

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

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

I. ATTENDANCE

Councillor Misha Coleman
Councillor Danae Bosler
Councillor Daniel Nguyen

Vicky Grillakis (Principal Planner)
Ally Huynh (Coordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

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

IV. CONFIRMATION OF MINUTES

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Internal Development Approvals Committee Resolution:

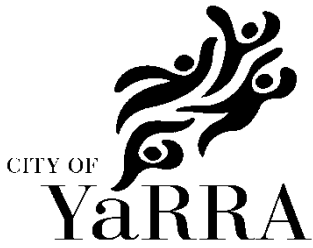
Moved: Councillor Coleman **Seconded:** Councillor Nguyen

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 15 February 2017 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 Coleman nominated Councillor Bosler as Chair.

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

Councillor Bosler assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	293 Church Street, Richmond VIC 3121 - Planning Application Permit No. PLN16/0509 - Construction of six, three-storey dwellings, including a reduction in the associated car parking requirement of the Yarra Planning Scheme and subdivision of land into seven lots.	6	11
1.2	PL06/0973.08 - 218 - 222 Brunswick Street Fitzroy - Amendment to the permit to increase the hours of operation to 1am seven days a week (condition 4), increase patron numbers from 300 to 400 (condition 5) with an associated reduction in car parking requirements, allow a DJ to play music on site (condition 13), delete and/or amend conditions 1, 14, 15 and 17 and amendment to the plans to increase the red line plan.	12	17
1.3	Planning Application - PLN16/0603 345 Swan Street, Richmond - Development of the land for a seven-storey office building, including use of the ground floor as a Food and Drinks Premises (cafe) and Shop, alteration of access within a Road Zone Category 1, reduction in car parking requirements and waiver of loading bay requirements.	23	28
1.4	Planning Permit Application No. PLN16/0366. 22 Ivan Street, Fitzroy North. Development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction.	33	37
1.5	81 Buckingham Street, Richmond. Planning Permit Application No. PLN16/0478. Buildings and works including the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme.	38	40
1.6	010059.04 - 511-521 Church Street, Richmond - Amendment to increase the office floor area (no permit required for office use) with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements	43	46

1.1 293 Church Street, Richmond VIC 3121 - Planning Application Permit No. PLN16/0509 - Construction of six, three-storey dwellings, including a reduction in the associated car parking requirement of the Yarra Planning Scheme and subdivision of land into seven lots.

Trim Record Number: D17/17960

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0609 for the construction of six new dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme and subdivision of the land into seven lots at 293 Church Street, Richmond subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 15 August 2016 but modified to show:
 - (a) The house number/screens between the pedestrian entries clearly shown on the ground floor plan as well as mail boxes and site services;
 - (b) The floor levels (i.e. floor-to-ceiling heights) and privacy screens (including sill heights of habitable room windows) dimensioned across all elevations;
 - (c) Habitable room windows shown as operable on elevations, with external shading devices to the north at the first and second floors;
 - (d) The fences across the northern boundary and their height above the natural ground level, ensuring compliance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme;
 - (e) All first floor terraces and habitable room windows screened in accordance with the standard at Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal views) of the Yarra Planning Scheme;
 - (f) The feature / decorative screen to the south shown as being entirely within the title boundaries, with further details breaking down the visual massing;
 - (g) The feature /decorative screen shown to the west of House 1 shown within title boundary; or the plan of subdivision modified to include the screen within the title boundary of House 1;
 - (h) The provision of sensor lighting to each porch / entry of the new dwellings, appropriately shielded and of limited intensity to avoid any light spillage into adjoining properties;
 - (i) Swept path diagrams using the B85 design vehicle demonstrating vehicle entry and exit movements into and out of the garages do not encroach the concrete apron (297 Church Street) on the south side of the carriageway easement
 - (j) The headroom clearance of the garages annotated on the southern elevation;
 - (k) Details of the areas immediately adjacent to the pedestrian entries clarified, ensuring the treatment does not interfere with the vehicle turning circles or access;
 - (l) All works recommended (where relevant to be shown on plans) in the Sustainable Design Assessment referred to in condition 3; and
 - (m) An updated schedule of all external materials and finishes (including all screen detail with samples included); with further articulation across the eastern elevation

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the plans are endorsed, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must include the details in the Sustainable Design Assessment prepared by Padarc Pty Ltd date 31 May 2016 and must include:
 - (a) dwellings achieve an average NatHERS rating of 6.5; and
 - (b) external shading to the north-facing windows at first and second floor;
4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
6. Any service poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

Subdivision

7. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
8. Before the Statement of Compliance is issued under the *Subdivision Act* 1988, a cash contribution for public open space, equivalent to four and a half per cent (4.5%) of the value of the land, must be paid to Council.

In accordance with Section 19(5) of the *Subdivision Act* 1988, if the contribution is not made within 12 months of the issue of the permit, Council may obtain a revaluation of the land, and vary the amount of the payment accordingly.

9. Before a Statement of Compliance is issued, unless the building works approved by planning permit PLN16/0509 have been completed, 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 which provides for development of the land in accordance with planning permit PLN16/0509 or any other permit issued by the Responsible Authority. Such agreement must also stipulate that the approved development must be completed before any of the lots are occupied.

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 Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

10. Buildings or works, other than as authorised by planning permit PLN16/0509 or any further planning permit issued by the Responsible Authority, must not be constructed on the land.
11. The owner of the land must apply for a legal point of discharge Regulation 610 with Council's Building Services.

12. Before a Statement of Compliance is issued, or by such later date as approved in writing by the Responsible Authority, stormwater drainage must be provided to the satisfaction of the Responsible Authority.
13. Before a Statement of Compliance is issued, or by such later date as approved in writing by the Responsible Authority, the owner of the land must enter into an agreement with Council's Engineering Planning Department for acceptance or upgrading of stormwater runoff directly or indirectly into Council's drainage system.

