



YARRA CITY COUNCIL

INTERNAL DEVELOPMENT APPROVALS COMMITTEE

MINUTES

**held on Wednesday 12 July 2017 at 6.30pm
at the Richmond Town Hall**

I. ATTENDANCE

Items 1 & 2 – Meeting Room 1

Councillor Stephen Jolly
Councillor James Searle
Councillor Mike McEvoy
Councillor Daniel Nguyen (observer)
James Sutherland (Principal Planner)

Items 3 & 4 – Meeting Room 3

Councillor Amanda Stone
Councillor Jackie Fristacky
Councillor Mi Lin Chen Yi Mei
Vicky Grillakis (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 Stone **Seconded:** Councillor Chen Yi Mei

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 28 June 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**

Items 1 & 2 – Meeting Room 1

Councillor Jolly nominated Councillor McEvoy as Chair.

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

Councillor McEvoy assumed the Chair.

Items 3 & 4 – Meeting Room 3

Councillor Stone nominated Councillor Fristacky as Chair.

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

Councillor Fristacky assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN16/0925 - 59 - 77 Victoria Parade and 5 - 7 Brunswick Street (plus Council ROW) and 20 - 32 Fitzroy Street Fitzroy - Development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site.	6	13
1.2	PLN16/0926 - 93 - 99 Victoria Parade Fitzroy - Use and development of the land for part demolition, alterations and a three storey addition to the existing car park.	22	26
1.3	114-120 Nicholson Street, Fitzroy - PLN16/0153 - Development of the land for double and four-storey additions at the rear and associated works, including part demolition and an intensification of the existing backpackers lodge.	31	36
1.4	PLN17/0034 - 340 - 344 Victoria Street Richmond	43	46

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- 1.1 PLN16/0925 - 59 - 77 Victoria Parade and 5 - 7 Brunswick Street (plus Council ROW) and 20 - 32 Fitzroy Street Fitzroy - Development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site.**
-

Trim Record Number: D17/71431

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies and objections, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0925 for development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site at Nos. 59-77 Victoria Parade, 5-7 (and Council ROW) Brunswick Street and 20-32 Fitzroy Street and laneway, Fitzroy subject to the following conditions

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the 'decision plans' prepared by Billard Leece Partnership P/L, Council date stamped 23 November 2016, but modified to show:
 - (a) Changes shown in the 'sketch plans' prepared by Billard Leece Partnership P/L and Council date stamped 3 April 2017 which include:
 - (i) Setback of the ground floor to Brunswick Street podium by 1m and cut-out at levels 1 and 2 at the interface of the Former Eastern Hill Hotel;
 - (ii) A 1m x 1m rebate in the podium levels on Victoria Parade at the interface of the west wall of the Former Eastern Hill Hotel with Level 3 setback 1m from the wall;
 - (iii) A modified pedestrian entry on Victoria Parade including internal seating areas
 - (iv) Additional secure staff bike parking and shower and change room facilities at basement level;
 - (b) At least 8 shower/change rooms on the ground floor or within the basement of the Fitzroy Street car park;
 - (c) The location and size of bin storage areas at basement level;
 - (d) Any modifications as a result of detailed design required by condition 3 (landscape and streetscape plans);
 - (e) The specific location of real-time public transport information at ground floor level;
 - (f) The canopy over the Victoria Parade pedestrian entry setback at least 750mm from the edge of the curb;
 - (g) The location and capacity of the rainwater collections tanks.
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.

Archival record

3. Before demolition commences, a detailed and annotated photographic record of the existing EastHill House building in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:

- (a) include the interior and each external elevation of the buildings;
- (b) be submitted in black and white format; and
- (c) be taken by a suitably qualified heritage photographer.

On-going involvement of the architect

4. As part of the ongoing consultant team, Billard Leece Partnership P/L 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.

Landscape and streetscape plans

5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the landscape Plan prepared by LBA Design dated October 2015, but modified to show:
 - (a) Changes shown in the 'sketch plans' prepared by LBA Design and dated September 2016 including:
 - (i) The Brunswick Street curb extended further south with additional seating;
 - (ii) The indented parking on Victoria Parade maintained at its current length with the new drop curb reduced in width and additional seating added;
 - (iii) The existing drop curb at the corner of Victoria Parade and Brunswick Streets at its existing location;
 - (iv) Removal of bollards from the Brunswick Street entry and the drop curb;
 - (v) Addition of 12 public bike hoops on Brunswick Street and 20 on Victoria Street.
 - (b) The planter boxes along Victoria Parade Must be removed (VicRoads condition)
 - (c) The three (3) bollards positioned opposite the new entry along Victoria Parade to be repositioned along the north side of the tactile indicators (VicRoads condition);
 - (d) Detailed design drawings of all bike hoops on the footpath(s) and along Victoria Parade within setback areas of the site;
 - (e) An additional tree on the north side of the Brunswick Street hospital entrance;
 - (f) Dimensions showing the width of the footpath between the drop curb on Victoria Parade and the new pedestrian entrance. If adequate width is not available, the drop curb may be required to be deleted;
 - (g) Café seating on Victoria Parade noted as indicative only, or deleted;
 - (h) Paving simplified to use bluestone only (or a mix, only where it can be demonstrated another material is required for ease of access to utilities)
 - (i) Porous paving deleted and replaced with bluestone to match the remainder of new footpath paving
 - (j) Tree pits noted as being 1m x 1m and specified as mulched;
 - (k) Dimensions of all footpaths, setbacks of new drop curbs from the building line, drop curb widths and design specifications;
 - (l) Trees on Brunswick Street should re-positioned into the extended curb/road;
 - (m) All street trees on Victoria Parade as being *Acer negundo* 'Sensation' (Box Elder Maple Sensation);
 - (n) All street trees on Brunswick Street being *Acer buergerianum* (Trident Maple) All street trees
 - (o) The dimensions of all proposed street tree spacing;
 - (p) All existing infrastructure assets, signs, pole, pits and other roadside objects;
 - (q) The kerb and channel along the Victoria Parade and Brunswick Street road frontages must be reconstructed with a 300 mm wide bluestone kerb with 250mm-300 mm gutter stone;
 - (r) Any property drains that run within the footpaths to be reconstructed;
 - (s) For the landscaping on the site (new northern courtyard):

- (i) A detailed planting schedule including all plant types, location, numbers, planting size, size at maturity, irrigation, and maintenance regime and responsibility.

to the satisfaction of the Responsible Authority.

- 6. 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.

