



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

**held on Wednesday 25 October 2017 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**I. ATTENDANCE**

Councillor Amanda Stone  
Councillor Jackie Fristacky  
Councillor Mi-Lin Chen Yi Mei

Danielle Connell (Senior Coordinator Statutory Planning)  
John Theodosakis (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 Chen Yi Mei **Seconded:** Councillor Fristacky

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 11 October 2017 be confirmed.

**CARRIED**

**Printed on 100% recycled paper**

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



## **Guidelines for public participation at Internal Development Approval Committee meetings**

### **POLiCY**

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

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

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

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

**Governance Branch  
2008**

Councillor Chen Yi Mei nominated Councillor Stone as Chair.

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

Councillor Stone assumed the Chair.

## 1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	166-182 Gertrude Street, Fitzroy – PLN14/0419.02 – S72 Amendment to allow for the sale and consumption of liquor associated with two approved food and drinks premises (Tenancy 1 (Cafe - 120 patrons) & Tenancy 4 (Restaurant - 266 patrons)) between 10AM and 11PM, seven days a week, and subsequent changes to the permit preamble, endorsed plans and Condition 17	6	13
1.2	Floor 1/95-97 Smith Street Fitzroy - Planning Permit Application PL01/1096.02 - Amendment to extend the operating hours of the premises from 1:00am to 3:00am, seven days a week.	21	23
1.3	283A Burnley Street, Richmond - PLN17/0180 - Development of the land for the construction of two new dwellings, creation of access to a Category 1, Road Zone and a reduction in the car parking requirement.	27	31
1.4	PLN16/1016 - 171 Buckingham St, Richmond - Use and development of the land for the construction of a mixed-use building, (permit required for food and drinks premises use), reduction in car parking requirements and waiver of loading bay requirements. [CONFIDENTIAL ITEM - VCAT COMPULSORY CONFERENCE WITHOUT PREJUDICE POSITION]		

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- 1.1 166-182 Gertrude Street, Fitzroy – PLN14/0419.02 – S72 Amendment to allow for the sale and consumption of liquor associated with two approved food and drinks premises (Tenancy 1 (Cafe - 120 patrons) & Tenancy 4 (Restaurant - 266 patrons)) between 10AM and 11PM, seven days a week, and subsequent changes to the permit preamble, endorsed plans and Condition 17**
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Trim Record Number: D17/158970

Responsible Officer: Coordinator Statutory Planning

## **RECOMMENDATION**

That a Notice of Decision to Grant an Amended Planning Permit PLN14/0419 be issued to allow for the sale and consumption of liquor associated with two approved food and drinks premises (Tenancy 1 (Cafe - 90 patrons) & Tenancy 4 (Restaurant - 190 patrons)) between 10AM and 11PM, seven days a week, and subsequent changes to the permit preamble, endorsed plans and Condition 17, at 166-182 Gertrude Street, Fitzroy, in accordance with the decision plans and subject to the following conditions:

### **Preamble (amended)**

**Demolition of the existing building to allow for the use and development of the land for a five-storey building (plus two basement carparks) with two ground floor shops, two food and drinks premises, including the sale and consumption of liquor (Café and restaurant licence), with 26 dwellings, reduction in associated car parking requirements and waiver of loading bay requirement in accordance with endorsed plans.**

### **Conditions (amended or new conditions in bold)**

1. **Before the commencement of the sale and consumption of liquor, an amended Ground Floor 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 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 decision plans, but modified to show:**
  - (a) **Internal layout of the two food and drinks premises.**
  - (b) **Seating for 100% of patrons within both tenancies and no more than 90 patrons within Tenancy 1 (café) and 190 patrons within Tenancy 4 (Restaurant).**
  - (c) **Notation indicating that the entrance to George Street from the south eastern door of the restaurant is to be used as a service entry only.**
2. **The use and development (including the sale and consumption of liquor) as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.**
3. As part of the ongoing consultant team, JacksonClementsBurrows or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) **Oversee design and construction of the development.**
  - (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.**