Melbourne Water's conditions 14 and 15

14. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
15. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

CitiPower condition 16

16. Clear access to the substation located in the property at 297 Church Street, Richmond, +which is accessed via the laneway between 293 & 297 Church Street is to be maintained at all times.

City West Water conditions 17 to 19

17. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
18. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.
19. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

Telecommunications Condition 20 and 21

20. The owner of the land must enter into an agreement with:
 - (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
21. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

- (b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
22. Before the dwellings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the central internal pedestrian walkway and dwelling entrances must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
23. 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.
24. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
25. 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.
26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
27. 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;
 - (c) the plan of subdivision is not certified within two years of the date of the permit; or
 - (d) the subdivision is not completed within five years of the date of certification of the plan of subdivision.

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 application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria.

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

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

All future residents 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.

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

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or and other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building Design Near Powerlines*, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

Melbourne Water Footnote(s):

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 286506

City West Water Footnote (Reference No. LND/17/00082)

The applicant should be made aware that a Plumbing application for Residential Developments (2-10 lots only) is required to be lodged with City West Water in order to obtain our servicing requirements. The Application can be downloaded from our website at www.citywestwater.com.au in the Plumbers and Developers section.

This item was withdrawn prior to the meeting due to a legal issue.

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- 1.2 PL06/0973.08 - 218 - 222 Brunswick Street Fitzroy - Amendment to the permit to increase the hours of operation to 1am seven days a week (condition 4), increase patron numbers from 300 to 400 (condition 5) with an associated reduction in car parking requirements, allow a DJ to play music on site (condition 13), delete and/or amend conditions 1, 14, 15 and 17 and amendment to the plans to increase the red line plan.**
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Trim Record Number: D17/17860
 Responsible Officer: Principal Planner

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend a Planning Permit PL06/0973 for use of the land as a hotel and office, including general liquor license and waiver of car parking requirements and bicycle requirements. Buildings and works to the existing building, including part demolition at 218 - 222 Brunswick St, Fitzroy, generally in accordance with the decision plans (received by Council on 31 October 2016) and subject to the following conditions:

Endorsed plans

- 1. Before the commencement of the amended hours and patron numbers, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:**
 - (a) A total of five (5) bicycle spaces provided on site. These spaces must be appropriately identified and provided within a convenient location for patrons;**
 - (b) A schedule of finishes (including colour samples), detailing materials and colours of external surfaces including roofs and walls;**
 - (c) Reinstatement of the proposed crossover to the satisfaction of the Responsible Authority.**

All to the satisfaction of the Responsible Authority.
- 2. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority;**
- 3. Before the commencement of the amended hours and patron numbers, an amended Noise and Amenity Action Plan (House Management 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 endorsed 7 January 2013, but modified to include (or show, or address):**
 - (a) The operation hours as per condition 8;**
 - (b) Patron numbers as per condition 9;**
 - (c) Delivery to the premises are only undertaken between the hours of 7am and 10pm on any day;**
 - (d) Deletion of the previous venues name;**
 - (e) Music to be played in accordance with condition 16 of the permit;**
 - (f) That seating for 80% of patrons be provided at ground floor at all times; and**
 - (g) Substantial meals be available for consumption by patrons up to one hour prior to closing.**

4. **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.**
5. **Before the commencement of the amended hours and patron numbers, 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 Noise Consulting and Management Pty Ltd and dated 22 July and 13 December 2016, but modified to include (or show, or address):**
 - (a) **Post operational testing to be carried out at an elevated position at 15 Kent Street after midnight on Sunday (Monday am).**
 - (b) **Noise limits set to lower levels if the post operational testing results in lower noise limits.**
6. **The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
7. **The premises may only operate between the following hours:**
 - (a) **Seven days a week - 10:00am to 1am**
 - (b) **The premises may also operate between the hours of 7am and 10am on any day, excluding the service of alcohol during these hours.**
8. **No more than 400 patrons are to be permitted on site at any one time.**
9. The sale of liquor for consumption off the premises shall not be permitted after 10.00pm on any given day.
10. No gaming or amusement machines shall be permitted on the premises.
11. No sexually explicit entertainment shall be provided on the premises.
12. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which this permit relates during or immediately after the trading hours authorised under this permit.
13. Noise emissions must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.
14. The licensee shall ensure that the level of noise emitted from the premises shall not exceed:
 - (a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area; and
 - (b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.
15. No music must be played outside the premises. No speakers must be sited outside the premises.

16. **Except with the prior written consent of the Responsible Authority, the provision of music, including a DJ must be at a background noise level.**
17. **Deleted**
18. **The operator must request patrons, by prominent notices to respect the needs of local residents for peace and quiet during normal sleeping hours, and when patrons leave the premises.**
19. The operator and/or security staff must request patrons to not congregate on the footpath, in front of the premises.
20. Security or staff are to patrol the front of the premises for 30 minutes after the close of the venue to ensure that patrons do not congregate on the footpath.
21. The footpath must not be obstructed by patrons entering or leaving the premises
22. There is to be no entry or egress of patrons onto Kent Street, except in the case of an emergency.
23. The amenity of the area must not be detrimentally affected by the use or development, through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) The presence of vermin.
24. Any empty bottles associated with the use must be taken in bags and no emptying of bottles into garbage bins is permitted after 10.00pm on any night or before 7.00am on any day.
25. Garbage collections are restricted between 7.00am and 8.00pm on any day.
26. **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.**
27. 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 a member of the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
28. 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").
29. The Manager must at all times be authorised by the occupier of the premises to make statements on their behalf to a member of the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria regarding the conduct of the premises for the activity hereby authorised.
30. **This permit will expire if:**
 - (a) **the development is not commenced within two years of the date of this permit;**
 - (b) **the development is not completed within four years of the date of this permit; or**

(c) the amended hours and patron numbers is not commenced within five years of the date of this amended permit.