- 7. Before the development commences, the permit holder must make a one off contribution of \$8537 to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.

Sustainable Management Plan

- 8. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Murchie Consulting, dated 07/10/2016, but modified to include or show:

- (a) Any changes as a result of condition 1;
- (b) The relevant BESS report and project number;
- (c) The rainwater tank noted consistently throughout.

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

Waste Management Plan

- 10. Before the development commences, an amended Waste Management Plan prepared by a suitably qualified person and 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 Meinhardt and dated October 2016, but modified to include or show:

- (a) A plan showing the size and location of the basement waste storage room;
- (b) Details of cleaning including provision of taps hoses and drainage systems;
- (c) Location of hard waste storage;
- (d) The location of bin collection; and
- (e) Swept path diagrams showing adequate circulation space for waste collection vehicles.

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

Green Transport Plan

12. Before the development commences, an amended Green Transport Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Transport Plan prepared by One Mile Grid and dated 7 October 2016, but modified to include or show/address:
 - (a) The number of bike parking spaces provided on and off site in accordance with the plans endorsed under conditions 1 and 5.
 - (b) The specific location of real-time public transport information at ground floor level.
13. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Parking Management Plan

14. Before the development commences, a Car Park Management Plan (for the car park at 20 - 32 Fitzroy Street) prepared by a suitably qualified person and 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 and location of car parking spaces allocated to each use;
 - (b) At least one space with an electric vehicle charging point;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) any necessary monitoring arrangements and formal agreements; and
 - (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.
15. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Council laneway

16. Before the development commences, the Permit Holder must do all things necessary to have the required parcels of land (Council ROW) discontinued to enable them to purchase the land required to construct the building. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of this process/these processes, including the reasonable costs borne by the Responsible Authority.

Section 173 Agreement

17. Prior to the commencement of the development authorised by this permit, 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 to be registered on the certificates of title for the subject site and No. 93 – 99 Victoria Parade, which provides for the following:
 - (a) That at least 185 car parking spaces for staff of the St Vincent's Private Hospital will be provided on the land at 93 – 99 Victoria Parade (in addition to the existing number of spaces already within the car park) and that the car parking spaces will be made available in perpetuity.

18. 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, review, registration and enforcement of the agreement.

Construction Management Plan

19. 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. 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:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) 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;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
20. If required, the Construction Management Plan may be approved in stages. The construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

General

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,
- to the satisfaction of the Responsible Authority.
22. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
23. All pipes (excluding downpipes), 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.

Public Transport Victoria Condition (condition 24)

24. The permit holder must take all reasonable steps to ensure that disruption to the public transport services along Victoria Parade and Brunswick Street is kept to a minimum during construction of the development. Foreseen disruptions to bus and tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

VicRoads conditions (conditions 25 and 26)

25. Prior to the commencement of the development, the owner of the land must enter in to an agreement with the Department of Environment Land Water and Planning pursuant to Section 138A (11) of the Land Act 1958 for elements of the approved development that project more than 300mm beyond the land's Victoria Parade boundary (i.e., the canopies, fixed shading devices, architectural features), to indemnify the Crown in relation to any claim or liability arising from the projections within the Victoria Parade road reserve.
26. Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within the Road Zone Category 1 (i.e. Victoria Parade). Please contact VicRoads prior to commencing any works.

Civil Works

27. Before commencement of the development, detailed engineering drawings prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed engineering drawings will be endorsed and will form part of this permit. The detailed engineering drawings must address/show, but not be limited to, the following:
 - (a) Extension of the existing underground drain along the west side of Brunswick Street to facilitate approved curb extensions/modification.
 - (b) Relocation of the existing grated side entry pit further to the north; and
 - (c) A new grated side entry pit constructed adjacent to the new kerb extension;
28. The drainage works shown on the endorsed detailed engineering drawings must not be altered without the prior written consent of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the drainage works shown on the endorsed detailed engineering drawings endorsed under condition 26 must be carried out and completed to the satisfaction of the Responsible Authority.
30. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
31. Prior to completing the development, subject to the relevant authority's consent, the relocation of any utility or other services providers poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
32. Within 2 months of completing the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
33. 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, nature strip, and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
34. 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.

Expiry

35. 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

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

NOTES:

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

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

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

Mr Ian Rizole, Mr David Leese and Ms Anita Brady addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Christine Hancock;
Mr Ian White;
Ms Louise Elliot;
Mr Greg Hocking;
Mr Christopher Balmford;
Mr Lee Guthrie;
Ms Sue Dance;
Mr Phillip Campbell; and
Ms Maryanne Confoy.

Cr Nguyen joined the meeting as an observer at 7.52pm during the debate on this item.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Searle

That having considered all relevant planning policies and objections, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN16/0925 for development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site at Nos. 59-77 Victoria Parade, 5-7 (and Council ROW) Brunswick Street and 20-32 Fitzroy Street and laneway, Fitzroy subject to the following conditions

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the 'decision plans' prepared by Billard Leece Partnership P/L, Council date stamped 23 November 2016, but modified to show:
 - (a) Changes (except those that conflict with other requirements of condition 1) shown in the 'sketch plans' prepared by Billard Leece Partnership P/L and Council date stamped 3 April 2017 which include:
 - (i) Setback of the ground floor to Brunswick Street podium by 1m and cut-out at levels 1 and 2 at the interface of the Former Eastern Hill Hotel;
 - (ii) A 1m x 1m rebate in the podium levels on Victoria Parade at the interface of the west wall of the Former Eastern Hill Hotel with Level 3 setback 1m from the wall;
 - (iii) A modified pedestrian entry on Victoria Parade including internal seating areas
 - (iv) Additional secure staff bike parking and shower and change room facilities at basement level;
 - (b) At least 8 shower/change rooms on the ground floor or within the basement of the Fitzroy Street car park;
 - (c) The location and size of bin storage areas at basement level;
 - (d) Any modifications as a result of detailed design required by condition 3 (landscape and streetscape plans);
 - (e) The specific location of real-time public transport information at ground floor level;
 - (f) Any canopy over the Victoria Parade pedestrian entry setback at least 750mm from the edge of the curb;
 - (g) The location and capacity of the rainwater collections tanks.
 - (h) The height of the buildings reduced so it is no taller than the existing tower associated with the St Vincent's Private Hospital at the eastern corner of Fitzroy Street and Victoria Parade
 - (i) Retention of the facade of Easthill House (No.71-73 Victoria Parade, Fitzroy) including the shop fronts at street level and at least the first/front rooms behind the facade at all levels.
 - (j) Setback of the new tower building from Brunswick Street so it does not extend beyond the western most wall of the former Eastern Hill Hotel at 77 Victoria Parade, Fitzroy.
 - (k) Setback of the new built form so that it does not extend into the area of land on the Victorian Heritage Register, associated with the Dodgshun House at 7-9 Brunswick Street, Fitzroy.
 - (l) Deletion of all built form within the Council ROW between Nos. 5 and 7 Brunswick Street, Fitzroy.
 - (m) The provision of electric bike and car charging points within the car park.
 - (n) The provision of at least one dedicated car share space within the car park.
 - (o) The provision of solar panels to contribute to electricity consumption.
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.

