



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

**held on Wednesday 27 September 2017 at 6.30pm in
Meeting Rooms 1 & 2 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Stephen Jolly
Councillor James Searle
Councillor Mike McEvoy
Tarquin Leaver (Senior Co-Ordinator Statutory Planning)
Nish Goonetilleke (Senior Statutory Planner)
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:

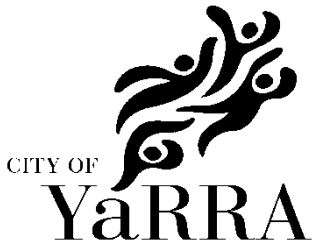
Moved: Councillor Jolly **Seconded:** Councillor McEvoy

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 13 September 2017 be confirmed.

CARRIED

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

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

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

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

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

**Governance Branch
2008**

Councillor Jolly nominated Councillor Searle as Chair.

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

Councillor Searle assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN16/0741 378-390 St Georges Road, Fitzroy North - Use and development of the land for 79 new dwellings within a seven-storey building, including 3 shop premises (no permit required for shop use), variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements.	6	12
1.2	9-11 Peel Street, Collingwood - PLN10/1003.01 - Section 72 amendment to the permit and endorsed plans to allow the restaurant use at the first floor of the building (including associated sale and consumption of liquor); increase the number of patrons allowed on the premises from 90 to 140; modify the hours of operation of the restaurant (and for the associated sale and consumption of liquor); allow a reduction in the car parking requirement associated with the increase in patrons	19	22
1.3	88 Elizabeth Street, Richmond - PLN17/0119 - Development of the land for the construction of two triple-storey dwellings and a reduction in the car parking requirement.	23	26
1.4	104 Nicholson Street, Abbotsford - Planning Permit Application No. PLN12/1128.01 - Amendment to the permit and plans to allow for an increase to the maximum number of employees associated with the existing warehouse; re-location of the existing loading bay; an associated further reduction of car parking; and external alterations to the building.	30	32
1.5	Confidential Item - 71 - 75 Argyle Street, Fitzroy - PLN16/1181 - Part demolition to allow for the construction of a seven storey building for dwellings and office (no permit required uses) and a reduction in the car parking requirement.		
1.6	PLN16/0494 - 249-265 Queens Pde, Fitzroy North - Use and development of the land for the construction of a mixed-use building, use as a food and drinks premises, a reduction in the car parking requirement, waiver of loading bay requirements, buildings and works, alterations to access to a Road Zone (Category 1), and removal of a party wall easement. [CONFIDENTIAL ITEM - VCAT COMPULSORY CONFERENCE WITHOUT PREJUDICE POSITION]		

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- 1.1 PLN16/0741 378-390 St Georges Road, Fitzroy North - Use and development of the land for 79 new dwellings within a seven-storey building, including 3 shop premises (no permit required for shop use), variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements.**
-

Trim Record Number: D17/131257

Responsible Officer: Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN16/0741) for use and development of the land for dwellings within a six-storey building, including 3 shop premises (no permit required for shop use), variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements at 378-390 St Georges Road, Fitzroy North subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of 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 discussion plans (dated 19/5/17) showing:
 - (a) Deletion of the upper-most level to the building;
 - (b) Introduction of a single bed dwelling at ground floor – south-west corner and subsequent reduction to the shop area from 132sqm to 70sqm;
 - (c) Internal reconfigurations to internally-facing units over the three lower levels;
 - (d) Increased bicycle parking within basement from 30 to 74 spaces;
 - (e) Partial relocation of storage areas to upper level corridors;
 - (f) Introduction of planter areas to south-facing walls at rear of the development;

but further modified to show:

