



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

**held on Wednesday 10 October 2018 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**I. ATTENDANCE**

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

Nish Goonetilleke (Senior Statutory Planner)  
Danielle Connell (Senior Co-Ordinator Statutory Planning)  
Mel Nikou (Governance Officer)

**II. APOLOGIES AND LEAVE OF ABSENCE**

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

**IV. CONFIRMATION OF MINUTES**

**Internal Development Approvals Committee Resolution:**

**Moved:** Councillor Stone **Seconded:** Councillor Fristacky

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 26 September 2018 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**

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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 Fristacky nominated Councillor Chen Yi Mei as Chair.

There being no other nominations, Councillor Chen Yi Mei was appointed Chair.

Councillor Chen Yi Mei assumed the Chair.

## 1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN17/1061 - 93-97 Webb Street, Fitzroy - Part demolition and use and development of the land for the construction of a mixed use building (permit required for dwelling use) and a reduction in the car parking requirements.	6	12
1.2	81-89 Queens Parade, Fitzroy North - PLN17/1113 - Construction of a mixed use building, use part of the land for a residential hotel (serviced apartments), alteration of access to a Road Zone (category 1), reduction in the car parking requirements associated with a residential hotel (serviced apartments), supermarket and offices (permit not required for supermarket or office uses) - CONFIDENTIAL ITEM - VCAT COMPULSORY CONFERENCE WITHOUT PREJUDICE POSITION		
1.3	2-20 Kerr Street, Fitzroy - PLN17/0379 - Construction of dwellings, including associate demolition works and a reduction in car parking. [CONFIDENTIAL ITEM - VCAT COMPULSORY CONFERENCE WITHOUT PREJUDICE POSITION]		

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**1.1 PLN17/1061 - 93-97 Webb Street, Fitzroy - Part demolition and use and development of the land for the construction of a mixed use building (permit required for dwelling use) and a reduction in the car parking requirements.**

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Trim Record Number: D18/160145

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 (PLN17/1061) for part demolition and the use and development of the land for the construction of a mixed-use building (permit required for dwelling use), and a reduction in the car parking requirement at 93-97 Webb Street, Fitzroy 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 Jackson Clements Burrows Architects, dated 01/03/2018 (SK0-002, SK0-201, SK0-202, SK0-203, SK2-104, SK2-205, SK2-206, SK1-101, SK1-100, SK1-102, SK1-103, SK1-104, SK1-105, SK1-106, SK1-107, SK1-108, SK1-109, SK2-101, SK2-102, SK2-103, SK2-104, SK3-101, SK3-102, SK3-105, SK3-106, SK3-107, and SK10-101 inclusive) but amended to include:
  - (a) all details as shown in the sketch plans (received by Council on 26<sup>th</sup> September 2018) as follows;
 

*Townhouses*

    - (i) Increased setbacks of third floor east wall;
    - (ii) Increased setbacks of roof terraces from east and west boundaries;
    - (iii) Overall reduction in height by 0.7m;
    - (iv) New privacy screens to roof terraces; and
    - (v) Colour palette lightened to the proposed northern, western and eastern walls.

*Apartment building*

    - (vi) Setbacks of the south-east and south-west corners of the 5th and 6th floor increased as well as north-west and north-east corners; and
    - (vii) Lightening of the western boundary wall material at first to fourth floor.

But further modified to show the following:

- (b) Demolition plans updated to show removal of existing vehicle crossings and the partial demolition of the existing western wall;
- (c) Notations showing re-instatement of vehicle crossovers with footpath and kerb and channel;
- (d) Details of lighting to walkway and dwelling entries of townhouse 1-8;
- (e) Detail the material finishes of any services cupboards and new windows to the ground floor Webb Street and Charles Street facades and to be compatible with the original heritage fabric;
- (f) All setbacks shown from boundaries on all floor plans;
- (g) Detail the material finish to the pedestrian entry door from Charles Street to the walkway for dwelling 1-8 demonstrating a visually permeable finish;
- (h) The townhouses to demonstrate compliance with the objectives of standard B22 (Overlooking) of clause 55 of the Scheme;
- (i) Further detail of overlooking treatments from the east side of the apartments building to limit overlooking to the Patterson's building dwellings/terraces in compliance with the objectives of standard D14 of clause 58 of the Scheme,

