



YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE
MINUTES

held on Wednesday 10 May 2017 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall

I. ATTENDANCE

Councillor Misha Coleman
Councillor Daniel Nguyen
Councillor Danae Bosler

Vicky Grillakis (Coordinator Statutory Planning)
Tarquin Leaver (Senior 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

Internal Development Approvals Committee Resolution:

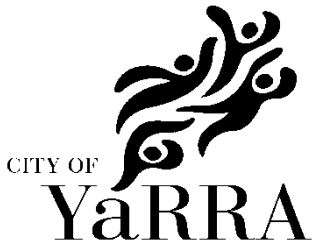
Moved: Councillor Bosler **Seconded:** Councillor Nguyen

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 26 April 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 Bosler nominated Councillor Nguyen as Chair.

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

Councillor Nguyen assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

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1.1 171 Buckingham Street Richmond - Planning Permit Application No. PLN16/1016

Trim Record Number: D17/39083

Responsible Officer: Manager Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/1016 for use and development of the land for the construction of a mixed-use building, (permit required for food and drinks premises use), reduction in car parking requirements and waiver of loading bay requirements at 171 Buckingham Street, Richmond, subject to the following conditions:

1. Before the use development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Artisan Architects dated 14 December 2016 but modified to show:
 - (a) the ground floor food and drinks premises as a café;
 - (b) deletion of one level for the Burnley Street buildings (D1 and D2) to a maximum height of 7 storeys and subsequent reduction in the number of apartments from 202 to 185 as per sketch plans provided 31 March 2017;
 - (c) the roof plant and equipment above Buildings D1 and D2 setback a total of 3m from Burnley and Buckingham Streets as per sketch plans provided 31 March 2017;
 - (d) a pedestrian link to Davison Street and subsequent amendment of Apartment A1-104 to a 1-bedroom dwelling (previously 3-bedroom) as per sketch plans provided 31 March 2017;
 - (e) the provision of at least 22 resident visitor car spaces, 206 resident car spaces and 2 staff car spaces for the café, with at least 230 car parking spaces being provided as per the sketch plans provided on 20 April 2017;
 - (f) a bollard installed in the shared area as per AS/NZS 2890.6:2009;
 - (g) the reconstruction of the speed cushions to the south of the proposed vehicle crossover as a road hump tapered towards the entrance;
 - (h) the dimensions of the column depths and setbacks and motorcycle/scooter spaces;
 - (i) the visitor bike spaces as undercover;
 - (j) sectional diagrams demonstrating that no unreasonable overlooking (within a 9m radius and 45 degree arc) will occur from the north-facing, habitable room windows and balconies of Building D1 dwellings into the first and second floor habitable room windows or secluded private open space (including roof terrace) of the dwellings within No. 52 Burnley Street;
 - (k) at least 1 storage cage provided per dwelling, with a minimum dimension of 3 cubic meters;
 - (l) security lighting adjacent to the pedestrian and vehicular entrances;
 - (m) the location of mail services;
 - (n) confirmation that all resident bike spaces are allocated;
 - (o) any requirement of the endorsed Sustainable Management Plan (condition 6) (where relevant to show on plans);
 - (p) any requirement of the endorsed Waste Management Plan (condition 8) (where relevant to show on plans); and

- (q) any requirement of the endorsed Acoustic report (condition 10) (where relevant to show on plans).
- 2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 3. Before the development commences, a materials sample board of external materials and finishes to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the sample board will be endorsed and will then form part of the permit.

Café Use

- 4. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) use authorised by this permit may only operate between the hours of 7am and 5.30pm, seven days per week.
- 5. No more than 90 patrons are permitted within the food and drinks premises at any one time.

Sustainable Management Plan

- 6. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Simpson Kotzman on 10th February 2016, but modified to include or show:
 - (a) The correct raingardens as per the architectural drawings; and
 - (b) a STORM report confirming that the development maintains a minimum 100% STORM score, or equivalent MUSIC model demonstrating best practice stormwater management.
- 7. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

- 8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 9. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority

Acoustic report

- 10. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by ViPac and provided to Council on 10 February 2017, but modified to include (or show, or address):
 - (a) Confirmation that the following internal design levels are met:
 - (i) 35 dBA Leq for bedrooms during the night and not more than 40 dBA during the loudest hour.
 - (ii) 40 dBA Leq to all habitable rooms during the day, and not more than 45 dBA Leq for the loudest hour.