- (g) Fencing to southern boundary being no less than 1.8m high;
- (h) A canopy awning over the St Georges Road frontage/footpath;
- (i) The substation located adjacent to the driveway areas or located within the building basement;
- (j) Detailed design/finishes/treatments to the substation door, demonstrating a high quality finish/design integrated to the building facade;
- (k) The capacity of rainwater tanks in the basement being no less than 17,000lt;
- (l) The location of the rainwater garden clearly shown on plans;
- (m) A cross-section demonstrating the location of rooftop plant located to avoid being visible from the footpath on the western side of St Georges Road, opposite the subject site including any associated screening required to achieve this outcome;
- (n) Height of stairs and lift overrun above roof level in elevation and section;
- (o) The entrances to dwellings G04 & G05, 104 & 105, 204 & 205, 303 & 304, 409 & 410, 502 & 503 and 501 & 504) reconfigured to avoid being directly opposite one-another;
- (p) Obscure glazing to a height of no less than 1.7m above FFL to the south-facing windows associated with common hallways areas;
- (q) Notations associated with screening between terrace updated to include the screens being no less than 1.7m high and providing no more than 25% visual transparency;
- (r) The first floor, the south-facing bedroom windows to Units 104 & 105 treated with fixed, translucent glass to 1.7m above FFL;
- (s) Treatment of east-facing, habitable room windows associated with Units 202 and 203 with obscure, fixed glazing to a height of 1.7m above FFL;
- (t) Presentation/finishes of the internal storage areas to corridors;

- (u) Relocation of all electrical poles at least 1m outside the alignment of the vehicular crossover;
 - (v) A convex mirror installed on the northern wall of the ramp, at the vehicle crossover, to aid sight lines between exiting vehicles and pedestrians;
 - (w) Dimensions of the dedicated accessible car space areas;
 - (x) Swept path diagrams for the dedicated accessible car space;
 - (y) Dimensions for the transition grades at the base of the vehicle ramp;
 - (z) Any works associated with acoustic report under Condition 5;
 - (aa) Any works associated with revised SMP under condition 7;
 - (bb) Any works associated with PTV condition 29;
 - (cc) Any works associated with VicRoads conditions 25 & 26;
2. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. 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 amended 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 John Patrick Landscape Architects and dated December 2016, but modified to include (or show):
- (a) Inclusion of species which are shade tolerant;
 - (b) Anchoring to 'Capital' trees to assist with remaining upright;
 - (c) The 'Burnley Select' repositioned away from the boundary shared with No.1 Bundara Street;
 - (d) Construction details for raised planters, including irrigation, drainage and proposed growing media;
 - (e) Inclusion of landscaping areas to south-facing walls of the eastern building wing at ground, level 1 & 2 as shown in the 'discussion' plans.
4. 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;
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.
5. Before the plans are endorsed, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Noise impacts from traffic/tram along St Georges Road onto dwellings within the development; and
 - (b) noise impacts from any proposed plant and equipment (including garage door and lift) onto the dwellings within the development and surrounding residential dwellings.

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

6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the plans are endorsed, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 15/11/2016, but modified to include or show:
 - (a) inclusion of ceiling fans to living areas of all single aspect dwellings;
 - (b) all exposed north-west and east facing glazing not protected by overhangs or balconies treated with exterior adjustable awnings, blinds, screens or similar;
 - (c) deletion of 'where possible' from the materials section of the SMP;
 - (d) location of the raingarden clearly detailed, including connection details;
 - (e) A completed JV3 energy model for the non-residential areas within the approved development to demonstrate that a 20% improvement on the NCC requirements would be met; and
 - (f) confirmation of the 10kWp solar PV system shown on the roofing plan;
8. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. 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, including the re-sheeting of the footpath outside the property's St Georges Road frontage and laneway interface if required by the Responsible Authority:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
11. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;to the satisfaction of the Responsible Authority.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
17. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
18. 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.
19. 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.
20. 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.
21. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
22. 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.