Archival record

3. Before demolition commences, a detailed and annotated photographic record of the existing EastHill House building in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
 - (a) include the interior and each external elevation of the buildings;
 - (b) be submitted in black and white format; and
 - (c) be taken by a suitably qualified heritage photographer.

Structural Report Requirement

4. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.
5. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

On-going involvement of the architect

6. As part of the ongoing consultant team, Billard Leece Partnership P/L 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.

Landscape and streetscape plans

7. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the landscape Plan prepared by LBA Design dated October 2015, but modified to show:
 - (a) Changes (except those that cannot be achieved due to compliance with changes required by condition 1) shown in the 'sketch plans' prepared by LBA Design and dated September 2016 including:
 - (i) The Brunswick Street curb extended further south with additional seating;
 - (ii) The indented parking on Victoria Parade maintained at its current length with the new drop curb reduced in width and additional seating added;
 - (iii) The existing drop curb at the corner of Victoria Parade and Brunswick Streets at its existing location;
 - (iv) Removal of bollards from the Brunswick Street entry and the drop curb;
 - (v) Addition of 12 public bike hoops on Brunswick Street and 20 on Victoria Street.
 - (b) The planter boxes along Victoria Parade Must be removed (VicRoads condition)
 - (c) The three (3) bollards positioned opposite the new entry along Victoria Parade to be repositioned along the north side of the tactile indicators (VicRoads condition);
 - (d) Detailed design drawings of all bike hoops on the footpath(s) and along Victoria Parade within setback areas of the site;
 - (e) An additional tree on the north side of the Brunswick Street hospital entrance;
 - (f) Dimensions showing the width of the footpath between the drop curb on Victoria Parade and the new pedestrian entrance. If adequate width is not available, the drop curb may be required to be deleted;
 - (g) Café seating on Victoria Parade noted as indicative only, or deleted;
 - (h) Paving simplified to use bluestone only (or a mix, only where it can be demonstrated another material is required for ease of access to utilities)
 - (i) Porous paving deleted and replaced with bluestone to match the remainder of new footpath paving
 - (j) Tree pits noted as being 1m x 1m and specified as mulched;
 - (k) Dimensions of all footpaths, setbacks of new drop curbs from the building line, drop curb widths and design specifications;
 - (l) Trees on Brunswick Street should re-positioned into the extended curb/road;

- (m) All street trees on Victoria Parade as being *Acer negundo* 'Sensation' (Box Elder Maple Sensation);
- (n) All street trees on Brunswick Street being *Acer buergerianum* (Trident Maple) All street trees
- (o) The dimensions of all proposed street tree spacing;
- (p) All existing infrastructure assets, signs, pole, pits and other roadside objects;
- (q) The kerb and channel along the Victoria Parade and Brunswick Street road frontages must be reconstructed with a 300 mm wide bluestone kerb with 250mm-300 mm gutter stone;
- (r) Any property drains that run within the footpaths to be reconstructed;
- (s) For the landscaping on the site (new northern courtyard):
 - (i) A detailed planting schedule including all plant types, location, numbers, planting size, size at maturity, irrigation, and maintenance regime and responsibility.

to the satisfaction of the Responsible Authority.

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

9. Before the development commences, the permit holder must make a one off contribution of \$8537 to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.

Sustainable Management Plan

10. 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 Murchie Consulting, dated 07/10/2016, but modified to include or show:

- (a) Any changes as a result of condition 1;
- (b) The relevant BESS report and project number;
- (c) The rainwater tank noted consistently throughout.

11. 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

12. Before the development commences, an amended Waste Management Plan prepared by a suitably qualified person and 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 Meinhardt and dated October 2016, but modified to include or show:

- (a) A plan showing the size and location of the basement waste storage room;
- (b) Details of cleaning including provision of taps hoses and drainage systems;
- (c) Location of hard waste storage;
- (d) The location of bin collection; and
- (e) Swept path diagrams showing adequate circulation space for waste collection vehicles.

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

Green Transport Plan

14. Before the development commences, an amended Green Transport Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Transport Plan prepared by One Mile Grid and dated 7 October 2016, but modified to include or show/address:
- (a) The number of bike parking spaces provided on and off site in accordance with the plans endorsed under conditions 1 and 5.
 - (b) The specific location of real-time public transport information at ground floor level.

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

Car parking demand assessment

16. Before the development commences, a Car Parking Demand Assessment report prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Parking Demand Assessment will be endorsed and will form part of this permit. The Car Parking Demand Assessment must address, but not be limited to, the following:

- (a) An assessment of the demand for staff car parking (including travel patterns and transport mode preference) for the expanded hospital;
- (b) Recommendations for the number and location of staff car parking spaces to be provided either within the Fitzroy Street car park or in the expanded car park on Victoria Parade under Planning Permit PLN16/0926; and

17. The number of staff car parking spaces recommended in condition 16(b) must be provided on the site or within the car park at No. 93-99 Victoria Parade under planning permit PLN16/0926.

Car Parking Management Plan

18. Before the development commences, a Car Park Management Plan (for the car park at 20 -32 Fitzroy Street) prepared by a suitably qualified person and 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 and location of car parking spaces allocated to each use;
 - (b) At least one space with an electric vehicle charging point;

- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) any necessary monitoring arrangements and formal agreements; and
- (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.

19. 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.

Section 173 Agreement

20. Prior to the commencement of the development authorised by this permit, 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 to be registered on the certificates of title for the subject site and No. 93 – 99 Victoria Parade, which provides for the following:

- (a) That at least the number of car parking spaces shown on the plans endorsed under condition 1 of this permit, for staff of the St Vincent's Private Hospital will be provided on the land at 93 – 99 Victoria Parade (in addition to the existing number of spaces already within the car park on the site) and that the car parking spaces will be made available in perpetuity.
- (b) That the number of car parking spaces for staff shown on the plans endorsed under condition 1 may be modified with the prior written agreement of the Responsible Authority.

