



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

**held on Wednesday 21 November 2018 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**I. ATTENDANCE**

Councillor Stephen Jolly  
Councillor Mike McEvoy  
Councillor Mi-Lin Chen Yi Mei (substitute for Cr James Searle)

Vicky Grillakis (Co-ordinator Statutory Planning)  
Sarah Griffiths (Senior Co-ordinator Statutory Planning)  
Cindi Johnston (Governance Officer)

**II. APOLOGIES AND LEAVE OF ABSENCE**

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

**IV. CONFIRMATION OF MINUTES**

**Internal Development Approvals Committee Resolution:**

**Moved:** Councillor McEvoy **Seconded:** Councillor Chen Yi Mei

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 7 November 2018 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**

---

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 Jolly as Chair.

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

Councillor Jolly assumed the Chair.

## 1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN18/0172 - 622-642 Nicholson Street Fitzroy North - The construction of a ten storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street.	6	17
1.2	115 Easey Street, Collingwood - PLN17/0655 - Full demolition of the existing dwelling and construction of three dwellings on a lot.	18	22
1.3	PLN17/0789 - 377 St Georges Road, Fitzroy North - Demolition of the existing building for the construction of a mixed-use multi-storey building, and use of the land for dwellings, with a reduction in the car parking requirement.	23	29
1.4	5 Park Drive, Clifton Hill - PLN17/0648 - Amendment to a Section 173 Agreement	36	36
1.5	37 - 39 Stewart Street - PLN16/0365.02 - Section 72 Amendment to extend the existing platform (with associated air conditioning units) on the western side of the existing building to a height of 8.3 metres.	37	38

- 
- 1.1 PLN18/0172 - 622-642 Nicholson Street Fitzroy North - The construction of a ten storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street.**
- 

Trim Record Number: D18/177514

Responsible Officer: Senior Co-ordinator Statutory Planning

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0172 for the construction of an eight storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street at 622-642 Nicholson Street, Fitzroy North, subject to the following conditions:

### Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Artisan Architects, numbered TP00-TP19, all revision A and dated 30 May 2018 but modified to show:
  - (a) the changes shown in the sketch plans prepared by Artisan Architects, numbered TP01-TP18 (all revision B and dated 14 September 2019) which generally show:
    - (i) an indicative layout of the ground floor tenancies;
    - (ii) consolidated bicycle parking spaces within a designated room on basement level one;
    - (iii) a substation on basement level one in place of three car parking spaces;
    - (iv) deletion of one medical consulting suite on the first floor and increased size of the medical centre waiting area;
    - (v) reduced height of the awning along Nicholson Street to a minimum of 3 metres; and
    - (vi) square columns provided internally above the ground floor in lieu of round columns;

And further modified to show the following changes:

- (b) The deletion of two levels.
- (c) The eastern facade with a reflectivity of no less than 0.5 or 50 per cent.
- (d) Any doors, including service cabinet or meter room doors that open outwards over public land as able to swing 180 degrees and be latched to the building when opened or serviced.
- (e) The number of car parking spaces to equate to the reduced floor space as a result of condition 1(b) of this permit, which would equate to a reduction of approximately 17 on site car parking spaces for the office use.
- (f) Improvements to the layout and circulation of the basement car parking (e.g. removing difficult car parking spaces, removing dead end aisles).
- (g) A convex mirror installed on the north side of the Nicholson Street vehicle entrance in order to optimise visibility of pedestrians.

- (h) A minimum of eight visitor bicycle parking hoops internal to the building, on the ground floor near the lobby area, and visible from the public realm.
  - (i) A maximum of four bicycle parking hoops external to the building, in front of the site on the Nicholson Street footpath.
  - (j) Any requirement of the amended sustainable management plan required by condition 9 of this planning permit (where relevant to show on plans).
  - (k) Any requirement of the acoustic report required by condition 7 of this planning permit (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### **Landscaping**

3. Before the development commences, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will form part of this permit. The landscape plan must:

- (a) Show the type, location, quantity, height at maturity and botanical names of all proposed plants.
- (b) Indicate the location of all areas to be covered by lawn or other surface materials.
- (c) Provide a specification of works to be undertaken prior to planting.
- (d) Details of raised garden beds.
- (e) Planting details, including proposed planting media, climbing frames, irrigation and drainage.

to the satisfaction of the Responsible Authority.

4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed landscape plan must be maintained by:

- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
- (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
- (c) Replacing any dead, diseased, dying or damaged plants.

to the satisfaction of the Responsible Authority.

5. Before the development commences, a tree management plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified arborist and must be submitted to and approved by the Responsible Authority. When approved the tree management plan will be endorsed and will form part of this permit. The tree management plan must make recommendations for:

- (a) The protection of the two plane street trees in front of the site on Nicholson Street:
  - (i) pre-construction;
  - (ii) during construction; and,
  - (iii) post construction.
- (b) The provision of any barriers.
- (c) Any pruning necessary.
- (d) Watering and maintenance regimes.

to the satisfaction of the Responsible Authority.