23. 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;
works necessary to protect road and other infrastructure;
 - (b) remediation of any damage to road and other infrastructure;
 - (c) 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,
 - (d) facilities for vehicle washing, which must be located on the land;
 - (e) 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;
 - (f) site security;
 - (g) 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;
 - (h) the construction program;
 - (i) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (j) parking facilities for construction workers;
 - (k) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (m) 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;
 - (n) 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.
24. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads conditions (25 & 26 only)

25. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the occupation of the buildings and works.
26. All disused or redundant vehicle crossings must be removed to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or occupation of the buildings and works.

PTV Conditions (27 to 29 only)

27. The permit holder must take all reasonable steps to ensure that disruption to tram operation along St Georges Road is kept to a minimum during the construction of the development.

Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior.

28. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.
29. Prior to the occupation of the development, all works outlined on the endorsed plans restricting access/egress to left in/left out only, must be completed with associated signage, the satisfaction of Public Transport Victoria at the full cost to the permit holder.
30. 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.
 - (c) The use component is not commenced within five (5) 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:

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

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

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

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.

Separate consent will be required from Vicroads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside of the title boundary within a Road Zone Category 1 (ie St Georges Road). Please contact VicRoads prior to commencing any works.

The level of the footpath must not be altered or lowered in any way to facilitate access to the site.

Submissions

The Applicant, Mr Matthew Furness addressed the Committee.

The following people also addressed the Committee:

Ms Ann Shenfield;

Ms Lou Baxter;

Mr Will McLaughlan;

Ms Julie Sarll.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Jolly

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN16/0741) for use and development of the land for dwellings within a six-storey building, including 3 shop premises (no permit required for shop use), variation of access to a Road Zone, associated demolition works, reduction in car parking and loading bay requirements at 378-390 St Georges Road, Fitzroy North subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of 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 discussion plans (dated 19/5/17) showing:

- (a) Deletion of the upper-most level to the building;
- (b) Introduction of a single bed dwelling at ground floor – south-west corner and subsequent reduction to the shop area from 132sqm to 70sqm;
- (c) Internal reconfigurations to internally-facing units over the three lower levels;
- (d) Increased bicycle parking within basement from 30 to 74 spaces;
- (e) Partial relocation of storage areas to upper level corridors;
- (f) Introduction of planter areas to south-facing walls at rear of the development;

but further modified to show:

- (g) Deletion of Level 5 from the eastern wing of the building including any subsequent changes to access and hallway areas;
- (h) Fencing to southern boundary being no less than 1.8m high;
- (i) A canopy awning over the St Georges Road frontage/footpath;
- (j) The substation located adjacent to the driveway areas or located within the building basement;
- (k) Detailed design/finishes/treatments to the substation door, demonstrating a high quality finish/design integrated to the building facade;
- (l) The capacity of rainwater tanks in the basement being no less than 17,000lt;
- (m) The location of the rainwater garden clearly shown on plans;
- (n) A cross-section demonstrating the location of rooftop plant located to avoid being visible from the footpath on the western side of St Georges Road, opposite the subject site including any associated screening required to achieve this outcome;
- (o) Height of stairs and lift overrun above roof level in elevation and section;
- (p) The entrances to dwellings G04 & G05, 104 & 105, 204 & 205, 303 & 304, 409 & 410 reconfigured to avoid being directly opposite one-another;

- (g) Obscure glazing to a height of no less than 1.7m above FFL to the south-facing windows associated with common hallways areas;
- (r) Notations associated with screening between terrace updated to include the screens being no less than 1.7m high and providing no more than 25% visual transparency;
- (s) The first floor, the south-facing bedroom windows to Units 104 & 105 treated with fixed, translucent glass to 1.7m above FFL;
- (t) Treatment of east-facing, habitable room windows associated with Units 202 and 203 with obscure, fixed glazing to a height of 1.7m above FFL;
- (u) Presentation/finishes of the internal storage areas to corridors;
- (v) Relocation of all electrical poles at least 1m outside the alignment of the vehicular crossover;
- (w) A convex mirror installed on the northern wall of the ramp, at the vehicle crossover, to aid sight lines between exiting vehicles and pedestrians;
- (x) Dimensions of the dedicated accessible car space areas;
- (y) Swept path diagrams for the dedicated accessible car space;
- (z) Dimensions for the transition grades at the base of the vehicle ramp;
- (aa) Any works associated with acoustic report under Condition 5;
- (bb) Any works associated with revised SMP under condition 7;
- (cc) Any works associated with PTV condition 29;
- (dd) Any works associated with VicRoads conditions 25 & 26;

2. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. 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 amended 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 John Patrick Landscape Architects and dated December 2016, but modified to include (or show):
 - (a) Inclusion of species which are shade tolerant;
 - (b) Anchoring to 'Capital' trees to assist with remaining upright;
 - (c) The 'Burnley Select' repositioned away from the boundary shared with No.1 Bundara Street;
 - (d) Construction details for raised planters, including irrigation, drainage and proposed growing media;
 - (e) Inclusion of landscaping areas to south-facing walls of the eastern building wing at ground, level 1 & 2 as shown in the 'discussion' plans.
 - (f) details of irrigation in the deep soil area along the eastern boundary.
4. 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;
 - (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

5. Before the plans are endorsed, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Noise impacts from traffic/tram along St Georges Road onto dwellings within the development; and
 - (b) noise impacts from any proposed plant and equipment (including garage door and lift) onto the dwellings within the development and surrounding residential dwellings.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), or any other requirement to the satisfaction of the Responsible Authority.
6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the plans are endorsed, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Ark Resources and dated 15/11/2016, but modified to include or show:
 - (a) inclusion of ceiling fans to living areas of all single aspect dwellings;
 - (b) all exposed north-west and east facing glazing not protected by overhangs or balconies treated with exterior adjustable awnings, blinds, screens or similar;
 - (c) deletion of 'where possible' from the materials section of the SMP;
 - (d) location of the raingarden clearly detailed, including connection details;
 - (e) A completed JV3 energy model for the non-residential areas within the approved development to demonstrate that a 20% improvement on the NCC requirements would be met; and
 - (f) confirmation of the 10kWp solar PV system shown on the roofing plan;
8. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. 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, including the re-sheeting of the footpath outside the property's St Georges Road frontage and laneway interface if required by the Responsible Authority:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
11. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
17. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
18. 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.
19. 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.
20. 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.

21. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
22. 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.
23. 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;
works necessary to protect road and other infrastructure;
 - (b) remediation of any damage to road and other infrastructure;
 - (c) 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,
 - (d) facilities for vehicle washing, which must be located on the land;
 - (e) 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;
 - (f) site security;
 - (g) 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;
 - (h) the construction program;
 - (i) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (j) parking facilities for construction workers;
 - (k) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (m) 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;
 - (n) 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.
24. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads conditions (25 & 26 only)

25. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the occupation of the buildings and works.

26. All disused or redundant vehicle crossings must be removed to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or occupation of the buildings and works.

PTV Conditions (27 to 29 only)

27. The permit holder must take all reasonable steps to ensure that disruption to tram operation along St Georges Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior.
28. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.
29. Prior to the occupation of the development, all works outlined on the endorsed plans restricting access/egress to left in/left out only, must be completed with associated signage, the satisfaction of Public Transport Victoria at the full cost to the permit holder.
30. 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.
 - (c) The use component is not commenced within five (5) 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:

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

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

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

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.

Separate consent will be required from Vicroads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside of the title boundary within a Road Zone Category 1 (ie St Georges Road). Please contact VicRoads prior to commencing any

works.

The level of the footpath must not be altered or lowered in any way to facilitate access to the site.