21. 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, review, registration and enforcement of the agreement.

Construction Management Plan

22. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;

- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008.
The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
 - (vi) any site-specific requirements.

During the construction:

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

23. If required, the Construction Management Plan may be approved in stages. The construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

General

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,

to the satisfaction of the Responsible Authority.

25. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

26. All pipes (excluding downpipes), 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.

Public Transport Victoria Condition (condition 27)

27. The permit holder must take all reasonable steps to ensure that disruption to the public transport services along Victoria Parade and Brunswick Street is kept to a minimum during construction of the development. Foreseen disruptions to bus and tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

VicRoads conditions (conditions 28 and 29)

28. Prior to the commencement of the development, the owner of the land must enter in to an agreement with the Department of Environment Land Water and Planning pursuant to Section 138A (11) of the Land Act 1958 for elements of the approved development that project more than 300mm beyond the land's Victoria Parade boundary (i.e., the canopies, fixed shading devices, architectural features), to indemnify the Crown in relation to any claim or liability arising from the projections within the Victoria Parade road reserve.
29. Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within the Road Zone Category 1 (i.e. Victoria Parade). Please contact VicRoads prior to commencing any works.

Civil Works

30. Before commencement of the development, detailed engineering drawings prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed engineering drawings will be endorsed and will form part of this permit. The detailed engineering drawings must address/show, but not be limited to, the following:
- (a) Extension of the existing underground drain along the west side of Brunswick Street to facilitate approved curb extensions/modification.
 - (b) Relocation of the existing grated side entry pit further to the north; and
 - (c) A new grated side entry pit constructed adjacent to the new kerb extension;
31. The drainage works shown on the endorsed detailed engineering drawings must not be altered without the prior written consent of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the drainage works shown on the endorsed detailed engineering drawings endorsed under condition 30 must be carried out and completed to the satisfaction of the Responsible Authority.
33. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
34. Prior to completing the development, subject to the relevant authority's consent, the relocation of any utility or other services providers poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

35. Within 2 months of completing the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (if required by the Responsible Authority):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
36. 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, nature strip, and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
37. 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.

Expiry

38. 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

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

NOTES:

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

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

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.

CARRIED

Cr Nguyen left the meeting at 7.55pm following the resolution on this item.

1.2 PLN16/0926 - 93 - 99 Victoria Parade Fitzroy - Use and development of the land for part demolition, alterations and a three storey addition to the existing car park.

Trim Record Number: D17/74230

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies and objections, the Committee resolves to issued a Notice of Decision to Grant Planning Permit PLN16/0926 for use and development of the land for part demolition, alterations and a three storey addition to the existing car park at 93 - 99 Victoria Parade Fitzroy subject to the following conditions:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the 'decision plans' prepared by Billard Leece Partnership P/L, Council date stamped 23 November 2016, but modified to show:
 - (a) Detailed cross-section and elevations of the aluminium battens (including colour treatments and material specifications);
 - (b) The location of the entry and exit boom gates;
 - (c) Dimensions of the motorbike parking spaces being at least 2.5m long x 1.2m wide;
 - (d) Demolition associated with construction of the ground level fire pump room;
 - (e) A level 1 plan provided and labelled correctly.
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.

Landscape Plan

3. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
 - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) show detailed design specifications for the planter boxes;
 - (c) provide details of irrigation, maintenance schedules and maintenance responsibility;

to the satisfaction of the Responsible Authority.

Sustainable Management Plan

4. Before the use development commences, a Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will form part of this permit. The Sustainable Management Plan must:
 - (a) Provide details addressing Water Sensitive Urban Design treatments in response to clause 22.16 of the Yarra Planning Scheme; and
 - (b) Measures to minimise electricity use.

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

Construction Management

6. 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. 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

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) 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;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
7. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
8. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Amendment of Planning Permit PL04/1183

9. Prior to the commencement of the development, planning permit PL04/1183 must be amended to show any internal rearrangements and car parking allocation changes associated with approval given under PLN16/0926.

On-going involvement of the architect

10. As part of the ongoing consultant team, Billard Leece Partnership P/L 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.
11. Before the building occupied, or by such later date as approved in writing by the Responsible Authority, 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.

Section 173 Agreement

12. Prior to the commencement of the development authorised by this permit, 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 to be registered on the certificates of title for the subject site which provides for the following:
- (a) That at least 185 car parking spaces for staff of the St Vincent's Private Hospital will be provided on the land at 93 – 99 Victoria Parade (in addition to the existing number of spaces already within the car park on the site) and that the car parking spaces will be made available in perpetuity.

13. 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, review, registration and enforcement of the agreement.

Public Transport Victoria Condition (condition 14)

14. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Victoria Parade is kept to a minimum during construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
15. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
16. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
17. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
18. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
19. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit or
 - (c) the use is not commenced within five years of the date of this permit.
20. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

NOTES:

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

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.

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

Submissions

Mr Ian Rizole, Mr David Leese and Ms Anita Brady addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Louise Elliot; and
Mr Lee Guthrie.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor McEvoy

That having considered all relevant planning policies and objections, the Committee resolves to issued a Notice of Decision to Grant Planning Permit PLN16/0926 for use and development of the land for part demolition, alterations and a three storey addition to the existing car park at 93 - 99 Victoria Parade Fitzroy subject to the following conditions:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the 'decision plans' prepared by Billard Leece Partnership P/L, Council date stamped 23 November 2016, but modified to show:
 - (a) Detailed cross-section and elevations of the aluminium battens (including colour treatments and material specifications);
 - (b) The location of the entry and exit boom gates;
 - (c) Dimensions of the motorbike parking spaces being at least 2.5m long x 1.2m wide;
 - (d) Demolition associated with construction of the ground level fire pump room;
 - (e) A level 1 plan provided and labelled correctly.
 - (f) The number of car parking spaces reduced/modified to accord with the recommendations of the Car parking Demand Assessment required under condition 16 of Planning Permit PLN16/0925.
 - (g) The provision of electric bike and car charging points within the car park.
 - (h) The provision of a dedicated car share space within the car park.
 - (i) The provision of solar panels to contribute to electricity consumption.
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.

Landscape Plan

3. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
 - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (b) show detailed design specifications for the planter boxes;
 - (c) provide details of irrigation, maintenance schedules and maintenance responsibility;

to the satisfaction of the Responsible Authority.