4. 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 SBE and dated 19 June 2014, but modified to include or show:
  - (a) Inclusion of a daylight modelling report that confirms that the proposed dwellings are designed to achieve appropriate daylight outcomes.
  - (b) Confirmation that the development will achieve least 10 per cent or half a star (whichever is greater) above BCA minimum standards.
  - (c) Incorporation where viable, high efficiency gas instantaneous or gas boosted centralised system including a solar preheat collectors with a minimum of 45% contribution to annual energy requirements.
  - (d) Individual water meters installed to apartments.
  - (e) \*\*\*DELETED\*\*\*.
  - (f) Confirmation the air condition system efficiency is to be within one star of the highest available or equivalent COP/EER.
  - (g) Provision of cycling end of trip facilities (shower) within the disabled toilet at ground floor level.
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.
6. Before the use and development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) Noise impact resulting from the proposed use and development to the surrounding properties.
  - (b) Noise impacts from the surrounding non-residential uses (vehicles, trams, commercial premises and live-music entertainment venues) to the proposed use and development.

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.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit.

The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 4 June 2014, but modified to include:

- (a) The altered waste collection procedures as shown in the sketch plans submitted on 17 November 2014. In the event that the proposed loading zone is not approved by Council, the Waste Management Plan must be amended to provide an alternative pick-up location 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 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 Urban Commons and dated 21 July 2014, but modified to include (or show):
  - (a) Further details regarding the planting adjacent to the corridor windows and the practicality of providing edible plants.
11. 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.
12. 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 and pedestrian entries must be provided. Lighting must be located, directed, shielded and of limited intensity to the satisfaction of the Responsible Authority.
13. 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.
14. 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.
15. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
16. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.



17. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor from Tenancy 1 (Café) and Tenancy 4 (Restaurant) may only occur between 10am and 11pm, seven days per week.**
18. **No more than 90 patrons are permitted within Tenancy 1 (café) and 190 patrons within Tenancy 4 (Restaurant) at any time liquor is being sold or consumed.**
19. **Before the commencement of the sale and consumption of liquor, 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 advertised, but modified to include (or show, or address):**
  - (a) **Include the operating hours consistent with Condition 17.**
  - (b) **Remove reference to two 'restaurant' tenancies and correctly reference two food and drinks premises: Tenancy 1 (Café) and Tenancy 4 (Restaurant).**
  - (c) **Floor plan in the appendix consistent with the floor plan required pursuant to Condition 1.**
  - (d) **To include details of deliveries and collections for both premises between 7am and 10pm on any day only.**
20. **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.**
21. **Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.**
22. **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.**
  - (d) **The presence of vermin.**

**All to the satisfaction of the Responsible Authority.**
23. **Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only be conducted between 9am and 10pm on any day.**
24. **Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.**
25. **The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).**
26. **The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).**

27. **Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.**
28. **No amplified music may be played, with the exception of background music, to the satisfaction of the Responsible Authority.**
29. 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.
30. Car parking allocated at the following rates:
  - (a) Dwellings – 33 car spaces.
  - (b) Residential visitors – 4 car spaces.
  - (c) Food and drink premises – 3 car spaces.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas 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.
  - (d) Line-marked or provided with some adequate means of showing the car parking spaces.All to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossings must be constructed:
  - (a) In accordance with any requirements or conditions imposed by Council.
  - (b) At the permit holder's cost.All 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 and kerb and channel at the permit holder's cost and to the satisfaction of the Responsible Authority.
34. 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 at the permit holder's cost and to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, ten (10) bike racks must be installed at the permit holder's cost and in a location and manner to the satisfaction of the Responsible Authority.
37. 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.
38. 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.
39. 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 dwelling and restaurant uses are not commenced within five years of the date of this permit.**
  - (d) **the sale and consumption of liquor 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.