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

31. The rear brick wall is to be re-instated with matching bricks prior to commencement of the use as a hotel and office.

NOTE: These premises are required to comply with the Food Act 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: These premises will be required to comply with the Health Act 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is 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: A building permit must be obtained before development is commenced.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS

Date of amendment	Brief description of amendment
6 March 2008	<p>Section 72 Amendment to allow for internal reconfiguration, deleting the central courtyards and relocating one to the front of the site adjacent to Brunswick Street; reduction in the overall floor space and temporary demolition of the rear wall – to be reconstructed prior to commencement of the use as a hotel and office.</p> <p>The following conditions were deleted:</p> <ul style="list-style-type: none"> (a) Relocation of the proposed courtyard; (b) Deletion of the proposed warehouse/storage use; (d) The brick wall at the rear of the site is to be retained; (f) Enclosure of the walkway from the entrance to the main bar area to ensure patrons do not have to walk through the smoking area to enter the venue; (g) A demolition plan (including elevations) is required clearly detailing which sections of the existing building and/or structures are to be demolished or retained; (j) All floor plans and elevations to be submitted fully dimensioned and to scale; <p>Condition 27 included in permit.</p>
07 January 2013	<p>Conditions amended as follows:</p>

	<p>Condition 4 re-worded to insert the following text, "The premises may also operate between the hours of 7am and 10am on any day, excluding the service of alcohol during these hours."</p> <p>Plans amended as follows:</p> <p>House Management Policy, and Noise Impact Assessment prepared by Marshall Day Acoustics updated to reflect the increase in hours of operation.</p>
05 February 2013	<p>Endorsed plans amended depicting the following changes:</p> <ul style="list-style-type: none"> - Change to the front door from a glass pivot door to a bi-folding door; - Internal re-arrangement of the front smokers courtyard to create a bike storage room; - Re-glazing to the front bi-fold doors; - Re-location of the fire hydrant; and, - Widening of the kitchen area.

THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS

Date of correction	Brief description of correction
21 April 2008	Permit corrected to rectify clerical errors

THE FOLLOWING WILL BE ADDED TO THE AMENDED PERMIT:

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
	<p>Amendment to the permit pursuant to Section 72 of the Planning and Environment Act 1987 for the following:</p> <ul style="list-style-type: none"> • Deletion and correction to condition 1 requirements; • Red line plan showing an increase in the approved area for the sale and consumption of liquor; • Amended condition 3 and 4 for a revised House Management Plan (NAAP); • New condition 5 and 6 for an amended acoustic report; • Amended condition 7 to increase hours of operation from Sunday to Wednesday 11pm and Thursday to Saturday 12 midnight to 1am seven days a week; • Amended condition 8 to increase patrons numbers from 300 to 400 and an associated reduction in the car parking requirements; • Amended condition 16 to allow a DJ to play music; • Delete condition 17 which allowed the operator to apply for 2 live music events a year; • Amended condition 18 to remove reference to notices on menus and wine lists;

	<ul style="list-style-type: none"> • New condition 26 to limit delivery hours; • Renumbering of all conditions as a result of new conditions to the permit; and • Revised House Management Plan and Acoustic Report endorsed as required by permit conditions.
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Submissions

The Applicants, Mr Gary Prince, Ms Anna Corzora and Mr Ryan Snorkin addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Nguyen

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend a Planning Permit PL06/0973 for use of the land as a hotel and office, including general liquor license and waiver of car parking requirements and bicycle requirements. Buildings and works to the existing building, including part demolition at 218 - 222 Brunswick St, Fitzroy, generally in accordance with the decision plans (received by Council on 31 October 2016) and subject to the following conditions:

Endorsed plans

- Before the commencement of the amended hours and patron numbers, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:**

 - A total of five (5) bicycle spaces provided on site. These spaces must be appropriately identified and provided within a convenient location for patrons;**
 - A schedule of finishes (including colour samples), detailing materials and colours of external surfaces including roofs and walls;**
 - Reinstatement of the proposed crossover to the satisfaction of the Responsible Authority.**

All to the satisfaction of the Responsible Authority.
- The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority;
- Before the commencement of the amended hours and patron numbers, an amended Noise and Amenity Action Plan (House Management 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 endorsed 7 January 2013, but modified to include (or show, or address):**

 - The operation hours as per condition 7;**
 - Patron numbers as per condition 8;**

- (c) **Delivery to the premises are only undertaken between the hours of 7am and 10pm on any day;**
 - (d) **Deletion of the previous venues name;**
 - (e) **Music to be played in accordance with condition 16 of the permit;**
 - (f) **That seating for 80% of patrons be provided at ground floor at all times; and**
 - (g) **Substantial meals be available for consumption by patrons up to one hour prior to closing.**
4. **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.**
 5. Within three months of the commencement of the amended hours and patron numbers, 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 Noise Consulting and Management Pty Ltd and dated 22 July and 13 December 2016, but modified to include (or show, or address):
 - (a) Post operational testing to be carried out at an elevated position at 15 Kent Street during the night period, and when the venue is operating at capacity, to demonstrate compliance with SEPP N-2 and patron noise targets. If the measured levels of music exceed SEPP N-2 limits, the music noise monitor is to be adjusted to ensure compliance with SEPP N-2 at all times. If the measured levels of patron noise exceed the identified targets, noise control or noise management measures are to be implemented to ensure compliance in the future. Post works testing should be conducted to show compliance once the additional measures are in place.
 6. **The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
 7. **The premises may only operate between the following hours:**
 - (a) **Sunday – Wednesday: 10am to 11pm**
 - (b) **Thursday – Saturday: 10am to 1am (the following day)**
 - (c) **The premises may also operate between the hours of 7am and 10am on any day, excluding the service of alcohol during these hours.**
 8. **No more than 400 patrons are to be permitted on site at any one time.**
 9. The sale of liquor for consumption off the premises shall not be permitted after 10.00pm on any given day.
 10. No gaming or amusement machines shall be permitted on the premises.
 11. No sexually explicit entertainment shall be provided on the premises.
 12. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which this permit relates during or immediately after the trading hours authorised under this permit.
 13. Noise emissions must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.
 14. The licensee shall ensure that the level of noise emitted from the premises shall not exceed:

- (a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area; and
 - (b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.
- 15. No music must be played outside the premises. No speakers must be sited outside the premises.
- 16. **Except with the prior written consent of the Responsible Authority, the provision of music, including a DJ must be at a background noise level.**
- 17. **Deleted**
- 18. **The operator must request patrons, by prominent notices to respect the needs of local residents for peace and quiet during normal sleeping hours, and when patrons leave the premises.**
- 19. The operator and/or security staff must request patrons to not congregate on the footpath, in front of the premises.
- 20. Security or staff are to patrol the front of the premises for 30 minutes after the close of the venue to ensure that patrons do not congregate on the footpath.
- 21. The footpath must not be obstructed by patrons entering or leaving the premises
- 22. There is to be no entry or egress of patrons onto Kent Street, except in the case of an emergency.
- 23. The amenity of the area must not be detrimentally affected by the use or development, through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) The presence of vermin.
- 24. Any empty bottles associated with the use must be taken in bags and no emptying of bottles into garbage bins is permitted after 10.00pm on any night or before 7.00am on any day.
- 25. Garbage collections are restricted between 7.00am and 8.00pm on any day.
- 26. **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.**
- 27. 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 a member of the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
- 28. 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").

29. The Manager must at all times be authorised by the occupier of the premises to make statements on their behalf to a member of the Victoria Police, an “authorised officer” of the Responsible Authority or an officer of Liquor Licensing Victoria regarding the conduct of the premises for the activity hereby authorised.

30. **This permit will expire if:**

- (a) the development is not commenced within two years of the date of this permit;**
- (b) the development is not completed within four years of the date of this permit; or**
- (c) the amended hours and patron numbers is not commenced within five years of the date of this amended permit.**

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

31. The rear brick wall is to be re-instated with matching bricks prior to commencement of the use as a hotel and office.

NOTE: These premises are required to comply with the Food Act 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: These premises will be required to comply with the Health Act 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is 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: A building permit must be obtained before development is commenced.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS

Date of amendment	Brief description of amendment
6 March 2008	<p>Section 72 Amendment to allow for internal reconfiguration, deleting the central courtyards and relocating one to the front of the site adjacent to Brunswick Street; reduction in the overall floor space and temporary demolition of the rear wall – to be reconstructed prior to commencement of the use as a hotel and office.</p> <p>The following conditions were deleted:</p> <ul style="list-style-type: none"> (a) Relocation of the proposed courtyard; (b) Deletion of the proposed warehouse/storage use; (d) The brick wall at the rear of the site is to be retained; (f) Enclosure of the walkway from the entrance to the main bar area to ensure patrons do not have to walk through the smoking area to enter the venue; (g) A demolition plan (including elevations) is required clearly detailing which sections of the existing building and/or structures are to be demolished or retained;

	<p>(j) All floor plans and elevations to be submitted fully dimensioned and to scale;</p> <p>Condition 27 included in permit.</p>
07 January 2013	<p>Conditions amended as follows:</p> <p>Condition 4 re-worded to insert the following text, "The premises may also operate between the hours of 7am and 10am on any day, excluding the service of alcohol during these hours."</p> <p>Plans amended as follows:</p> <p>House Management Policy, and Noise Impact Assessment prepared by Marshall Day Acoustics updated to reflect the increase in hours of operation.</p>
05 February 2013	<p>Endorsed plans amended depicting the following changes:</p> <ul style="list-style-type: none"> - Change to the front door from a glass pivot door to a bi-folding door; - Internal re-arrangement of the front smokers courtyard to create a bike storage room; - Re-glazing to the front bi-fold doors; - Re-location of the fire hydrant; and, - Widening of the kitchen area.

THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS

Date of correction	Brief description of correction
21 April 2008	Permit corrected to rectify clerical errors

THE FOLLOWING WILL BE ADDED TO THE AMENDED PERMIT:

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
	<p>Amendment to the permit pursuant to Section 72 of the Planning and Environment Act 1987 for the following:</p> <ul style="list-style-type: none"> • Deletion and correction to condition 1 requirements; • Red line plan showing an increase in the approved area for the sale and consumption of liquor; • Amended condition 3 and 4 for a revised House Management Plan (NAAP); • New condition 5 and 6 for an amended acoustic report; • Amended condition 7 to increase hours of operation from Sunday to Wednesday 11pm and Thursday to Saturday 12 midnight to 1am seven days a week;

	<ul style="list-style-type: none"> • Amended condition 8 to increase patrons numbers from 300 to 400 and an associated reduction in the car parking requirements; • Amended condition 16 to allow a DJ to play music; • Delete condition 17 which allowed the operator to apply for 2 live music events a year; • Amended condition 18 to remove reference to notices on menus and wine lists; • New condition 26 to limit delivery hours; • Renumbering of all conditions as a result of new conditions to the permit; and • Revised House Management Plan and Acoustic Report endorsed as required by permit conditions.
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CARRIED

1.3 Planning Application - PLN16/0603 345 Swan Street, Richmond - Development of the land for a seven-storey office building, including use of the ground floor as a Food and Drinks Premises (cafe) and Shop, alteration of access within a Road Zone Category 1, reduction in car parking requirements and waiver of loading bay requirements.