Sustainable Management Plan

4. Before the use development commences, a Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will form part of this permit. The Sustainable Management Plan must:
 - (a) Provide details addressing Water Sensitive Urban Design treatments in response to clause 22.16 of the Yarra Planning Scheme; and
 - (b) Measures to minimise electricity use.
5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management

6. 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. 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

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) 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;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
7. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
8. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Amendment of Planning Permit PL04/1183

9. Prior to the commencement of the development, planning permit PL04/1183 must be amended to show any internal rearrangements and car parking allocation changes associated with approval given under PLN16/0926.

On-going involvement of the architect

10. As part of the ongoing consultant team, Billard Leece Partnership P/L 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.
11. Before the building occupied, or by such later date as approved in writing by the Responsible Authority, 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.

Section 173 Agreement

12. Prior to the commencement of the development authorised by this permit, 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 to be registered on the certificates of title for the subject site which provides for the following:
 - (a) That at least the number of car parking spaces shown on the plans endorsed under condition 1 of this permit, for staff of the St Vincent's Private Hospital will be provided on the land at 93 – 99 Victoria Parade (in addition to the existing number of spaces already within the car park on the site) and that the car parking spaces will be made available in perpetuity.
 - (b) That the number of car parking spaces for staff shown on the plans endorsed under condition 1 may be modified with the prior written agreement of the Responsible Authority.
13. 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, review, registration and enforcement of the agreement.

Public Transport Victoria Condition (condition 14)

14. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Victoria Parade is kept to a minimum during construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
15. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
16. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
17. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
18. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
19. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit;

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

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

NOTES:

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

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.

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

CARRIED

1.3 114-120 Nicholson Street, Fitzroy - PLN16/0153 - Development of the land for double and four-storey additions at the rear and associated works, including part demolition and an intensification of the existing backpackers lodge.

Trim Record Number: D17/77108

Responsible Officer: Principal Statutory Planner

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0153 for development of the land for double and four-storey additions at the rear and associated works, including part demolition and an intensification of the existing backpackers lodge at 114-120 Nicholson Street, Fitzroy, subject to the following conditions:

Amended Plans

1. Before the development and intensification of the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Finnis Architects and dated 27 July 2016, but modified to show:
 - (a) The existing internal layout (including bed numbers) on the existing and proposed floor plans;
 - (b) The four-storey addition to be reduced to three-storeys, with a maximum height of 9.4m;
 - (c) The eastern-most 5.65m length of the southern first-floor wall (of 114 Nicholson Street) to be raked so that the top of the wall is set back 2.15m from the southern boundary;
 - (d) The proposed metal pickets in the front fence to 114 Nicholson Street to be replaced with wrought iron;
 - (e) The proposed first-floor wall adjacent to the northern boundary (of 120 Nicholson Street) to be no higher than 6.3m and set back a minimum of 2m from the northern boundary;
 - (f) The proposed ground floor walls along the northern and southern boundaries (of 120 & 114 Nicholson Street respectively) to be an average height of 3.2m, with no part of these walls higher than 3.6m;
 - (g) All east-facing windows associated with dormitories to be treated in accordance with the measures outlined in Standard B22 (Overlooking) of the Yarra Planning Scheme;
 - (h) Dormitory windows to be provided with restricted operability, with the design to ensure that Standard B22 (Overlooking) continues to be met;
 - (i) The location of all proposed mechanical equipment, with services to be located away from adjacent residential uses and concealed from Nicholson Street;
 - (j) The location and capacity of the rainwater tanks, with a notation confirming that these tanks will be connected to toilets and the irrigation system;
 - (k) The location and capacity of the photovoltaic system;
 - (l) A notation indicating that the rear entrance door to Bach Lane is to be used as an emergency exit and for waste collection only;
 - (m) The bicycle storage area relocated to be easily accessible from the Nicholson Street entrance and concealed from the Nicholson Street frontage;
 - (n) The rear boundary wall of the service wing behind 120 Nicholson Street to be retained to its full length, together with the chimney and a return (eastern) wall to the minimum depth of 2m;
 - (o) The cavity between the existing wall along the eastern boundary and the new wall (at 114 Nicholson Street) deleted;
 - (p) The demolition plan amended to demonstrate the revised demolition works to 120 Nicholson Street;

- (q) All new walls directly abutting the eastern boundary to be constructed of either face brickwork or a rendered finish;
 - (r) All external openings to the stairwell and corridors to be fully enclosed, including east-facing openings, with any new walls on the eastern boundary to be constructed of face brickwork or a rendered finish;
 - (s) The four square windows within the first-floor eastern elevation to each be separated by a central mullion to divide the glazing into two vertical shapes;
 - (t) Any changes to the plans required by the amended Sustainable Management Plan required under Condition 3;
 - (u) Any changes to the plans required by the amended Acoustic Report required under Condition 7.
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.

Management Plan

3. Before the development commences, an amended Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Management Plan will be endorsed and will form part of this permit. The amended Management Plan must be generally in accordance with the Management Plan prepared by The Nunnery Accommodation and dated May 2016, but modified to include or show;
- (a) The rear entrance door to Bach Lane to be used only as an emergency exit or for waste collection or deliveries. This door is to be locked externally at all other times and not used for guest access;
 - (b) The external courtyards to be closed during the following hours;
 - (i) Sunday - Thursday 10pm – 8am (the following day);
 - (ii) Friday & Saturday 11pm – 9am (the following day);
 - (c) No acoustic or amplified music to be played within the courtyards at any time.
 - (d) The main reception at 116 Nicholson Street to remain open 24 hours a day, 7 days a week;
 - (e) An on-site Manager to be available 24 hours a day, 7 days a week.
 - (f) Daily litter inspections within Bach Lane to be undertaken by hostel staff.
4. The provisions, recommendations and requirements of the endorsed Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

5. 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 Sustainable Development Consultants and dated 15 February 2016, but modified to include or show;
- (a) The existing building included in the stormwater management plan, with details demonstrating where the runoff from the existing buildings is directed and whether any part of this existing roof can be incorporated into the stormwater management features;
 - (b) Exterior shading provided to the four larger east-facing dormitory windows at first-floor, with adjustable shading systems such as louvers, fins or retractable awnings considered suitable;
 - (c) The JV3 energy modelling report to be provided prior to the commencement of works, to demonstrate that 10% improvement in energy efficiency on the NCC requirements have been met;
 - (d) The BESS report submitted in “published format”.