CARRIED UNANIMOUSLY

-
- 1.2 9-11 Peel Street, Collingwood - PLN10/1003.01 - Section 72 amendment to the permit and endorsed plans to allow the restaurant use at the first floor of the building (including associated sale and consumption of liquor); increase the number of patrons allowed on the premises from 90 to 140; modify the hours of operation of the restaurant (and for the associated sale and consumption of liquor); allow a reduction in the car parking requirement associated with the increase in patrons**
-

Trim Record Number: D17/132361

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That a Notice of Decision to Grant an Amended Planning Permit PLN10/1003 be issued to allow the sale and consumption of liquor and restaurant use at the first floor of the building; increase the number of patrons allowed on the premises from 90 to 140; modify the hours of operation of the restaurant and for the sale and consumption of liquor; allow a reduction in the car parking requirement associated with the increase in patrons, at 9-11 Peel Street, Collingwood, in accordance with the decision plans and subject to the following conditions:

Conditions (amended or new conditions in bold)

1. **Before the commencement of the use of the first floor, increase in patron numbers and modified hours of operation, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:**
 - (a) **Four bicycle spaces in the rear courtyard area.**
 - (b) **An annotation on the basement plan indicating it will be used for storage only.**
 - (c) **The location of the existing coolroom in accordance with the endorsed plans to planning permit PLN13/1013.**
 - (d) **A Waste Management Plan in accordance with the requirements of Condition 11.**

Endorsed plans

2. All uses must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Use

4. **Deleted.**
5. The use of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by way of emission of noise or other nuisances, to the satisfaction of the Responsible Authority.
6. The amenity of the area must not be detrimentally affected by the use 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.

Hours of operation

7. **Unless with the prior written consent of the Responsible Authority, the restaurant use may only occur during the following hours:**

- (a) **Sunday: 10am – 12 Midnight;**
- (b) **Monday, Tuesday & Wednesday: 9am – 11pm;**
- (c) **Thursday: 9am – 12 Midnight;**
- (d) **Friday & Saturday: 9am – 1am the following morning.**

8. Unless with the prior written consent of the Responsible Authority, the courtyard located to the east of the building must not be used after 10.00pm on any day, and its entry must also remain closed.
9. No person other than staff of the restaurant shall be permitted to enter or remain in the back yard of the premises.
10. Unless with the prior written consent of the Responsible Authority, the courtyard located at the rear of the building must not be used by staff after 10.00pm on any day, and its entry must also remain closed.

Waste management

11. Prior to the commencement of the use, the Permit holder must submit (in consultation with Council) a waste management plan. The plan must be to the satisfaction of the Responsible Authority. Once to the satisfaction of the Responsible Authority, the waste management plan will be approved and must be complied with.
12. Rubbish, including bottles and packaging material, must at all times be screened from external view (except for when collection is to occur the following morning).
13. No emptying of bottles (glass) into garbage bins is permitted after 10.00 pm on any night, or before 8.00 am on any day.

Patron numbers

14. **No more than 140 patrons may be on the premises at any one time, unless with the prior written consent of the Responsible Authority.**

Staff numbers

15. No more than 10 staff may be on the premises at any one time, without the prior written consent of the Responsible Authority.

Patron management

16. Patrons must be advised to take account the needs of local residents for peace and quiet after 10.00pm on any day, by displaying a prominent notice on all exits, and menus with words to the effect of "Please respect our neighbours and leave the area quietly", to the satisfaction of the Responsible Authority.

Amenity

17. No amplified music may be played, with the exception of background music, to the satisfaction of the Responsible Authority.
18. Management of the restaurant must ensure that the level of noise emitted from the premises must not exceed:
 - (a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area; and
 - (b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.
19. **Before the commencement of the use of the first floor, increase in patron numbers and modified hours of operation, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
 - (c) Patron and music noise from the use of the first floor for a restaurant and impact to surrounding residential properties.
 - (d) Amelioration measures to manage these noise impacts if required.