Trim Record Number: D17/14682

Responsible Officer: Principal Planner

RECOMMENDATION

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant Planning Permit PLN16/0603 be issued for development of the land for a seven storey office building, including use of the ground floor as a Food and Drinks Premises and Shop, alteration of access within a Road Zone Category 1, reduction in car parking requirements and waiver of loading bay requirements at 345 Swan Street, Richmond, generally in accordance with the decision plans dated 15 September, 2016 and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with all dimensions noted and three copies must be provided showing:
 - (a) Details generally in accordance with the sketch plans (dated 1 February 2017) showing:
 - (i) Garbage storage and collection located within basement level 01.
 - (ii) Bicycle parking introduced to Ground Floor with entry from Beissel Street, including introduction of Ground Floor M/F and Disabled Shower facilities.
 - (iii) Increase in Bicycle parking (from 47 to 51);
 - (iv) Swan Street office entrance widened from 2.2m to 5.5m;
 - (v) Levels 4 and 5 set back no less than 2.1m from the west parapet;
 - (vi) The west-facing wall at level 6 set back no less than 10.9m from the western boundary;
 - (vii) Laneway paved surface treatment revised (deletion of steps);
 - (viii) Revisions to roof terrace plan to introduce a roof garden to north edge;
 - (ix) Installation of a self-closing flood barrier to the basement entrance.

and further modified to show:

 - (b) Parking space 01 of Basement level 02 provided with signage indicating its designation as a 'small car space';
 - (c) Swept path diagrams for space 03 in Basement level 01 using B85 design vehicle;
 - (d) The western-abutting laneway reconstructed to the satisfaction of council, at cost to the permit holder;
 - (e) Paving or other permanent treatments to delineate public areas from privately owned land;
 - (f) treatments or screening to the north-facing walls/windows to avoid unreasonable overlooking to the dwellings as approved under Planning Permit PLN14/0581 at No.63-65 Glass Street, Richmond, generally in accordance with the objectives under Standard B22 – *Overlooking* under clause 55 of the Scheme;
 - (g) any requirements associated with changes to the ESD report as required by 3 of this permit.
2. The use and development shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the development commences, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainability Management Plan will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainable Design Assessment prepared by Wood and Grieve Engineers and dated 28/6/2016, but modified to include or show:
 - (a) more information on the building shell's improvement on the minimum NCC energy efficiency standards through DTS provision JV3 modelling, or equivalent
4. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. The provisions, recommendations and requirements of the endorsed Waste Management Plan (Leigh Design, 19/12/17) must be implemented and complied with to the satisfaction of the Responsible Authority.
6. The provisions, recommendations and requirements of the endorsed Tree Management Plan by Tree Logic (8 September, 2016) must be complied with and implemented to the satisfaction of the Responsible Authority.
7. Except with the prior written consent of the Responsible Authority, the Shop and Food and Drinks (café) uses authorised by this permit may only operate between the hours of 7:00am and 11:00pm.
8. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.
9. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
10. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
11. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
12. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
14. Prior to the commencement of works, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings) of the Beissel Street road profile (centre line of road pavement to property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels.

The existing road profile of Beissel Street and the ramp inside the property (for the first 2.0 metres) must be accurately drawn. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the western-abutting laneway must be reconstructed 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, 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.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
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, external lighting capable of illuminating access to Swan Street, the basement car park, laneway and Beissel Street entrances 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.

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the self-closing flood barrier must be installed to the basement ramp. Once installed, the barrier must be operated, regularly maintained and inspected in accordance with the manufacturers' specifications.
23. Before the building 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.
24. 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.
25. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;

- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

VicRoads Conditions (condition 26 only)

- 26. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use of the buildings hereby approved.
- 27. This permit will expire if:
 - (a) The development is not commenced within two years of the date of this permit; or
 - (b) The development is not completed within four years of the date of this permit; or
 - (c) The use is not commenced within five years from the date of this permit.

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

Notes:

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

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

These premises will be required to comply with the Public Health and Wellbeing Act 2008. The use must not commence until registration has been granted by Council's Health Protection Unit.

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

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

Submission

The Applicant, Mr Vaughn Connor addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Nguyen

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant Planning Permit PLN16/0603 be issued for development of the land for a seven storey office building, including use of the ground floor as a Food and Drinks Premises and Shop, alteration of access within a Road Zone Category 1, reduction in car parking requirements and waiver of loading bay requirements at 345 Swan Street, Richmond, generally in accordance with the decision plans dated 15 September, 2016 and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with all dimensions noted and three copies must be provided showing:
 - (a) Details generally in accordance with the sketch plans (dated 1 February 2017) showing:
 - (i) Garbage storage and collection located within basement level 01.
 - (ii) Bicycle parking introduced to Ground Floor with entry from Beissel Street, including introduction of Ground Floor M/F and Disabled Shower facilities.
 - (iii) Increase in Bicycle parking (from 47 to 51);
 - (iv) Swan Street office entrance widened from 2.2m to 5.5m;
 - (v) Levels 4 and 5 set back no less than 2.1m from the west parapet;
 - (vi) The west-facing wall at level 6 set back no less than 10.9m from the western boundary;
 - (vii) Laneway paved surface treatment revised (deletion of steps);
 - (viii) Revisions to roof terrace plan to introduce a roof garden to north edge;
 - (ix) Installation of a self-closing flood barrier to the basement entrance.

and further modified to show:

 - (b) Parking space 01 of Basement level 02 provided with signage indicating its designation as a 'small car space';
 - (c) Swept path diagrams for space 03 in Basement level 01 using B85 design vehicle;
 - (d) The western-abutting laneway reconstructed to the satisfaction of council, at cost to the permit holder;
 - (e) Paving or other permanent treatments to delineate public areas from privately owned land;
 - (f) treatments or screening to the north-facing walls/windows to avoid unreasonable overlooking to the dwellings as approved under Planning Permit PLN14/0581 at No.63-65 Glass Street, Richmond, generally in accordance with the objectives under Standard B22 – *Overlooking* under clause 55 of the Scheme;
 - (g) any requirements associated with changes to the ESD report as required by 3 of this permit; and
 - (h) deletion of the upper-most level.
2. The use and development shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development commences, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainability Management Plan will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainable Design Assessment prepared by Wood and Grieve Engineers and dated 28/6/2016, but modified to include or show:

- (a) more information on the building shell's improvement on the minimum NCC energy efficiency standards through DTS provision JV3 modelling, or equivalent
- 4. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 5. The provisions, recommendations and requirements of the endorsed Waste Management Plan (Leigh Design, 19/12/17) must be implemented and complied with to the satisfaction of the Responsible Authority.
- 6. The provisions, recommendations and requirements of the endorsed Tree Management Plan by Tree Logic (8 September, 2016) must be complied with and implemented to the satisfaction of the Responsible Authority.
- 7. Except with the prior written consent of the Responsible Authority, the Shop and Food and Drinks (café) uses authorised by this permit may only operate between the hours of 7:00am and 11:00pm.
- 8. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level.
- 9. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
- 10. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 11. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 12. The amenity of the area must not be detrimentally affected by the use or development, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.
- 13. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 14. Prior to the commencement of works, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings) of the Beissel Street road profile (centre line of road pavement to property line). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The existing road profile of Beissel Street and the ramp inside the property (for the first 2.0 metres) must be accurately drawn. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that vehicles can traverse the new vehicle crossing and ramp without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the western-abutting laneway must be reconstructed 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, 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.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
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, external lighting capable of illuminating access to Swan Street, the basement car park, laneway and Beissel Street entrances 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.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the self-closing flood barrier must be installed to the basement ramp. Once installed, the barrier must be operated, regularly maintained and inspected in accordance with the manufacturers' specifications.

23. Before the building 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.
24. 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.
25. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

VicRoads Conditions (condition 26 only)

26. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use of the buildings hereby approved.

27. This permit will expire if:

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

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

Notes:

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

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

These premises will be required to comply with the Public Health and Wellbeing Act 2008. The use must not commence until registration has been granted by Council's Health Protection Unit.

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

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

CARRIED UNANIMOUSLY

The meeting adjourned at 7pm.

The meeting resumed at 7.30pm.

1.4 Planning Permit Application No. PLN16/0366. 22 Ivan Street, Fitzroy North. Development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction.

Trim Record Number: D17/17286

Responsible Officer: Principal Planner

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0366 for development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction, at No. 22 Ivan Street, Fitzroy North, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans received by Council on 10 and 20 January 2017 and further modified as follows:
 - (a) Rooms (including the rear store and bbq) to be labelled according to their use,
 - (b) The western elevations corrected to show Z600 galvanised corrugated metal roof material,
 - (c) Overlooking screen sections detail updated to show that louvers are appropriately fixed with dimensions of spacing between the louvers to be noted and to demonstrate compliance with the objective of standard A15 (*Overlooking*) of clause 54 of the Yarra Planning Scheme,
 - (d) The first-floor northern wall opposite the ground floor southern habitable window at No. 24 Ivan Street to be a light coloured finish below the webforge cladding,
 - (e) The location and extent of permeable surfaces to be noted on the plans, demonstrating a minimum of 25% site permeability,
 - (f) A notation confirming the water tank will be connected to toilets, and
 - (g) A notation confirming the finished floor levels along the edge of the car space slab must be set 40 mm above the edge of the bluestone pavement of the Right of Way.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Ivan Street footpath for the width of the property frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, service structures or service pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting must be provided to the new pedestrian entrance and pedestrian walkway. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity, and
 - (e) to the satisfaction of the Responsible Authority.
6. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
7. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
9. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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.

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

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.

Submissions

The Applicant, Mr Rob Kennon addressed the Committee.

The following people also addressed the Committee:

Ms Giovanna Tivisini;

Mr Jeff Scott;

Ms Ruth Fincher; and

Mr Lochlan McNally.

PROPOSED INTERNAL DEVELOPMENT APPROVALS COMMITTEE RECOMMENDATION

Moved: Councillor Coleman

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0366 for development of the land for the full demolition of the existing dwelling, construction of a part single and part double storey dwelling and associated car parking reduction, at No. 22 Ivan Street, Fitzroy North, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans received by Council on 10 and 20 January 2017 and further modified as follows:
 - (a) Rooms (including the rear store and bbq) to be labelled according to their use,
 - (b) The western elevations corrected to show Z600 galvanised corrugated metal roof material,
 - (c) Overlooking screen sections detail updated to show that louvers are appropriately fixed with dimensions of spacing between the louvers to be noted and to demonstrate compliance with the objective of standard A15 (*Overlooking*) of clause 54 of the Yarra Planning Scheme,
 - (d) The first-floor northern wall opposite the ground floor southern habitable window at No. 24 Ivan Street to be a light coloured finish below the webforge cladding,
 - (e) The location and extent of permeable surfaces to be noted on the plans, demonstrating a minimum of 25% site permeability,
 - (f) A notation confirming the water tank will be connected to toilets,
 - (g) A notation confirming the finished floor levels along the edge of the car space slab must be set 40 mm above the edge of the bluestone pavement of the Right of Way,
 - (h) The first floor east wall setback to the rear boundary to be increased to a minimum of 6.63m.
 - (i) The top edge of the first floor east wall to rake away from the rear boundary with the rake to commence at a minimum height of 2.4m above the first floor finished floor level, and
 - (j) The cladding to the first floor east wall to be a mid-grey colour.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Ivan Street footpath for the width of the property frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, service structures or service pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting must be provided to the new pedestrian entrance and pedestrian walkway. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity, and
 - (e) to the satisfaction of the Responsible Authority.
6. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
7. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
9. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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.

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

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.

The motion lapsed for want of a seconder.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Bosler

That the Recommendation be adopted.

CARRIED

1.5 81 Buckingham Street, Richmond. Planning Permit Application No. PLN16/0478. Buildings and works including the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme.