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

Acoustic Report

7. 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 Marshall Day Acoustics and dated 5 October 2016, but modified to include or show:
 - (a) All east-facing openings to the stairwell and corridors to be fully enclosed;
 - (b) Acoustically absorptive surface finishes to the internal courtyard walls, with specific details of the material to be provided;
 - (c) The doors to the courtyards should be fitted with automatic closing mechanisms and acoustic seals;
 - (d) All internal doors to 114 & 120 Nicholson Street should be fitted with mechanisms to prevent slamming;
 - (e) Any mechanical equipment should be reviewed by a suitably qualified acoustical consultant prior to installation;
 - (f) A minimum noise reduction coefficient (NRC) and area coverage for the absorption treatments.
8. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Within 3 months of the intensification of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. The Acoustic Report must assess the following:
 - (a) Confirm the recommendations of the endorsed acoustic report required as part of Condition 7 have been implemented.

Waste Management Plan

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

General

11. No more than 232 guests are permitted to be accommodated on the land at any one time.
12. The main reception at 116 Nicholson Street must be open 24 hours a day, 7 days a week, with a Duty Manager on-site at all times.
13. The rear entrance door to Bach Lane must be used only as an emergency exit or for waste collection or deliveries, with a sign to be displayed on the door stating that it is for emergency access only.
14. The external courtyards to be closed during the following hours;
 - (i) Sunday - Thursday 10pm – 8am (the following day);
 - (ii) Friday & Saturday 11pm – 9am (the following day).
15. No acoustic or amplified music to be played within the external courtyards at any time.

16. Speakers external to the building must not be erected or used.
17. 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.
18. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
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 of goods to and from the land may only occur between 7am and 10pm on any day.
21. 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.
22. 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.
23. Before the building is occupied, any new wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
24. 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.
25. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Civil Works

27. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of Bach Lane for the width of the property frontage if required by the Responsible Authority):

Construction Management Plan

28. 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;

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

Permit Expiry

30. This permit will expire if:
- (a) the intensification of the use is not commenced within two years of the date of this permit;
 - (b) development is not commenced within two years of the date of this permit;
 - (c) 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 5095 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 and meters. No private pits, valves or meters on Council property will be accepted.

All future employees and guests within the development approved under this planning permit will not be permitted to obtain business 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.

Submissions

Mr Michael Myers and Mr Damian Wills addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Jeremy Hindell;
Mr Tom Keel;
Ms Derry Nicholas;
Dr Peter Puszet;
Ms Sally Heath; and
Mr Rod Cullen.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Chen Yi Mei

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN16/0153 for development of the land for double and four-storey additions at the rear and associated works, including part demolition and an intensification of the existing backpackers lodge at 114-120 Nicholson Street, Fitzroy, subject to the following conditions:

Amended Plans

1. Before the development and intensification of the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Finnis Architects and dated 27 July 2016, but modified to show:
 - (a) The existing internal layout (including bed numbers) on the existing and proposed floor plans;
 - (b) The four-storey addition to be reduced to three-storeys, with a maximum height of 9.4m;
 - (c) The eastern-most 5.65m length of the southern first-floor wall (of 114 Nicholson Street) to be raked so that the top of the wall is set back 2.15m from the southern boundary;

- (d) The proposed metal pickets in the front fence to 114 Nicholson Street to be replaced with wrought iron;
- (e) The proposed first-floor wall adjacent to the northern boundary (of 120 Nicholson Street) to be no higher than 6.3m and set back a minimum of 2m from the northern boundary;
- (f) The proposed ground floor walls along the northern and southern boundaries (of 120 & 114 Nicholson Street respectively) to be an average height of 3.2m, with no part of these walls higher than 3.6m;
- (g) All east-facing windows associated with dormitories to be treated in accordance with the measures outlined in Standard B22 (Overlooking) of the Yarra Planning Scheme;
- (h) Dormitory windows to be provided with restricted operability, with the design to ensure that Standard B22 (Overlooking) continues to be met;
- (i) The location of all proposed mechanical equipment, with services to be located away from adjacent residential uses and concealed from Nicholson Street;
- (j) The location and capacity of the rainwater tanks, with a notation confirming that these tanks will be connected to toilets and the irrigation system;
- (k) The location and capacity of the photovoltaic system;
- (l) A notation indicating that the rear entrance door to Bach Lane is to be used as an emergency exit and for waste collection only;
- (m) The bicycle storage area relocated to be easily accessible from the Nicholson Street entrance and concealed from the Nicholson Street frontage, together with the provision of charging points for e-bikes;
- (n) The rear boundary wall of the service wing behind 120 Nicholson Street to be retained to its full length, together with the chimney and a return (eastern) wall to the minimum depth of 2m;
- (o) The cavity between the existing wall along the eastern boundary and the new wall (at 114 Nicholson Street) deleted;
- (p) The demolition plan amended to demonstrate the revised demolition works to 120 Nicholson Street;
- (q) All new walls directly abutting the eastern boundary to be constructed of either face brickwork or a rendered finish;
- (r) All external openings to the stairwell and corridors to be fully enclosed, including east-facing openings, with any new walls on the eastern boundary to be constructed of face brickwork or a rendered finish;
- (s) The four square windows within the first-floor eastern elevation to each be separated by a central mullion to divide the glazing into two vertical shapes;
- (t) Any changes to the plans required by the amended Sustainable Management Plan required under Condition 3;
- (u) Any changes to the plans required by the amended Acoustic Report required under Condition 7;
- (v) All inter-tenancy walls (existing and proposed) between 112 and 114 Nicholson Street and 120 and 122 Nicholson Street to be acoustically treated to meet the National Construction Code (NCC) requirement of R_w+C_{tr} not less than 50 dB;
- (w) Amplified music in internal common areas to be controlled by either a limiting device or a monitoring device. This device must be installed in a tamper proof enclosure with music volumes to be set by a suitably qualified person (based on music noise levels outlined in Section 5.3 of the Marshall Day Acoustic Report);
- (x) The ground floor external courtyard to have at least 50% of the area as permeable surfaces;
- (y) The southern, ground-floor, on-boundary wall of 114 Nicholson Street retained on the demolition plan;
- (z) A reduction in the number of beds from 232 to no more than 200 with the consequential redesign of the dormitories;
- (aa) A notation confirming that all proposed external windows and those facing the courtyard to be double glazed.

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.