### Submissions

Mr Hugh Smythe addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Ida Schmid;  
Ms Stephanie Smyrnios;  
Mr Peter Brady; and  
Mr Christopher Balmford.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Chen Yi Mei

That a Notice of Decision to Grant an Amended Planning Permit PLN14/0419 be issued to allow for the sale and consumption of liquor associated with two approved food and drinks premises (Tenancy 1 (Cafe - 90 patrons) & Tenancy 4 (Restaurant - 190 patrons)) between 10AM and 11PM, seven days a week, and subsequent changes to the permit preamble, endorsed plans and Condition 17, at 166-182 Gertrude Street, Fitzroy, in accordance with the decision plans and subject to the following conditions:

### **Preamble (amended)**

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  - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan.
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  - (c) Replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.
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13. 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.

14. 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.
15. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
16. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
17. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor from Tenancy 1 (Café) and Tenancy 4 (Restaurant) may only occur between 10am and 11pm, seven days per week.**
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  - (a) **Include the operating hours consistent with Condition 17.**
  - (b) **Remove reference to two 'restaurant' tenancies and correctly reference two food and drinks premises: Tenancy 1 (Café) and Tenancy 4 (Restaurant).**
  - (c) **Floor plan in the appendix consistent with the floor plan required pursuant to Condition 1.**
  - (d) **To include details of deliveries and collections for both premises between 9am and 10pm on any day only.**
  - (e) **Details of how Tenancy 4 (Restaurant) will manage large group bookings to minimise amenity impacts on surrounding residential areas.**
20. **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.**
21. **Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign on all food and drink menus and at all exits of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.**
22. 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.



(d) The presence of vermin.

All to the satisfaction of the Responsible Authority.

23. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only be conducted between 9am and 10pm on any day.

24. **Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.**

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

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

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29. 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.

30. Car parking allocated at the following rates:

- (a) Dwellings – 33 car spaces.
- (b) Residential visitors – 4 car spaces.
- (c) Food and drink premises – 3 car spaces.

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas 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.
- (d) Line-marked or provided with some adequate means of showing the car parking spaces.

All to the satisfaction of the Responsible Authority.

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossings must be constructed:

- (a) In accordance with any requirements or conditions imposed by Council.
- (b) At the permit holder's cost.

All 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 and kerb and channel at the permit holder's cost and to the satisfaction of the Responsible Authority.

34. 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 at the permit holder's cost and to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, ten (10) bike racks must be installed at the permit holder's cost and in a location and manner to the satisfaction of the Responsible Authority.
37. 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.

38. 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.

39. 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 dwelling and restaurant uses are not commenced within five years of the date of this permit.**

(d) **the sale and consumption of liquor 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.

**CARRIED UNANIMOUSLY**

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**1.2 Floor 1/95-97 Smith Street Fitzroy - Planning Permit Application PL01/1096.02 - Amendment to extend the operating hours of the premises from 1:00am to 3:00am, seven days a week.**

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Trim Record Number: D17/155299

Responsible Officer: Senior Coordinator Statutory Planning

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PL01/1096.02 to extend the operating hours of the premises from 1:00am to 3:00am, Thursday to Saturday at 1/95-97 Smith Street, Fitzroy, subject to the following conditions (new or amended conditions highlighted in **bold**, deleted conditions shown ~~dashed~~):

- ~~1. Prior to the commencement of the approved amendment (increase in patron numbers and associated car parking reduction) amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with all dimensions noted and three copies must be provided. The plans must be generally in accordance with the plan submitted to Council on 8 August 2013 but modified to show:~~
  - ~~a. The location of the food van in the rear courtyard.~~
  - ~~b. Notations on the plan to indicate that the rear roller door will be closed at all times when the food van is operational.~~
- 1. Prior to the commencement of the approved amendment PL01/1096.02 (increase in trading hours), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with all dimensions noted and three copies must be provided. The plans must be generally in accordance with the the plans submitted to Council on 2 August 2017 showing the proposed kitchen, but modified to show:**
  - (a) The location of the food van in the rear courtyard and the notation on the plans stating that the courtyard roller door is to be closed at all times while the food truck is operating, in accordance with the plans previously endorsed by Council on 20 March 2014.**
2. The use hereby authorised must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. They layout of the use hereby authorised, including the position of “table and chairs”, on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 4. This permit will expire if the increased hours hereby authorised under amended planning permit PL01/1096.02 is not commenced within two years from the date of this amended permit. The Responsible Authority may approve extensions to these time limits if requests are made within 3 months of expiry.**
5. Within 5 working days of the commencement of the use hereby authorised, the operator of the use hereby authorised must advise the Responsible Authority in writing of the date of commencement of the use hereby authorised.
- 6. Prior to the commencement of the increased trading hours approved under this amendment (PL01/1096.02), 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 form part of this permit.**