Trim Record Number: D17/17295

Responsible Officer: Principal Planner

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0478 for the for the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme, at No.81 Buckingham Street, Richmond, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 23 September 2017, but modified to show:
 - (a) The landscape beds within the front setback of all the dwellings relocated to the opposite side of the pedestrian walkways (adjacent to the site boundaries) and to include a small canopy tree of each dwelling;
 - (b) Details of the overlooking screens to the first floor, east-facing windows wall of unit 3 and first floor, north-facing windows of unit 1 and 2 and to demonstrate these windows along with the window to bedroom 3 of unit 1 comply with Standard B22 (*Overlooking*) of the Yarra Planning Scheme;
 - (c) The robes to bedroom 1 of unit 1 and 2 deleted to allow for side setbacks;
 - (d) All car spaces to have a width of 2.7m and length of 5.4m with a 3m wide crossover to Laity Street and 5.4m wide crossover to Buckingham Street to align with the car spaces,
 - (e) The dividing fence between the car spaces of unit 1 and 2 as removed;
 - (f) Each dwelling to be provided with a 1000ltr water tank connected to toilets;
 - (g) The location and extent of permeable surfaces;
 - (h) Bins to be stored in the rear ground floor open space areas;
 - (i) Corrected setbacks on the elevations of the east and west boundary to correspond with the setbacks shown on the floor plans;
 - (j) The western wall of the second floor terrace to unit 1 setback a minimum of 1.38m to the west boundary to align with the setback of the level below; and
 - (k) Plans updated to remove reference to the proposed tree to the Laity Street footpath.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Buckingham and Laity Street footpaths for the width of the property frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 to the satisfaction of the Responsible Authority.

4. Before the development commences, the permit holder must make a one off contribution of \$2,200 to the Responsible Authority to be used for removal of the existing street tree to the Buckingham Street frontage and the two replacement street tree plantings that are required as a result of the development.
5. 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.
6. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
7. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, service structures or service 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; andto the satisfaction of the Responsible Authority.
8. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the existing vehicle crossover must be demolished and proposed crossover and kerb and channel constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; andto the satisfaction of the Responsible Authority.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting must be provided to the new pedestrian entrances. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity, andto the satisfaction of the Responsible Authority.
10. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
11. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 55585 to confirm.

NOTE: All future property owners, residents and occupiers residing within the new dwellings approved under this permit will not be permitted to obtain resident or visitor parking permits.

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

NOTE: 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 Applicant, Mr Jordan Carp addressed the Committee.

The following people also addressed the Committee:

*Mr Chris Eer; and
Mr Anthony Chisholm.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Coleman

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0478 for the for the construction of three (3), triple storey dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme, at No.81 Buckingham Street, Richmond, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 23 September 2017, but modified to show:
 - (a) The landscape beds within the front setback of all the dwellings relocated to the opposite side of the pedestrian walkways (adjacent to the site boundaries) and to include a small canopy tree of each dwelling;
 - (b) Details of the overlooking screens to the first floor, east-facing windows wall of unit 3 and first floor, north-facing windows of unit 1 and 2 and to demonstrate these windows along with the window to bedroom 3 of unit 1 comply with Standard B22 (*Overlooking*) of the Yarra Planning Scheme;
 - (c) The robes to bedroom 1 of unit 1 and 2 deleted to allow for side setbacks;
 - (d) All car spaces to have a width of 2.7m and length of 5.4m with a 3m wide crossover to Laity Street and 5.4m wide crossover to Buckingham Street to align with the car spaces,
 - (e) The dividing fence between the car spaces of unit 1 and 2 as removed;
 - (f) Each dwelling to be provided with a 1000ltr water tank connected to toilets;

- (g) The location and extent of permeable surfaces;
 - (h) Bins to be stored in the rear ground floor open space areas;
 - (i) Corrected setbacks on the elevations of the east and west boundary to correspond with the setbacks shown on the floor plans;
 - (j) The western wall of the second floor terrace to unit 1 setback a minimum of 1.38m to the west boundary to align with the setback of the level below; and
 - (k) Plans updated to remove reference to the proposed tree to the Laity Street footpath; and
 - (l) Provision of a minimum of one bicycle space for each dwelling to be provided on site.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Buckingham and Laity Street footpaths for the width of the property frontage if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 to the satisfaction of the Responsible Authority.
 4. Before the development commences, the permit holder must make a one off contribution of \$2,200 to the Responsible Authority to be used for removal of the existing street tree to the Buckingham Street frontage and the two replacement street tree plantings that are required as a result of the development.
 5. 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.
 6. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, service structures or service 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
 to the satisfaction of the Responsible Authority.
 8. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the existing vehicle crossover must be demolished and proposed crossover and kerb and channel constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 to the satisfaction of the Responsible Authority.
 9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting must be provided to the new pedestrian entrances. Lighting must be:
 - (a) located;

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

10. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
11. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 55585 to confirm.

NOTE: All future property owners, residents and occupiers residing within the new dwellings approved under this permit will not be permitted to obtain resident or visitor parking permits.