Management Plan

3. Before the development commences, an amended Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Management Plan will be endorsed and will form part of this permit. The amended Management Plan must be generally in accordance with the Management Plan prepared by The Nunnery Accommodation and dated May 2016, but modified to include or show;
 - (a) The rear entrance door to Bach Lane to be used only as an emergency exit or for waste collection or deliveries. This door is to be locked externally at all other times and not used for guest access;
 - (b) The onsite manager to be notified by an electronic system if the rear door to Bach Lane is opened.
 - (c) The external courtyards to be closed during the following hours;
 - (i) Sunday - Thursday 10pm – 8am (the following day);
 - (ii) Friday & Saturday 11pm – 9am (the following day);
 - (d) No acoustic or amplified music to be played within the courtyards at any time.
 - (e) The main reception at 116 Nicholson Street to remain open 24 hours a day, 7 days a week;
 - (f) An on-site Manager to be available 24 hours a day, 7 days a week.
 - (g) Daily litter inspections within Bach Lane to be undertaken by hostel staff.
 - (h) Details provided to patrons regarding access to bike share facilities.
4. The provisions, recommendations and requirements of the endorsed Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

5. 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 Sustainable Development Consultants and dated 15 February 2016, but modified to include or show;
 - (a) The existing building included in the stormwater management plan, with details demonstrating where the runoff from the existing buildings is directed and whether any part of this existing roof can be incorporated into the stormwater management features;
 - (b) Exterior shading provided to the four larger east-facing dormitory windows at first-floor, with adjustable shading systems such as louvers, fins or retractable awnings considered suitable;
 - (c) The JV3 energy modelling report to be provided prior to the commencement of works, to demonstrate that 10% improvement in energy efficiency on the NCC requirements have been met;
 - (d) The BESS report submitted in “published format”.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

7. 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 Marshall Day Acoustics and dated 5 October 2016, but modified to include or show;
 - (a) All east-facing openings to the stairwell and corridors to be fully enclosed;
 - (b) Acoustically absorptive surface finishes to the internal courtyard walls, with specific details of the material to be provided;
 - (c) The doors to the courtyards should be fitted with automatic closing mechanisms and acoustic seals;
 - (d) All internal doors to 114 & 120 Nicholson Street should be fitted with mechanisms to prevent slamming;
 - (e) Any mechanical equipment should be reviewed by a suitably qualified acoustical consultant prior to installation;
 - (f) A minimum noise reduction coefficient (NRC) and area coverage for the absorption treatments.
 - (g) All inter-tenancy walls (existing and proposed) between 112 and 114 Nicholson Street and 120 and 122 Nicholson Street to be acoustically treated to meet the National Construction Code (NCC) requirement of R_w+C_{tr} not less than 50 dB.
 - (h) Amplified music in internal common areas to be controlled by either a limiting device or a monitoring device. This device must be installed in a tamper proof enclosure with music volumes to be set by a suitably qualified person (based on music noise levels outlined in Section 5.3 of the Marshall Day Acoustic Report).
8. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Within 3 months of the intensification of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. The Acoustic Report must assess the following:
 - (a) Confirm the recommendations of the endorsed acoustic report required as part of Condition 7 have been implemented.

Waste Management Plan

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

General

11. No more than 200 guests are permitted to be accommodated on the land at any one time.
12. The main reception at 116 Nicholson Street must be open 24 hours a day, 7 days a week, with a Duty Manager on-site at all times.
13. The rear entrance door to Bach Lane must be used only as an emergency exit or for waste collection or deliveries, with a sign to be displayed on the door stating that it is for emergency access only.
14. The external courtyards to be closed during the following hours;
 - (i) Sunday - Thursday 10pm – 8am (the following day);
 - (ii) Friday & Saturday 11pm – 9am (the following day).

15. No acoustic or amplified music to be played within the external courtyards at any time.
16. Speakers external to the building must not be erected or used.
17. 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.
18. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
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 of goods to and from the land may only occur during the following times:
 - (i) Monday - Friday 7am – 6pm;
 - (ii) Saturday 8am – 1pmNo deliveries on Sunday.
21. 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.
22. 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.
23. Before the building is occupied, any new wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
24. 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.
25. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Civil Works

27. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from

the development must be reinstated (including by the re-sheeting of Bach Lane for the width of the property frontage if required by the Responsible Authority):

Construction Management Plan

28. 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;
29. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Permit Expiry

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
 - (c) the intensification of the use is not commenced within five years of the date of this permit;
- .

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

Notes:

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5095 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 and meters. No private pits, valves or meters on Council property will be accepted.

All future owners, occupiers, employees and guests within the development approved under this planning permit will not be permitted to obtain business 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.

CARRIED UNANIMOUSLY

1.4 PLN17/0034 - 340 - 344 Victoria Street Richmond

Trim Record Number: D17/67814

Responsible Officer: Principal Planner

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0034 for development of the land for buildings and works to an existing Hotel and an increase to the licensed area to accommodate a stairwell at 340 – 344 Victoria Street Richmond, subject to the following conditions:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Therefore Studio and submitted to Council on 9 June 2017 but modified to show:
 - (a) a cross-section of the proposed acoustic screen to depict its profile along the western and eastern boundaries;
 - (b) any requirement of the endorsed Acoustic report (Condition 10) (where relevant to show on plans).
2. This permit does not come into effect until the General Law Land abutting the south boundary of the subject site is claimed under the operation of the *Transfer of Land Act* and a copy of Title is provided to show that it forms part of the subject site.

Endorsed plans

3. The development 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.

Patron numbers

4. No more than 533 patrons (194 external and 339 internal) are permitted on the land at any time liquor is being sold or consumed.
5. No more than 40 patrons within the first floor open deck are permitted on the land at any time liquor is being sold or consumed. The licensee must ensure that any liquor sold and consumed in this area is by patrons that are seated and consuming a meal to the satisfaction of the Responsible Authority.

Licensed hours

6. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
 - (a) Sunday – 10am to 11pm
 - (b) Good Friday & Anzac Day – 12noon to 11pm
 - (c) Any other day – 7am to 1am, on the following day
7. Except with the prior written consent of the Responsible Authority, music must cease being played in the ground floor courtyard and first floor open deck after the following times:
 - (a) Sunday - 11pm
 - (b) Monday to Thursday – 12midnight
 - (c) Friday to Saturday – 12.30am the following day.