6. Before the development starts, the permit holder must provide a bond to the Responsible Authority for the two plane street trees in front of the site on Nicholson Street. The bond:

- (a) is to be to the value of the \$21,000.00 for Tree ID 3073 and \$30,241.00 for Tree ID 3071.
- (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
- (c) may be held by the Responsible Authority until the buildings and works are completed to the satisfaction of the Responsible Authority; and
- (d) may be applied by the Responsible Authority to allow for a large replacement planting(s) and costs associated with establishment and maintenance or to offset the cost of repairing any damage incurred to the trees during construction.

Once the buildings and works are completed to the satisfaction of the Responsible Authority, any portion of the bond which has not been applied by the Responsible Authority will be refunded to the permit holder.

### **Acoustic Report**

7. 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 be generally in accordance with the technical memo prepared by Octave Acoustics and dated 15 March 2018, but modified to ensure/include the following:
  - (a) Truck deliveries are not to take place outside the hours of 7:00am to 6:00pm weekdays and 7:00am to 1:00pm, Saturdays (van deliveries may be acceptable during the SEPP N-1 defined evening period).
  - (b) Trucks accessing the loading bay are to be 12.5 metres long or less (medium rigid trucks or smaller).
  - (c) A noise management plan for the supermarket is to be prepared. The plan should include, but not limited to, a delivery procedure that will eliminate the need for trucks to idle in the lane outside the delivery dock, and/or in Bik Lane if there are overlooking residences.
  - (d) Signage is to be provided outside the loading bay to the effect that trucks are not to idle in the laneway.
  - (e) Noise from deliveries, including truck movements in the lane outside the loading bay, is to comply with SEPP N-1.
  - (f) The roller door proposed for installation on the project is to be reviewed to ensure that it will control noise from the loading bay to SEPP N-1 compliant levels.
  - (g) A full mechanical review be conducted to ensure that SEPP N-1 noise limits are not exceeded.
  - (h) Post compliance noise testing is undertaken.
8. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

9. Before the development commences, an amended sustainable management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended sustainable management plan will be endorsed and will form part of this permit. The amended sustainable management plan must be generally in accordance with the sustainable management plan prepared by Simpson Kotzman Consulting Engineers and dated 1 June 2018, but modified to include or show:
  - (a) Consider external shading systems to reduce heat gain, rather than rely on glazing. If not, please include the SGHC proposed including the minimum visual light transmittance of 60 per cent noted in the sustainable management plan and demonstrate that the 20 per cent cooling load reduction can be met.
  - (b) Comprehensive commissioning and tuning of all major appliances and services.
  - (c) An environmental management plan be developed by the building contractor to monitor and control activities undertaken during construction.



10. Prior to the occupation of the development approved under this planning permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
11. The provisions, recommendations and requirements of the endorsed sustainable management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

12. Before the development commences, an amended waste management plan 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 27 June 2018, but modified to include:
  - (a) More specificity regarding the sizes of the waste storage areas.
  - (b) The inclusion of swept path diagrams showing how the truck intends to get to both storage areas.
13. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Green Travel Plan**

14. Before the use commences, an amended green travel plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended green travel plan will be endorsed and will form part of this permit. The amended green travel plan must be generally in accordance with the green travel plan prepared by Simpson Kotzman Consulting Engineers, forming Appendix D of the sustainable management plan and dated 1 June 2018, but modified to include or show:
  - (a) A description of the location in the context of alternative modes of transport.
  - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing).
  - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes.
  - (d) Performance targets and monitoring and reporting components.
  - (e) A designated 'manager' or 'champion' responsible for coordination and implementation.
  - (f) Details of bicycle parking and bicycle routes.
  - (g) Details of green travel plan funding and management responsibilities.
  - (h) The types of bicycle storage devices proposed to be used for employee, guest and visitor spaces (i.e. hanging or floor mounted spaces).
  - (i) The types of lockers proposed within the change-room facilities, with at least 50 per cent of lockers providing hanging storage space.
  - (j) Security arrangements to access the employee bicycle storage spaces.
  - (k) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
  - (l) A minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.
  - (m) Provisions for the green travel plan to be updated not less than every five years.
15. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Potentially Contaminated Land**

16. Before either the construction of the development authorised by this permit or the use authorised by this permit commence, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
  - (a) A description of previous land uses and activities on the land.
  - (b) An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land.
  - (c) Details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land.
  - (d) Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act* 1970 (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
17. If the assessment required by condition 16 does not result in a recommendation that an environmental auditor be appointed under section 53S of the EP Act to undertake an environmental audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
18. If the assessment required by condition 16 results in a recommendation that an environmental auditor be appointed under section 53S of the EP Act to undertake an environmental audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit or the use authorised by this permit commence, the environmental auditor appointed under section 53S of the *Environment Protection Act* 1970 (EP Act) must undertake an environmental audit in accordance with the provisions of the EP Act and issue:
  - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