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

NOTE: 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

1.6 010059.04 - 511-521 Church Street, Richmond - Amendment to increase the office floor area (no permit required for office use) with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements

Trim Record Number: D17/18345

Responsible Officer: Principal Planner

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend a Permit to increase the office floor area with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements at 511-521 Church Street, Richmond VIC 3121, generally in accordance with amended plans received by Council on 8 November 2016 with the following preamble (changes in bold):

The construction of a building and the construction and carrying out of works, use of the land for the purpose of a restricted retail premises and café, and a reduction in the car parking requirements associated with offices, supermarket, food and drinks premises (café) **and reduction in the bicycle parking requirements**

and subject to the following conditions (changes in bold):

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) Levels 3 and 4 shall be set back 8 metres from the Church Street boundary.
 - (b) Levels 3 and 4 shall be set back an additional 4.2 metres from the eastern
 - (c) boundary.
 - (d) The plant room shall be reduced in height from 5.0 metres to 3.5 metres,
 - (e) and reduced in length from 33.0 metres to 19.8 metres.
 - (f) Change of use for mezzanine level from showroom to office.
 - (g) Location of tables and chairs within the cafe (not exceeding 60 patrons).
 - (h) All car access to the proposed carpark is to be via Gibbons Street only.
 - (i) Modified ground floor plan to reflect revised car parking and bicycle layouts in accordance with TP1.01 Rev F.
 - (j) **Details of the new office windows, demonstrating they will be fixed and the graduated fritted graphic will be a maximum 25% transparent where the window could provide views into a habitable room window or private open space area within a 45 degree arc and 9m radius.**
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Garbage collection is restricted to between 7am and 10pm on any day.
5. No more than 40 patrons shall be permitted on the café premises at any one time.
6. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - (a) Transport of materials, goods or commodities to or from land.
 - (b) Appearance of any buildings, works or materials.

- (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the
- (d) Presence of vermin.

- 7. Live entertainment is not permitted on the premises without the further written consent of the Responsible Authority.
- 8. No emptying of bottles or cans into garbage bins is permitted after 10 pm on any night, or before 7 am on any day.
- 9. Liquor must only be sold or consumed between the following hours:

7am to 11pm, Monday to Saturday (excluding Anzac Day and Good Friday);
10am to 11pm on Sunday;
12 noon to 11pm, Anzac Day and Good Friday

Without the further written consent of the Responsible Authority.

- 10. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00am – 6.00pm, Monday – Friday (excluding public holidays) and 9.00am – 3.00pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
- 11. The loading bay must be kept clear at all times for reception of goods.
- 12. A notice showing the location of car parking must be clearly placed near the entry in a clearly visible position.
- 13. **No fewer than 130 car parking spaces and 85 bicycle spaces with associated male and female change rooms must be provided on the land for the use and development.**
- 14. **An amended car park management plan must be provided and endorsed by the Responsible Authority prior to commencement of the use to ensure that sufficient, accessible parking is provided for all proposed uses to the satisfaction of the Responsible Authority. Accordingly, all vehicle entry and exit points and internal parking arrangement must be designed in accordance with AS2890.1 including circulation isles, ramps, parking bay sizes and the provision of clearances to columns and walls.**
- 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.**
- 16. **Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by WRAP Engineering Pty Ltd and dated 25/07/2016, but modified to include or show:**
 - (a) the use of low VOC materials and products; and
 - (b) the use of FSC accredited timber only.
- 17. **The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.**

18. Space must be provided within the property for pits and metres to the satisfaction and requirements of the Responsible Authority.
19. Rubbish collection facilities must be provided in accordance with Council standards if Council's rubbish collection service is to be used. Alternatively the property owner can provide a private collection service at the cost of the applicant/property owner.
20. Before the use and/or development commences, the owner of the subject land must enter into an agreement under Section 173 of the Planning and Environment Act (1987) with the Responsible Authority to provide for the following:-
 - (a) That part of the subject site that is to be used to widen Gibbons Street must be vested in Council and constructed to Council's road standard.
 - (b) The existing section of Gibbons Street that is adjacent to the widening must be constructed to the satisfaction of Council.
 - (c) The section of Gibbons Street between Church Street and the proposed car park entrance shall be reconstructed as a shared road between pedestrians and motorists. The design of the road shall incorporate adequate street lighting and landscaping with a road surface material other than asphalt to limit vehicle speeds and provide additional safety to pedestrians to the satisfaction of Council.
 - (d) All costs associated with the transfer of land to Council and the reconstruction of Gibbons Street must be met by the developer.

The full cost of the preparing, checking and approval of the agreement must be met by the applicant.

21. **This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within 2 years from the date of commencement. The Responsible Authority may approve extensions to these time limits if requests are made within 3 months of expiry.**
22. Before construction commences, a construction management plan must be prepared by the Applicant, and approved to the satisfaction of the Responsible Authority. When approved, the construction management plan will be endorsed and will then form part of the permit. The construction management plan must be implemented to the satisfaction of the Responsible Authority, and must include the following elements:-
 - (a) details of delivery and collection points for construction materials;
 - (b) provision for off-street car parking by construction workers during all phases of the construction; and,
 - (c) details of an appropriate 24 hour contact person.

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

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

NOTE: These premises will be required to comply with the Food and Health Acts 1984. No development is to commence until plans have been approved by Council's Community Amenity and Health Branch.

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

18 December 2012	Planning Permit 010059 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P2814/2012.
17 September 2013	Planning Permit 010059 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P1649/2013.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
21 August 2014	Pursuant to section 73 and 74 of the <i>Planning and Environment Act (1987)</i> amendment to the permit conditions, including: Amendment to condition 5 which originally read: • <i>No more than 60 patrons shall be permitted on the café premises at any one time.</i>
3 February 2014	Pursuant to Sections 73 and 74 of the <i>Planning and Environment Act 1987</i> , amendment to allow internal rearrangements to the basement and ground floor levels, resulting in a reduction of 4 car parking spaces, an increase of 45 bicycle parking spaces, and the installation of additional showers, lockers and change rooms.
24 June 2015	Pursuant to Sections 73 and 74 of the <i>Planning and Environment Act 1987</i> , amendment to allow a reduction in parking associated with the use of part of the ground floor as a supermarket (no permit required for supermarket use).
	Pursuant to Sections 73 and 74 of the <i>Planning and Environment Act 1987</i> , amendment to allow an increase the office floor area (no permit required for office use) with an associated reduction in the car parking requirements, along with the loss of 45 on-site car parking spaces and a reduction in the bicycle parking requirements

Submission

The Applicant, Mr Simon Gilbertson addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Coleman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

The meeting closed at 8.08pm.

Confirmed at the meeting held on Wednesday 15 March 2017

Chair