Noise and Amenity Action Plan

8. Prior to the commencement of the use of the increased licensed area authorised by this permit, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by The National Hotel Richmond and dated June 2017, but modified to include (or show, or address):
 - (a) The acoustic report date reference in point 19 amended to 9 June 2017;
 - (b) The numbers of patrons within the first floor open deck as per Condition 5.
 - (c) The first floor open deck is to be used for dining only.
 - (d) The windows to the first floor open deck are to be closed during the night (i.e. from 10pm Monday to Saturday and from 9pm Sundays);
 - (e) The north-east and east-facing windows of the first floor are to be closed during the night (10pm Monday to Saturday and 9pm Sundays);
 - (f) Music to cease in the ground floor courtyard and first floor open deck as per the hours outlined in Condition 7.
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.

Acoustic

10. The provisions, recommendations and requirements of the endorsed Acoustic Report (Marshall Day Acoustics dated 9 June 2017) must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Within 3 months of the commencement of the use of the first floor open deck, an updated Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the Marshall Day Acoustics report dated 9 June 2017. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 10 have been implemented;
 - (b) To assess their effectiveness in meeting the predicted patron noise level (as shown in Table 11) and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 10; and
 - (c) If non-compliance with Condition 11b is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report.
12. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the first floor open deck must be at a background noise level.
13. Prior to the commencement of the use of the increased licensed area authorised by this permit, three Noise Limiters must be installed on the land (one to each of the outdoor courtyard, internal first floor area and first floor open deck). The Noise Limiter must:
 - (a) be set at a level specified by a qualified acoustic engineer;
 - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and
 - (c) be maintained and operated at all times.

to the satisfaction of the Responsible Authority.

Amenity

14. Prior to the commencement of the use of the increased licensed area authorised by this permit, 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.

15. 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.

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

17. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

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. 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.

22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

23. 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.

24. 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.

Expiry date

25. 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; and
- (c) the use of the increased licensed area 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:

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 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.

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.

Submissions

Mr Keith Barber and Mr Jarrod Grech addressed the Committee on behalf of the Applicant. The Applicants, Ms Rani Doyle and Mr Rolo Smith addressed the Committee.

The following people also addressed the Committee:

Mr Greg Collie;
Ms Amanda Marshall; and
Mr Bruce Marshall.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Chen Yi Mei

Seconded: Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0034 for development of the land for buildings and works to an existing Hotel and an increase to the licensed area to accommodate a stairwell at 340 – 344 Victoria Street Richmond, subject to the following conditions:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Therefore Studio and submitted to Council on 9 June 2017 but modified to show:
 - (a) a cross-section of the proposed acoustic screen to depict its profile along the western and eastern boundaries;
 - (b) any requirement of the endorsed Acoustic report (Condition 10) (where relevant to show on plans);
 - (c) the first floor door noted as D02 to be fitted with a self closing mechanism;

- (d) the first floor stair and southern-most landing to be roofed;
- (e) stair treads of the proposed stair well to be constructed of acoustic materials to reduce noise; and
- (f) the three south-facing windows of the first floor open deck as fixed, obscured, double-glazed and to have acoustic seals.

2. This permit does not come into effect until the General Law Land abutting the south boundary of the subject site is claimed under the operation of the *Transfer of Land Act* and a copy of Title is provided to show that it forms part of the subject site.

Endorsed plans

3. The development 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.

Patron numbers

4. No more than 533 patrons (194 external and 339 internal) are permitted on the land at any time liquor is being sold or consumed.
5. No more than 40 patrons within the first floor open deck are permitted on the land at any time liquor is being sold or consumed. The licensee must ensure that any liquor sold and consumed in this area is by patrons that are seated and consuming a meal to the satisfaction of the Responsible Authority.

Licensed hours

6. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
 - (a) Sunday – 10am to 11pm
 - (b) Good Friday & Anzac Day – 12noon to 11pm
 - (c) Any other day – 7am to 1am, on the following day
7. Except with the prior written consent of the Responsible Authority, music must cease being played in the ground floor courtyard and first floor open deck after the following times:
 - (a) Sunday - 11pm
 - (b) Monday to Thursday – 11pm
 - (c) Friday to Saturday – 12.30am the following day.

Noise and Amenity Action Plan

8. Prior to the commencement of the use of the increased licensed area authorised by this permit, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by The National Hotel Richmond and dated June 2017, but modified to include (or show, or address):
 - (a) The acoustic report date reference in point 19 amended to 9 June 2017;
 - (b) The numbers of patrons within the first floor open deck as per Condition 5.
 - (c) The first floor open deck is to be used for dining only.
 - (d) The windows to the first floor open deck are to be closed during the night (i.e. from 10pm Monday to Saturday and from 9pm Sundays);
 - (e) The north-east and east-facing windows of the first floor are to be closed during the night (10pm Monday to Saturday and 9pm Sundays);

- (f) Music to cease in the ground floor courtyard and first floor open deck as per the hours outlined in Condition 7.

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.

Acoustic

10. The provisions, recommendations and requirements of the endorsed Acoustic Report (Marshall Day Acoustics dated 9 June 2017) must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Within 3 months of the commencement of the use of the first floor open deck, an updated Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be generally in accordance with the Marshall Day Acoustics report dated 9 June 2017. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 10 have been implemented;
 - (b) To assess their effectiveness in meeting the predicted patron noise level (as shown in Table 11) and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 10; and
 - (c) If non-compliance with Condition 11b is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report.
12. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the first floor open deck must be at a background noise level.
13. Prior to the commencement of the use of the increased licensed area authorised by this permit, three Noise Limiters must be installed on the land (one to each of the outdoor courtyard, internal first floor area and first floor open deck). The Noise Limiter must:
 - (a) be set at a level specified by a qualified acoustic engineer;
 - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and
 - (c) be maintained and operated at all times.

to the satisfaction of the Responsible Authority.

Amenity

14. Prior to the commencement of the use of the increased licensed area authorised by this permit, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises and on all food and wine lists advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
15. Prior to the commencement of the use of the increased licensed area authorised by this permit, the applicant must, to the satisfaction of the Responsible Authority, display a sign advising patrons not to congregate on the external stairs.
16. 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.

- 17. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 18. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 19. Except with the prior written consent of the Responsible Authority, no live music to be played in the outdoor courtyard and first floor deck.
- 20. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
- 21. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 22. 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.
- 23. 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.
- 24. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 25. 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.
- 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 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Expiry date

- 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; and
 - (c) the use of the increased licensed area 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:

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 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.

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 for Items 1 & 2 closed at 8.17pm.

The meeting for Items 3 & 4 closed at 9.45pm.

Confirmed at the meeting held on Wednesday 26 July 2017

Chair