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

20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
21. **Before the commencement of the use of the first floor, increase in patron numbers and modified hours of operation, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. When approved, the Noise and Amenity Action Plan will be endorsed and will form part of this permit. The Noise and Amenity Action Plan must include, but not be limited to, those matters outlined at Clause 22.09-4.3 of the Yarra Planning Scheme.**
22. 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.

Deliveries

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

Expiry

24. **This permit will expire if the use of the first floor, increase in patron numbers and modified hours of operation are not commenced within two (2) years from the date of the amended permit.**

The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 3 months afterwards.

NOTE: These premises will be required to comply with the *Health Act* 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5166.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: **All future property owners, business owners and employees within the use approved under this permit will not be permitted to obtain employee or visitor parking permits.**

Submissions

The Applicant addressed the Committee.

The following people also addressed the Committee:

Mr John Herniman; and
Mr Abdul Bilwani.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor McEvoy

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

1.3 88 Elizabeth Street, Richmond - PLN17/0119 - Development of the land for the construction of two triple-storey dwellings and a reduction in the car parking requirement.

Trim Record Number: D17/126970

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 PLN17/0119 for development of the land for the construction of two triple-storey dwellings and a reduction in the car parking requirement at 88 Elizabeth Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Justin Mallia Architecture, received by Council on 25 August 2017, but modified to show:
 - (a) The colour of the blockwork screen amended to match the proposed colour of the masonry façade (Colour 2 – light grey bricks) with the porosity of this screen to be a minimum of 50%;
 - (b) A notation on the ground floor plan confirming that the rainwater tank will be connected to toilets and laundries within the development;
 - (c) The following elements outlined within the BESS report to be shown on the plans;
 - (i) External clothes lines;
 - (ii) A minimum of one bicycle parking space per dwelling;
 - (iii) The type of permeable surfaces proposed;
 - (iv) Details of the proposed green roof (if proposed);
 - (v) Adjustable external screening to the east, west and north-facing windows.
 - (d) The garage door increased in width to a minimum of 3.9m;
 - (e) The front entrance to Dwelling 2 set back a minimum of 2.75m from the northern (front) boundary;
 - (f) The first-floor terrace above the entrance to Dwelling 2 setback in line with the façade of 86 Elizabeth Street (i.e. 4.5m from the northern (front) boundary);
 - (g) The dimensions of the windows on the eastern elevation to match the dimensions shown on the floor plans;
 - (h) The first-floor, north-facing balcony of Dwelling 1 to have a minimum depth of 1.6m, without reducing the setback from Elizabeth Street;
 - (i) A separating wall between Dwelling 1 & Dwelling 2 at all levels;
 - (j) North and south elevations/sections within the internal courtyard of Dwelling 2;
 - (k) The reference to the existing boundary walls associated with 90 & 86 Elizabeth Street to be shown in a dashed format on the proposed east and west elevations (with the subject building behind clearly shown);
 - (l) The removal of the following first-floor, full-height privacy screens and associated sections of wall/screens along the eastern boundary. Alternative overlooking measures affixed to the windows and lower in height must be provided, with these measures to comply with Standard B22 (Overlooking) of the Yarra Planning Scheme;
 - (i) North-facing screen to Bedroom 2 of Dwelling 2;
 - (ii) South-facing screen to the living room of Dwelling 2;
 - (m) The section of roof terrace of Dwelling 2 abutting the eastern boundary reduced in depth from 4.68m to 3.88m (i.e. so it does not project north of the existing garage at 90 Elizabeth Street);
 - (n) The removal of the sun-shading located above the first-floor balcony of Dwelling 1;
 - (o) The front fence reduced to a maximum height of 1.5m.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development commences, an amended BESS Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended BESS Report will be endorsed and will form part of this permit. The amended BESS Report must be generally in accordance with the BESS Report prepared by Justin Mallia and dated 27 January 2017, but modified to show:
 - (a) The removal of the statement that indicates that 50% of living areas face north;
 - (b) Details of the green roof (or removal of this element from the report if not to be included).
4. The provisions, recommendations and requirements of the endorsed BESS Report must be implemented and complied with to the satisfaction of the Responsible Authority.
5. 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) indicate the location of all areas to be covered by lawn or other surface materials; and
 - (c) provide a specification of works to be undertaken prior to planting, to the satisfaction of the Responsible Authority.
6. Before the buildings are 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 buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
8. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
9. Before the buildings are 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.
10. 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.