**The amended noise and amenity action plan must generally be in accordance with the noise and amenity action plan prepared by Tract Consultants and dated June 2013, but modified to include (or show, or address):**

- (a) That food offerings will be available to patrons at all times while the sale and consumption of liquor is taking place.**
- (b) Details of the substantial food offerings.**
- (c) The maximum capacity of the premises in accordance with condition 9 of this planning permit.**
- (d) The hours of operation of the premises in accordance with condition 8 of this planning permit.**

**When approved, the noise and amenity action plan will be endorsed and will then form part of the permit. The use must operate in accordance with the endorsed noise and amenity action plan to the satisfaction of the Responsible Authority.**

- 7. The use hereby authorised must only operate in accordance with the NAAP approved to the satisfaction of the Responsible Authority.
- 8. **The use may only operate between 7.00am to 1.00am the following day Sunday to Wednesday, and 7:00am and 3:00am the following day, Thursday to Saturday.**
- 9. No more than 197 patrons may be permitted on the premises at any one time.
- 10. Prior to the increase in patron numbers, a Noise Limiter must be installed and must be maintained thereafter. It must be set at a level specified by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the requirements of SEPP N-2.
- 11. The use hereby authorised must at all times comply with State Environment Protection Policy N-1 (Control of Noise from Commercial, Industrial or Trade Premises) and N-2 State Environment Protection Policy (Control of Music Noise from Public Premises) or any other standard recommended by the Environment Protection Authority, or its successors.
- 12. No live music or amplified music shall be permitted at any time (other than background music).
- 13. Music associated with the use hereby authorised is not to be played outside the building or in a courtyard area. There are to be no speakers sited outside the building or in the courtyard area.
- 14. A prominent notice, requesting patrons to take account of the needs of local residents for peace and quiet after 10.00pm on any day, must be displayed at the main exit from the premises.
- 15. No emptying of bottles or cans into bins, or other receptacles, is permitted after 10.00pm on any night, or before 7.00am on any day.
- 16. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
- 17. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises, a person above the age of 18 years, responsible for the good conduct of the premises ('The Manager'). The Manager must at all times be authorised by the occupier of the premises to make statements on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the activity hereby authorised.

**18. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.**

NOTE: A monetary contribution may be required in the event of a parking precinct plan for the area being adopted by Council.

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

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 airconditioning 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.

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

Date of amendment	Brief description of amendment
20 December 2013	Amendment to increase patron numbers associated with the existing tavern (bar) from 100 to 197, including an associated reduction in the car parking requirements.
	<p>Pursuant to section 74 of the <i>Planning and Environment Act (1987)</i> the permit and plans have been amended in the following ways:</p> <ul style="list-style-type: none"> <li>• Delete the previous condition 1 requirement for amended plans and add a new condition 1.</li> <li>• Amend condition 6 to require an updated noise and amenity action plan.</li> <li>• Amend condition 8 to increase the hours from 1:00am to 3:00am on Thursday to Saturday.</li> </ul>

Submissions

Mr Damian Isles addressed the Committee on behalf of the Applicant.