- (b) Review of glazing design to incorporate required minimum Rw (or Rw + Ctr) ratings and any other relevant design information to ensure the façade achieves the internal noise levels (ie wall, ventilation treatments etc.);
- (c) A more detailed review of some of the known sources of noise shown on the development application drawings, and concept advice or specification to address these. This should include the carpark entry door, substation, social gathering area and rooftop terraces. As well as the normal SEPP and BCA requirements, it may be necessary to provide further controls to achieve appropriate amenity levels in affected apartments due to these sources, and to also address structure-borne noise and the like;
- (d) A formal assessment of any plant and equipment items associated with the development including (but not limited to) a statement that the developer will need to undertake a formal acoustical review of all mechanical plant and equipment on the development to ensure it complies with all EPA policies and guidelines; and
- (e) An assessment of the noise impacts of the food and drinks premises.

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

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

Landscape Plan

12. Before the development is occupied, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must show:
 - (a) shade tolerant species proposed within the communal open space;
 - (b) details raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
 - (c) details on proposed method for irrigation and drainage;
 - (d) plant schedule indicating botanical and common names, quantities, pot size, mature height and spread of species proposed.
 - (e) details of the proposed catenary system, if vegetation is proposed to grow along these lines, as indicated on the plans.
 - (f) details of the proposed raingarden
 - (g) to the satisfaction of the Responsible Authority.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and

- (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

14. Unfettered public access must be maintained through the central open space area.

Integrated Art Plan

15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, details of the public artwork to be provided in the locations shown on the endorsed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the details of the public artwork will be endorsed and will then form part of the permit. The cost of the public artwork is to be borne by the owner or occupier of the land. The artwork must be installed before any part of the development is occupied except with the prior written consent of the Responsible Authority all the satisfaction of the Responsible Authority. The public artwork as approved must then maintained to the satisfaction of the Responsible Authority.

Road Infrastructure

16. Prior to the commencement and construction of any new vehicle crossing, or by such later date as approved in writing by the Responsible Authority, 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 Buckingham Street road profile (from the centre line to the 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 Buckingham 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.
17. 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.
18. 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.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property's Buckingham Street, Davison Street and Burnley Street road frontages must be re-constructed:
- (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, the road pavement outside the property's Buckingham Street, Davison Street and Burnley Street road frontage must be must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
 - (b) 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, area/s of any damage caused by development works and service trenches in relation to the development in the abutting Right of Way must be reconstructed full width:
 - (a) at the permit holder's cost; and
 - (b) 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, 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.
23. All road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement.
24. Prior to the commencement of the development, the permit holder must pay a bank guarantee to the value of \$20,000 to the City of Yarra for traffic improvements including the signalisation of the intersection of Burnley Street/Doonside Street. The bank guarantee will be returned to the permit holder if the traffic improvement works are not commenced by the relevant authority within two years of the occupation of the final stage of the development.

Car parking

25. Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
 - (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
 - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (c) any policing arrangements and formal agreements as appropriate; and
 - (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.
26. 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.
27. 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.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Green Travel Plan

30. Before the development is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) describe the location in the context of alternative modes of transport;
 - (b) the provision of real time passenger information displays for nearby stops within each lobby;
 - (c) employee welcome packs (e.g. provision of Met Cards/Myki);
 - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities; and
 - (g) include provisions to be updated not less than every 5 years.
31. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Lighting Plan

32. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the northern boundary laneway and the entrances to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) all pedestrian access to a residential/multipurpose development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 *Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements*;
 - (b) new poles and luminaires will be sourced from CitiPower/Jemena standard energy efficient luminaires list and comply with relevant CitiPower/Jemena technical requirements;
 - (c) consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
 - (d) light spillage into the windows of existing and proposed residences will be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 — 1997 *Control of the obtrusive effects of outdoor lighting*; and
 - (e) the locations of any new light poles will not obstruct vehicular access into private property;
33. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority

Lighting

34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

General

35. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
36. As part of the ongoing consultant team, Artisan Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
37. The amenity of the area must not be detrimentally affected by the construction and use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
38. The use, operation of the car stacker and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
39. 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.
40. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
41. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
42. 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 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

43. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.
- (q) In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;

- (iv) fitting pneumatic tools with an effective silencer;
- (v) other relevant considerations; and
- (vi) any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) vehicle borne material must not accumulate on the roads abutting the land;
- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Time expiry

44. 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 has not commenced within five years of the date of this permit.