11. 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.

12. This permit will expire if:

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

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

Notes:

A building permit maybe 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, residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

Submissions

The Applicant, Ms Emma Manning addressed the Committee.

Ms Natalie Truong also addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor McEvoy

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0119 for development of the land for the construction of two triple-storey dwellings and a reduction in the car parking requirement at 88 Elizabeth Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Justin Mallia Architecture, received by Council on 25 August 2017, but modified to show:
 - (a) The colour of the blockwork screen amended to match the proposed colour of the masonry façade (Colour 2 – light grey bricks) with the porosity of this screen to be a minimum of 50%;
 - (b) A notation on the ground floor plan confirming that the rainwater tank will be connected to toilets and laundries within the development;
 - (c) The following elements outlined within the BESS report to be shown on the plans;
 - (i) External clothes lines;
 - (ii) A minimum of one bicycle parking space per dwelling;
 - (iii) The type of permeable surfaces proposed;
 - (iv) Details of the proposed green roof;
 - (v) Adjustable external screening to the east, west and north-facing windows.
 - (d) The garage door increased in width to a minimum of 3.9m;
 - (e) The front entrance to Dwelling 2 set back a minimum of 2.75m from the northern (front) boundary;
 - (f) The first-floor terrace above the entrance to Dwelling 2 setback in line with the façade of 86 Elizabeth Street (i.e. 4.5m from the northern (front) boundary);
 - (g) The dimensions of the windows on the eastern elevation to match the dimensions shown on the floor plans;
 - (h) The first-floor, north-facing balcony of Dwelling 1 to have a minimum depth of 1.6m, without reducing the setback from Elizabeth Street;
 - (i) A separating wall between Dwelling 1 & Dwelling 2 at all levels;
 - (j) North and south elevations/sections within the internal courtyard of Dwelling 2;
 - (k) The reference to the existing boundary walls associated with 90 & 86 Elizabeth Street to be shown in a dashed format on the proposed east and west elevations (with the subject building behind clearly shown);
 - (l) The removal of the following first-floor, full-height privacy screens and associated sections of wall/screens along the eastern boundary. Alternative overlooking measures affixed to the windows and lower in height must be provided, with these measures to comply with Standard B22 (Overlooking) of the Yarra Planning Scheme;
 - (i) North-facing screen to Bedroom 2 of Dwelling 2;
 - (ii) South-facing screen to the living room of Dwelling 2;
 - (m) The section of roof terrace of Dwelling 2 abutting the eastern boundary reduced in depth from 4.68m to 3.88m (i.e. so it does not project north of the existing garage at Elizabeth Street);

- (n) The removal of the sun-shading located above the first-floor balcony of Dwelling 1;
 - (o) The front fence reduced to a maximum height of 1.5m; and
 - (p) The first floor screen on the western boundary altered to a light, reflective finish.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the development commences, an amended BESS Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended BESS Report will be endorsed and will form part of this permit. The amended BESS Report must be generally in accordance with the BESS Report prepared by Justin Mallia and dated 27 January 2017, but modified to show:
 - (a) The removal of the statement that indicates that 50% of living areas face north;
 - (b) Details of the green roof.
 4. The provisions, recommendations and requirements of the endorsed BESS Report must be implemented and complied with to the satisfaction of the Responsible Authority.
 5. 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) indicate the location of all areas to be covered by lawn or other surface materials; and
 - (c) provide a specification of works to be undertaken prior to planting, to the satisfaction of the Responsible Authority.
 6. Before the buildings are 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 buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 8. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
 9. Before the buildings are 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.
 10. 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.