Mr David Russell also addressed the Committee.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Fristacky

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PL01/1096.02 to extend the operating hours of the premises from 1:00am to 3:00am, Thursday to Saturday at 1/95-97 Smith Street, Fitzroy, subject to the following conditions (new or amended conditions highlighted in **bold**, deleted conditions shown ~~dashed~~):

- ~~1. Prior to the commencement of the approved amendment (increase in patron numbers and associated car parking reduction) amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with all dimensions noted and three copies must be provided. The plans must be generally in accordance with the plan submitted to Council on 8 August 2013 but modified to show:~~
  - ~~a. The location of the food van in the rear courtyard.~~
  - ~~b. Notations on the plan to indicate that the rear roller door will be closed at all times when the food van is operational.~~

1. The use hereby authorised must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

2. The layout of the use hereby authorised, including the position of "table and chairs", on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. **This permit will expire if the increased hours hereby authorised under amended planning permit PL01/1096.02 is not commenced within two years from the date of this amended permit. The Responsible Authority may approve extensions to these time limits if requests are made within 3 months of expiry.**

4. Within 5 working days of the commencement of the use hereby authorised, the operator of the use hereby authorised must advise the Responsible Authority in writing of the date of commencement of the use hereby authorised.

5. **Prior to the commencement of the increased trading hours approved under this amendment (PL01/1096.02), 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 form part of this permit. The amended noise and amenity action plan must generally be in accordance with the noise and amenity action plan prepared by Tract Consultants and dated June 2013, but modified to include (or show, or address):**

- (a) That food offerings will be available to patrons at all times while the sale and consumption of liquor is taking place.
- (b) Details of the substantial food offerings.
- (c) The maximum capacity of the premises in accordance with condition 9 of this planning permit.
- (d) The hours of operation of the premises in accordance with condition 8 of this planning permit.

**When approved, the noise and amenity action plan will be endorsed and will then form part of the permit. The use must operate in accordance with the endorsed noise and amenity action plan to the satisfaction of the Responsible Authority.**

6. The use hereby authorised must only operate in accordance with the NAAP approved to the satisfaction of the Responsible Authority.

7. **The use may only operate between 7.00am to 1.00am the following day Sunday to Wednesday, and 7:00am and 3:00am the following day, Thursday to Saturday.**

8. No more than 197 patrons may be permitted on the premises at any one time.

9. Prior to the increase in patron numbers, a Noise Limiter must be installed and must be maintained thereafter. It must be set at a level specified by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the requirements of SEPP N-2.



10. The use hereby authorised must at all times comply with State Environment Protection Policy N-1 (Control of Noise from Commercial, Industrial or Trade Premises) and N-2 State Environment Protection Policy (Control of Music Noise from Public Premises) or any other standard recommended by the Environment Protection Authority, or its successors.
11. No live music or amplified music shall be permitted at any time (other than background music).
12. Music associated with the use hereby authorised is not to be played outside the building or in a courtyard area. There are to be no speakers sited outside the building or in the courtyard area.
13. A prominent notice, requesting patrons to take account of the needs of local residents for peace and quiet after 10.00pm on any day, must be displayed on all food and drink menus and at all exits from the premises.
14. No emptying of bottles or cans into bins, or other receptacles, is permitted after 10.00pm on any night, or before 7.00am on any day.
15. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
16. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises, a person above the age of 18 years, responsible for the good conduct of the premises ('The Manager'). The Manager must at all times be authorised by the occupier of the premises to make statements on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the activity hereby authorised.
17. **The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.**

NOTE: A monetary contribution may be required in the event of a parking precinct plan for the area being adopted by Council.

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

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 airconditioning 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.

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

Date of amendment	Brief description of amendment
20 December 2013	Amendment to increase patron numbers associated with the existing tavern (bar) from 100 to 197, including an associated reduction in the car parking requirements.

	<p>Pursuant to section 74 of the <i>Planning and Environment Act (1987)</i> the permit and plans have been amended in the following ways:</p> <ul style="list-style-type: none"> <li>• Delete the previous condition 1 requirement for amended plans and add a new condition 1.</li> <li>• Amend condition 6 to require an updated noise and amenity action plan.</li> <li>• Amend condition 8 to increase the hours from 1:00am to 3:00am on Thursday to Saturday.</li> </ul>

**CARRIED UNANIMOUSLY**

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**1.3      283A Burnley Street, Richmond - PLN17/0180 - Development of the land for the construction of two new dwellings, creation of access to a Category 1, Road Zone and a reduction in the car parking requirement.**

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Trim Record Number: D17/154461