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

Notes:

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

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

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

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

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 and meters. No private pits, valves or meters on Council property will be accepted.

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

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

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.

A permanent survey marker is located at the east end of Buckingham Street on the footpath. This survey marker must be protected and must not, under any circumstances, be relocated or removed from its current position.

There is an existing sewer vent at the east end of Buckingham Street, directly in front of the subject site. The applicant must liaise and consult with the relevant water authority in relation to the sewer vent with respect to proximity to windows of the new building.

Submissions

The Applicant, Mr Travis Finlayson addressed the Committee.

The following people also addressed the Committee:

*Ms Annette Holskey;
Ms Jane McDougall;
Mr Adam Brown; and
Mr Tim Woodruff.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Coleman

That with respect to Planning Permit PLN16/1016, Council resolves to issue a Notice of Refusal for use and development of the land for the construction of a mixed-use building, (permit required for food and drinks premises use), reduction in car parking requirements and waiver of loading bay requirements at 171 Buckingham Street, Richmond subject to the following grounds:

1. The height of the proposal does not comply with the preferred maximum heights within the Building Envelope Diagram of Design and Development Overlay (Schedule 7).

CARRIED UNANIMOUSLY

1.2 24 - 28 Stanley Street, Collingwood VIC 3066 – Planning Permit Application No. PLN16/0753

Trim Record Number: D17/49954

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 PLN16/0753 be issued for the use of the land for a food and drinks premise (other than a hotel, tavern, restaurant and convenience restaurant) and a second food and drinks premise (no permit required for second tenancy) with the associated sale and consumption of liquor (one general licence and one restaurant and café licence) at 24 – 28 Stanley Street Collingwood, generally in accordance with the plans received by Council on 26 September 2016, and subject to the following conditions:

Tenancy 1 (Conditions 1 – 4)

1. The use and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. No more than 80 patrons are permitted in tenancy 1 at any one time.
3. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Sunday to Wednesday 7.00am – 10.00pm; and
 - (b) Thursday to Saturday 7.00am – 11.00pm
4. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor to tenancy 1 may only occur between the following hours:
 - (a) Sunday to Wednesday 10.00am – 10.00pm; and
 - (b) Thursday to Saturday 10.00am – 11.00pm

Tenancy 2 (Conditions 5 – 7)

5. The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor to tenancy 2 may only occur between the following hours:
 - (a) Monday to Sunday 10.00am – 7.00pm
7. No more than 80 patrons are permitted tenancy 2 at any time liquor is being sold or consumed.

General (Conditions 9 – 20)

8. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan submitted on 26 September 2016, but modified to include (or show, or address):

- (a) The hours of operation to tenancy 1 as per Condition 3; and
 - (b) All doors and windows to remain closed after 9pm.
9. 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.
10. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
11. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
12. The uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
13. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
14. 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.
15. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
16. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
18. 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.
19. This permit will expire if the use and sale and consumption of liquor is not commenced within two 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.

Notes:

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

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

Submissions

*The Applicant, Mr Robert Kelderman addressed the Committee.
The operator also addressed the Committee.*

The following people also addressed the Committee:

*Ms Georgina Deyer; and
Mr Andrew Keenan.*

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Bosler

Seconded: Councillor Coleman

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0753 be issued for the use of the land for a food and drinks premise (other than a hotel, tavern, restaurant and convenience restaurant) and a second food and drinks premise (no permit required for second tenancy) with the associated sale and consumption of liquor (one general licence and one restaurant and café licence) at 24 – 28 Stanley Street Collingwood, generally in accordance with the plans received by Council on 26 September 2016, and subject to the following conditions:

Tenancy 1 (Conditions 1 – 4)

1. The use and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. No more than 80 patrons are permitted in tenancy 1 at any one time.
3. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Sunday to Wednesday 7.00am – 10.00pm; and
 - (b) Thursday to Saturday 7.00am – 11.00pm
4. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor to tenancy 1 may only occur between the following hours:
 - (a) Sunday to Wednesday 10.00am – 10.00pm; and
 - (b) Thursday to Saturday 10.00am – 11.00pm
5. No music (including background) to be played after 9pm (Sunday to Thursday) and after 10pm (Friday and Saturday).