11. 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.

12. This permit will expire if:

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

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

Notes:

A building permit maybe 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, residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

CARRIED UNANIMOUSLY

1.4 104 Nicholson Street, Abbotsford - Planning Permit Application No. PLN12/1128.01 - Amendment to the permit and plans to allow for an increase to the maximum number of employees associated with the existing warehouse; re-location of the existing loading bay; an associated further reduction of car parking; and external alterations to the building.

Trim Record Number: D17/133765

Responsible Officer: Principal Statutory Planner

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN12/1128.01 for an amendment to the permit and plans to allow for an increase to the maximum number of employees associated with the existing warehouse; re-location of the existing loading bay; an associated further reduction of car parking; and external alterations to the building at 104 Nicholson Street, Abbotsford. The following changes will be made to the planning permit preamble and conditions:

Permit preamble modified to read:

Use of the land as a warehouse and associated reduction of the car parking requirement; and development of the land for works to the rear car parking area and external alterations to the existing building.

New condition 1 inserted as follows (with all other conditions retained and renumbered accordingly):

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 (submitted to Council on 1 June 2017 and 9 June 2017) but modified to show:

- (a) The rear car parking spaces dimensioned to confirm they have a minimum length of 5.4m.
- (b) Re-instatement of the notation to the proposed floor plan confirming no servicing or maintenance to be conducted on-site.
- (c) Net floor area of the warehouse notated on the proposed floor plan.

New condition to be inserted as condition 3 (with remaining conditions renumbered accordingly) as follows:

Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

Existing condition 2 (new condition 4) to be amended to read:

No more than 13 staff members are permitted to be on-site at any one time.

Existing condition 9 (new condition 11) to be amended to read:

This permit will expire if any of the following occur:

- (a) The development is not commenced within two (2) years from the date of this amended permit;
- (b) The development is not completed within four (4) years from the date of this amended permit.

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

Submission

The Applicant, Mr Daniel Moren addressed the Committee.

PROPOSED INTERNAL DEVELOPMENT APPROVALS COMMITTEE RECOMMENDATION

Moved: Councillor Jolly

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN12/1128.01 for an amendment to the permit and plans to allow for an increase to the maximum number of employees associated with the existing warehouse; re-location of the existing loading bay; an associated further reduction of car parking; and external alterations to the building at 104 Nicholson Street, Abbotsford. The following changes will be made to the planning permit preamble and conditions:

Permit preamble modified to read:

Use of the land as a warehouse and associated reduction of the car parking requirement; and development of the land for works to the rear car parking area and external alterations to the existing building.

New condition 1 inserted as follows (with all other conditions retained and renumbered accordingly):

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 (submitted to Council on 1 June 2017 and 9 June 2017) but modified to show:

- (a) The rear car parking spaces dimensioned to confirm they have a minimum length of 5.4m.
- (b) Re-instatement of the notation to the proposed floor plan confirming no servicing or maintenance to be conducted on-site.
- (c) Net floor area of the warehouse notated on the proposed floor plan.

New condition to be inserted as condition 3 (with remaining conditions renumbered accordingly) as follows:

Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

- (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority.

New condition 3 to be deleted.

Existing condition 2 (new condition 4) to be amended to read:

No more than 13 staff members are permitted to be on-site at any one time.

Existing condition 9 (new condition 11) to be amended to read:

This permit will expire if any of the following occur:

- (a) The development is not commenced within two (2) years from the date of this amended permit;
- (b) The development is not completed within four (4) years from the date of this amended permit.

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

Motion lapsed for want of a seconder.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Searle

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

The meeting closed at 8.27pm.

Confirmed at the meeting held on Wednesday 11 October 2017

Chair