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 PLN17/0180 for development of the land for the construction of two new dwellings, creation of access to a Category 1, Road Zone and a reduction in the car parking requirement at 283A Burnley 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 Dean Dyson Architects (TP-001 – TP013) received by Council on 8 August 2017, but modified to show:
  - (a) All boundary setbacks and wall heights to be clearly dimensioned on the plans, with the dimensions and scale (1:100) to be consistent and correct;
  - (b) The location, height and appearance of the front fence on all relevant floor plans and elevations;
  - (c) Clarification of the material of the proposed 1.8m high fence along the northern boundary;
  - (d) A pedestrian gate, in line with the garage of Unit 1, to extend from the northern wall of Unit 1 to the northern boundary. This gate is to be the same height as the garage and composed of the same material, with a minimum of 50% transparency;
  - (e) The living room balcony of Unit 1 to be increased to a minimum depth of 1.6m, without any reduction to the front setback;
  - (f) A skylight above the kitchen of Unit 1;
  - (g) The eastern 1.2m length of bedroom 2 wall to be set back 1m from the southern boundary;
  - (h) The following to demonstrate compliance with the objective of Standard B22 (Overlooking objective) of Clause 55 of the Yarra Planning Scheme. If screening is required, this screening must be fixed to a height of 1.7m above the finished floor level and composed of opaque glazing, with a maximum transparency of 25%:
    - (i) South-facing study window of Unit 2;
    - (ii) East-facing bedroom window of Unit 1;
    - (iii) East-facing living room window of Unit 1;
    - (iv) East-facing bedroom window of Unit 2.
  - (i) Operability of all habitable room windows (above 1.7m where required to be fixed for privacy purposes);
  - (j) Designated storage spaces (minimum 6 cubic metres) for each dwelling;
  - (k) Separate mail-boxes for each dwelling;
  - (l) The following features as outlined in the Sustainable Design Assessment:
    - (i) The 2 x 2000L rainwater tanks on the ground floor plans, with a notation indicating that the tanks will be connected to toilets and irrigation within the development;
    - (ii) External clothes lines;
    - (iii) Separate 1.75kW solar PV systems for each dwelling;
    - (iv) Solar hot water system;
    - (v) Bicycle storage.
  - (m) Confirmation from the manufacturers of the vehicle turntables that the edge and surface of the turntables is adequate for pedestrians to traverse.
  - (n) The width and height of the garage door for Unit 1;
  - (o) The dimensions of the proposed vehicle entrance off Hofert Lane for Unit 2;

- (p) The width and location of the Burnley Street crossover;
  - (q) The dimensions of each car space and garage, including the dimensions and critical clearances of the two vehicle turntables.
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. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
  4. 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, size at time of planting, height at maturity and botanical names of all proposed plants; and,
    - (b) indicate the location of all areas to be covered by lawn or other surface materials; to the satisfaction of the Responsible Authority.
  5. 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.
  6. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
    - (a) Noise levels generated by the vehicles moving on and off the vehicle turntable;
    - (b) The level of structure borne noise from the turntable of Unit 1 to the bedroom of the southern dwelling.

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.
  7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
  8. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
  9. 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.

10. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle turntables must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The vehicle turntables must be maintained thereafter to the satisfaction of the Responsible Authority.
11. 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.
12. 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.

VicRoads Conditions 13-15

13. The crossover and driveway to Burnley Street Richmond must 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 construction of the proposed dwellings hereby approved.
14. The vehicle crossing to Burnley Street Richmond and associated works must be provided and available for use and be:
  - (a) Formed to such levels and drained so that they can be used in accordance with the plan.
  - (b) Treated with an all-weather seal or some other durable surface.
15. The vehicle crossing must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.
16. 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.
17. 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.

18. 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.

A vehicle crossing permit is required for the construction of the vehicle crossing. Please contact Council's Construction Management Branch 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.

#### VicRoads Note:

The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

#### Submissions

The Applicant, Mr Glen Foresham addressed the Committee.