- (j) The western privacy screen to townhouse 1-8, the structures separating adjoined balconies on the apartment building and the windows and balconies to floor 5 and 6 of the apartment building to townhouse terraces to demonstrate compliance with the objectives of standard B23 of clause 55 and D15 (Internal views) of clause 58 of the Scheme;
  - (k) the headroom clearance to the Webb Street vehicle access and basement column depths and setbacks to be noted on the plans;
  - (m) Any alterations to the development required by the updated Sustainable Management Plan at Condition 3; and
  - (n) Any alterations to the development required by the updated Acoustic Report at Condition 5.
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 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 ADP Consulting dated 29 November 2017, but modified to include or show:
    - (a) A JV3 energy modelling report, demonstrating that the 10% energy efficiency target will be achieved;
    - (b) An external clothes drying rack for each dwelling;
    - (c) provide additional thermal energy analysis to demonstrate that cooling loads to all dwellings are lower than 30MJ/m<sup>2</sup> without relying on tinted glazing that will exacerbate daylight issues.
    - (d) redesign apartments 1.03 and 1.04 to setback the bedroom glazing between 0.25m to 0.5m to assist create an air pressure differential between bedroom and living room windows and enable natural ventilation, and
    - (e) confirmation toilets are connected to water tanks.
  4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  5. Before the development commences, an amended Acoustic Report Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day Acoustics dated 24 January 2018, but modified to include or show:
    - (a) Background noise monitoring and SEPP N-2 noise limits relative to all nearby venues. The limits should be based on background noise levels conducted during the last hour of the venue operations and on the quietest nights that the venues operate;
    - (b) SEPP N-2 assessments of music for all venue operations. If based on one set of measurements only, confirmation should be provided by the venue operator that the assessment quantifies typical worst case noise impacts;
    - (c) An assessment of noise from the tavern at No.171 Smith Street (Sandy V's);
    - (d) Octave and music levels at a reference location used in assessments of music from all venues; and
    - (e) Acoustic specifications for façade walls as well as windows exposed to non-compliant levels of music and/or patron noise.

The acoustic report must make recommendations to limit the noise impacts (as necessary) inside the proposed dwellings and 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. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
8. As part of the ongoing consultant team, Jackson Clements Burrows Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath frontage to the site must be demolished and re-instated as standard footpath and bluestone kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) 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:
  - (a) at the permit holder's cost,
  - (b) to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the bluestone laneway to the east of the site must be reconstructed:
  - (a) at the permit holder's cost; and
  - (b) 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, 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. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian 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.
15. 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.
16. 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.



17. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures or service pits necessary to facilitate the development must be undertaken:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
18. 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.
19. 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.
20. 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.
21. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
22. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to, :
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.  
In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations.

23. During the construction:

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

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.

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

26. Before the building is occupied, any new wall/garage doors located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

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

28. 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;
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

29. This permit will expire if:

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

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

Notes:

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

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

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

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.

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

All future 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.

Submissions

Mr Kel Twite addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr David Tieck;

Ms Sharney Nougher;

Mr Stephen Choi;

Ms Erica Lienert;

Mr Justin Teves

Ms Chelsea Goff; and

Ms Julie Moulder.

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Refusal to Grant a Permit (PLN17/1061) for part demolition and the use and development of the land for the construction of a mixed-use building (permit required for dwelling use), and a reduction in the car parking requirement at 93-97 Webb Street, Fitzroy on the following grounds:

1. The proposed height does not respond to the existing or preferred character of the area and will dominate the surrounding area.
2. The proposal results in unreasonable loss of daylight and overshadowing to adjacent buildings and the southern footpath of Webb Street.
3. The proposal fails to provide an adequate transition in height and mass from the Smith Street Major Activity Centre to the sensitive Neighbourhood Residential Zone within a heritage overlay with its 9 metre mandatory height limit.

**CARRIED UNANIMOUSLY**

The meeting closed at 8.23pm.

**Confirmed at the meeting held on Wednesday 24 October 2018**

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**Chair**