. Prior to the commencement of the liquor licence, a solid core (minimum 40mm) door must be installed between the front (bar) area and the rear courtyard, and be fitted with full perimeter acoustic seal. This door must also be fitted with self-closing mechanism to minimise chance of door being left open by patrons going between the front and rear areas of the proposed development.

*Noise and Amenity Action Plan*

- 15. **Prior to the commencement of the liquor licence an amended Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed action plan. The plan must be generally in accordance with the Noise and Amenity Action Plan received by Council, but must be modified to show:**
  - (a) hours as per condition 6;
  - (b) patron numbers as per condition 7;
  - (c) confirmation that food other than snacks will be served until midnight, Sunday to Thursday and until close Friday and Saturday;
  - (d) confirmation that existing CCTV to be maintained; and
  - (e) confirmation that signs will be erected regarding disclosure of CCTV.
- 16. **The uses must be managed in accordance with the endorsed Noise and Amenity Action Plan.**
- 17. A logbook must be maintained at all times, listing all complaints and incidents associated with the permitted use (including date, time, name, and nature of complaint) and must be available to the City of Yarra upon request.

*Noise management*

- 18. Noise emissions must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority.
- 19. Alarms must be directly connected to a security service and must not produce noise beyond the premises.

*Patron management*

- 20. The operator must request patrons, either by leaflets or a prominent notice, to take account of the needs of local residents for peace and quiet during normal sleeping hours.

*Waste management*

21. An area must be provided for the placement of Garbage Bins and Recycling Services. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. The area shall be paved, screened and constructed to the satisfaction of the Responsible Authority. All waste collection is to be undertaken by private contractors according to Local Law 3.
22. No emptying of bottles into garbage bins is permitted after 8.00 pm on any night, or before 7.00 am on any day.

*Operator management*

23. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
24. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises, a person above the age of 18 years, responsible for the good conduct of the premises ("the Manager").
25. The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the use hereby authorised.

*Deliveries*

26. All delivery and collection of goods associated with the business must be conducted between 8.00 am and 6.00 pm Monday to Friday.

*Expiry date*

27. **This permit will expire if:**
  - (a) **the development is not commenced within two years of the amended date of this permit;**
  - (b) **the development is not completed within four years of the amended date of this permit; or**
  - (c) **the use is not commenced within five years of the amended 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 pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit may be required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: This food premises is required to comply with health and food safety regulations before commencing operation. Please contact Council's Public Health Unit on 9205 5166.

**THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:**

Date of Order	
10 January 2012	Planning Permit PLN13/0116 was issued in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P2787/2013.

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

Date of amendment	Brief description of amendment
24 November 2014	Section 72 Amendment to construct a pergola over the rear courtyard.
	<b>Section 72 Amendment to increase in the hours of operation associated with the existing tavern, amend the licence type (to late night on-premises), add acoustic attenuation works, reduce patron capacity (from 113 to 100) and update the Noise and Amenity Action Plan.</b>

Submissions

*The Applicant, Mr Matt Gorman addressed the Committee.*

*The following people also addressed the Committee:*

*Mr Con Carydis;  
Mr Andrew Wolf; and  
Ms Anna Wolf.*

**PROPOSED INTERNAL DEVELOPMENT APPROVALS COMMITTEE  
RESOLUTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Searle

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend a Planning Permit PLN13/0116 for the sale and consumption of liquor associated with a tavern (**late night** on-premises licence) and development of the land for buildings and works including partial demolition to the existing building; and a reduction in the car parking requirement and waiver of the loading and unloading of vehicles requirements at 201 Brunswick St, Fitzroy, generally in accordance with the decision plans (received by Council on 12 January 2017) and subject to the following conditions:

*Endorsed plans*

1. **Before the use or 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 (received by Council 12 January 2017) but modified to show:**
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  - (c) **the rear door upgraded to include perimeter acoustic seals and a self-closing mechanism (such that it is closed at all times except for patron entry / egress);**
  - (d) **basic compression seals to the perimeter of the rear (western) window to the courtyard, with a notation confirming this window will be shut by management by 10pm on all nights.**

*General*

2. **The development and use of the land for the sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.**
3. The private laneway abutting the rear of the premises is not to be accessible from the rear of the premises.

*Licensed hours*

4. **Liquor may only be sold or consumed between:**

**Internal**

- (a) **9am to 1am the following day Sunday to Thursday; and**
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**Courtyard**

- (c) **9am to 1am the following day.**

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5. **No more than 100 patrons may be on the premises at any one time without the prior written consent of the Responsible Authority.**
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*Acoustic*

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  - (a) hours of operation as per condition 4;
  - (b) patron numbers as per conditions 5 and 6; and
  - (c) confirm which nights live music is currently played.
9. **The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
10. **Except with the prior written consent of the Responsible Authority, only background music may be played in the courtyard.**
11. **Except with the prior written consent of the Responsible Authority, music must not be played in the courtyard after 10pm on any night.**
12. **Except with the prior written consent of the Responsible Authority, only background music may be played after 1am inside the venue, with maximum allowable internal levels of 80 dBA and 85 dBC (Leq or Slow average measurement).**
13. **Prior to the commencement of the liquor licence a sound level meter (SLM) must be installed on the premises to monitor noise levels. All levels are to be measured using 'Slow' or 'S' time weighting and the measurement should be conducted over an extended period (e.g. 2 minutes) and the display on the SLM must not exceed the following levels at any time:**
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15. **Prior to the commencement of the liquor licence an amended Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed action plan. The plan must be generally in accordance with the Noise and Amenity Action Plan received by Council, but must be modified to show:**

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- (c) confirmation that food other than snacks will be served until midnight, Sunday to Thursday and until close Friday and Saturday;
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- (e) confirmation that signs will be erected regarding disclosure of CCTV.

**16. The uses must be managed in accordance with the endorsed Noise and Amenity Action Plan.**

17. A logbook must be maintained at all times, listing all complaints and incidents associated with the permitted use (including date, time, name, and nature of complaint) and must be available to the City of Yarra upon request.

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*Operator management*

23. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
24. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises, a person above the age of 18 years, responsible for the good conduct of the premises ("the Manager").

25. The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the use hereby authorised.

*Deliveries*

26. All delivery and collection of goods associated with the business must be conducted between 8.00 am and 6.00 pm Monday to Friday.

*Expiry date*

27. This permit will expire if:

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<b>Date of amendment</b>	<b>Brief description of amendment</b>
24 November 2014	Section 72 Amendment to construct a pergola over the rear courtyard.
	<b>Section 72 Amendment to increase in the hours of operation associated with the existing tavern, amend the licence type (to late night on-premises), add acoustic attenuation works, reduce patron capacity (from 113 to 100) and update the Noise and Amenity Action Plan.</b>

Motion was defeated.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Searle

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Refusal to Amend a Planning Permit PLN13/0116 for the sale and consumption of liquor associated with a tavern (**late night** on-premises licence) and development of the land for buildings and works including partial demolition to the existing building; and a reduction in the car parking requirement and waiver of the loading and unloading of vehicles requirements at 201 Brunswick St, Fitzroy, generally in accordance with the decision plans (received by Council on 12 January 2017) on the following grounds:

1. The proposed increase in hours would unreasonably impact the amenity of the area, contrary to clauses 13.04-1 (Noise abatement), 21.04 (Land Use), 22.05 (Interface Uses Policy), 22.09 (Licensed Premises) and 52.27 (Licensed Premises) of the Yarra Planning Scheme.

**CARRIED**

The meeting closed at 8.42pm.

**Confirmed at the meeting held on Wednesday 15 February 2017**

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**Chair**