The following people also addressed the Committee:

Ms Stephanie Quirk; and  
Ms Katarina Bilandzic.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION****Moved:** Councillor Chen Yi Mei**Seconded:** Councillor Fristacky

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN17/0180 for development of the land for the construction of two new dwellings, creation of access to a Category 1, Road Zone and a reduction in the car parking requirement at 283A Burnley 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 Dean Dyson Architects (TP-001 – TP013) received by Council on 8 August 2017, but modified to show:
  - (a) All boundary setbacks and wall heights to be clearly dimensioned on the plans, with the dimensions and scale (1:100) to be consistent and correct;
  - (b) The location, height and appearance of the front fence on all relevant floor plans and elevations;
  - (c) Clarification of the material of the proposed 1.8m high fence along the northern boundary;
  - (d) A pedestrian gate, in line with the garage of Unit 1, to extend from the northern wall of Unit 1 to the northern boundary. This gate is to be the same height as the garage and composed of the same material, with a minimum of 50% transparency;
  - (e) The living room balcony of Unit 1 to be increased to a minimum depth of 1.6m, without any reduction to the front setback;
  - (f) A skylight above the kitchen of Unit 1;
  - (g) The eastern 1.2m length of bedroom 2 wall to be set back 1m from the southern boundary;
  - (h) The following to demonstrate compliance with the objective of Standard B22 (Overlooking objective) of Clause 55 of the Yarra Planning Scheme. If screening is required, this screening must be fixed to a height of 1.7m above the finished floor level and composed of opaque glazing, with a maximum transparency of 25%:
    - (i) South-facing study window of Unit 2;
    - (ii) East-facing bedroom window of Unit 1;
    - (iii) East-facing living room window of Unit 1;
    - (iv) East-facing bedroom window of Unit 2.
  - (i) Operability of all habitable room windows (above 1.7m where required to be fixed for privacy purposes);
  - (j) Designated storage spaces (minimum 6 cubic metres) for each dwelling;
  - (k) Separate mail-boxes for each dwelling;
  - (l) The following features as outlined in the Sustainable Design Assessment:
    - (i) The 2 x 2000L rainwater tanks on the ground floor plans, with a notation indicating that the tanks will be connected to toilets and irrigation within the development;
    - (ii) External clothes lines;
    - (iii) Separate 1.75kW solar PV systems for each dwelling;
    - (iv) Solar hot water system;
    - (v) Bicycle storage.
  - (m) Confirmation from the manufacturers of the vehicle turntables that the edge and surface of the turntables is adequate for pedestrians to traverse.
  - (n) The width and height of the garage door for Unit 1;
  - (o) The dimensions of the proposed vehicle entrance off Hofert Lane for Unit 2;
  - (p) The width and location of the Burnley Street crossover;
  - (q) The dimensions of each car space and garage, including the dimensions and critical clearances of the two vehicle turntables.

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. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
4. 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, size at time of planting, height at maturity and botanical names of all proposed plants; and,
  - (b) indicate the location of all areas to be covered by lawn or other surface materials; to the satisfaction of the Responsible Authority.
5. 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.
6. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) Noise levels generated by the vehicles moving on and off the vehicle turntable;
  - (b) The level of structure borne noise from the turntable of Unit 1 to the bedroom of the southern dwelling.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.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
9. 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.
10. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the vehicle turntables must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The vehicle turntables must be maintained thereafter to the satisfaction of the Responsible Authority.



11. 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.
12. 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.

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13. The crossover and driveway to Burnley Street Richmond must 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 construction of the proposed dwellings hereby approved.
14. The vehicle crossing to Burnley Street Richmond and associated works must be provided and available for use and be:
  - (a) Formed to such levels and drained so that they can be used in accordance with the plan.
  - (b) Treated with an all-weather seal or some other durable surface.
15. The vehicle crossing must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.
16. 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.
17. 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.

18. 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.

A vehicle crossing permit is required for the construction of the vehicle crossing. Please contact Council's Construction Management Branch 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.**

VicRoads Note:

The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

**CARRIED UNANIMOUSLY**

The meeting closed at 9.00pm.

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

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**Chair**