Tenancy 2 (Conditions 5 – 7)

6. The sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
7. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor to tenancy 2 may only occur between the following hours:
 - (a) Monday to Sunday 10.00am – 7.00pm

8. No more than 80 patrons are permitted tenancy 2 at any time liquor is being sold or consumed.

General (Conditions 9 – 20)

9. Seating provided for all patrons (no more than 80 per tenancy) at any one time.
10. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan submitted on 26 September 2016, but modified to include (or show, or address):
- (a) The hours of operation to tenancy 1 as per Condition 3; and
 - (b) All doors and windows to remain closed after 9pm.
11. 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.
12. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
13. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
14. The uses must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
15. The uses must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
16. 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.
17. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
18. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
20. 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.

21. This permit will expire if the use and sale and consumption of liquor is not commenced within two 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.

Notes:

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

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

CARRIED UNANIMOUSLY

1.3 14 Coppin Street, Richmond VIC 3121 - Amendment to Planning Application Permit No. PLN16/0008 - Sale and consumption of liquor in association with two (2) food and drink premises (cafes).

Trim Record Number: D17/49873

Responsible Officer: Manager Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to advise the Applicant and VCAT that it supports the amendment to application for Planning Permit PLN16/0008 for the sale and consumption of liquor in association with two (2) food and drink premises (cafes) as part of the Jaques Development at 14 Coppin Street, Richmond subject to the following conditions:

1. Prior to the liquor licence commencing, amended Noise and Amenity Action Plans (NAAPs) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, each NAAP will be endorsed and will then form part of the permit. The NAAPs must be generally in accordance with the NAAPs received by Council on 02 June 2016, but modified to include:
 - (a) The hours for the sale and consumption of liquor as stipulated for each tenancy under conditions 4-7;
 - (b) Confirmation that a manager will always be on site for each tenancy during the sale and consumption of liquor;
 - (c) Music in the outdoor area associated with Tenancy 5 to cease no later than 10pm;
 - (d) All external lighting to be oriented to prevent direct light spill outside each tenancy;
 - (e) Floor plans to show seating for at least 75% of patrons within both tenancies and no more than 106 patrons within Tenancy 1 and 184 patrons within Tenancy 5.
 - (f) The maximum patron numbers specified as a result of the Condition 1(e)
 - (g) Tenancy 5 to include a plan notation that absorptive material with a minimum absorption coefficient of NRC0.7 be attached to the underside of the slab soffit of the outdoor area.
2. 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.
3. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor must be carried out in accordance with this permit and the endorsed NAAPs and plans.

Tenancy 1 (Conditions 4 and 5)

4. No more patrons than those specified in the endorsed NAAP are permitted on the land at any time liquor is being sold or consumed.
5. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of:
 - (a) Sunday to Thursday: 10.30am to 9:00pm; and
 - (b) Friday and Saturday: 10.30am to 11.00pm.

Tenancy 5 (Conditions 6 and 7)

6. No more patrons than those specified in the endorsed NAAP are permitted on the land at any time liquor is being sold or consumed.
7. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of:
 - (a) Sunday to Thursday: 10.30am to 9:00pm; and
 - (b) Friday and Saturday: 10.30am to 11.00pm (with the exception of the outdoor area that will cease no later than 10:00pm on these days).
8. Before the sale and consumption of liquor to Tenancy 5 commences, the requirement as per Condition 1(g) must be installed and maintained to the satisfaction of the Responsible Authority.
9. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
10. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
11. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
12. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
13. 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.
14. Speakers external to the building must not be erected or used.
15. Before the use commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Tech Services Pty Ltd and dated 12 May 2016, but modified to address:
 - (a) Tenancy 1 and Tenancy 5 only;
 - (b) Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

17. 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.
18. This permit will expire if the sale and consumption of liquor is not commenced within two 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.

NOTES:

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

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

Submission

The Applicant, Ms Kristine Lee addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Nguyen

That having considered all relevant planning policies, the Committee resolves to advise the Applicant and VCAT that Council maintains its refusal to support the amendment to application for Planning Permit PLN16/0008 for the sale and consumption of liquor in association with two (2) food and drink premises (cafes) as part of the Jaques Development at 14 Coppin Street, Richmond subject to the following ground:

1. The proposed sale and consumption of liquor would be in an inappropriate location and would detrimentally affect the amenity of the surrounding area.

CARRIED UNANIMOUSLY

The meeting closed at 7.41pm.

Confirmed at the meeting held on Wednesday 24 May 2017

Chair