19. If, pursuant to condition 18, a Statement is issued:
  - (a) the:
    - use; and
    - development,
 authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**development pre-commencement conditions**);
  - (c) the use authorised by this permit must not be undertaken until compliance is achieved with all terms and conditions that the Statement states must be complied with before the use commences (**use pre-commencement conditions**);
  - (d) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the development pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (e) before the use authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the use pre-commencement conditions have been complied with must be submitted to the responsible authority;

- (f) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
  - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
  - (ii) be executed before the sensitive use for which the land is being developed commences; and
- (g) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

### **Supermarket**

- 20. The supermarket use authorised by this planning permit may operate 24 hours a day, seven days a week.

### **Bottle Shop**

- 21. Except with the prior written consent of the Responsible Authority, the bottle shop use authorised by this planning permit may only operate between the hours of 9:00am to 11:00pm, seven days a week.

### **Medical Centre**

- 22. Except with the prior written consent of the Responsible Authority, the medical centre use authorised by this planning permit may only operate between the hours of 8:00am to 10:00pm, seven days a week.
- 23. Except with the prior written consent of the Responsible Authority, no more than ten practitioner(s) are permitted to operate from the land at any one time.
- 24. All infectious waste must be removed by a commercial waste contractor which holds an appropriate commercial waste licence to the satisfaction of the Responsible Authority.

### **Office**

- 25. Except with the prior written consent of the Responsible Authority, the office use authorised by this planning permit may only operate between the hours of 8:00am to 10:00pm, seven days a week.

### **Loading and Unloading**

- 26. Truck deliveries are not to take place outside the hours of 7:00am to 6:00pm weekdays and 7:00am to 1:00pm, Saturdays (van deliveries may be acceptable during the SEPP N-1 defined evening period).
- 27. Trucks accessing the loading bay are to be 12.5 metres long or less (medium rigid trucks or smaller).
- 28. Except with the prior written consent of the Responsible Authority, no more than four loading vehicle events for trucks may occur per day.

### **General**

- 29. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, 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.
- 30. The uses and development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 31. The uses and development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
- 32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
- 33. All buildings and works must be maintained in good order and appearance 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, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 35. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
- 36. 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.
- 37. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
- 38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
  - (a) Constructed and available for use in accordance with the endorsed plans.
  - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
  - (c) Treated with an all-weather seal or some other durable surface.
  - (d) Line-marked or provided with some adequate means of showing the car parking spaces.

to the satisfaction of the Responsible Authority.

### **Civil Works**

- 39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

40. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Nicholson Street road frontage must be stripped and re-sheeted:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) with a cross-fall of 1 in 40 or unless otherwise specified by Council;
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
41. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the existing vehicle crossing to the north of the site's Nicholson Street road frontage must be demolished and reconstructed:
  - (a) at the permit holder's cost;
  - (b) in accordance with VicRoads and Council's requirements and specifications;
  - (c) with any utility service pit lids located within the new vehicle crossing to be of a heavy duty type; and
  - (d) to satisfy the ground clearance requirements for the B99 design vehicle.
42. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossings on Nicholson Street must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority and VicRoads.
43. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
44. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
45. Upon the completion of all building works and connections for underground utility services, or by such later date as approved in writing by the Responsible Authority, all redundant property drains must be removed and Council assets reinstated to Council's satisfaction and at the permit holder's cost.
46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed bicycle parking spaces located on the Nicholson Street footpath in front of the site 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.
47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed street furniture located on the Nicholson Street footpath in front of the site must be constructed:
  - (d) in accordance with any requirements or conditions imposed by Council;
  - (e) at the permit holder's cost; and
  - (f) to the satisfaction of the Responsible Authority.

#### **Construction Management Plan**

48. 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.
  - (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.
- (q) If any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority.
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational.
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated.
- (t) Any site-specific requirements.

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

49. 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.
50. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**VicRoads Conditions (conditions 51 and 52)**

51. Before the use approved by this permit commences the following must be completed at no cost to and to the satisfaction of the Responsible Authority and or the Roads Corporation:
- (a) The installation of signs, line marking, painted arrows and associated road works permitting only "left turn in" and "left turn out" vehicular access from Nicholson Street to the satisfaction of and at no cost to VicRoads.
  - (b) Modification or removal of any existing car parking spaces and associated road works on the east side of Nicholson Street to accommodate the new vehicular access arrangement.
  - (c) All disused or redundant vehicle crossings (along Nicholson Street) must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.
52. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the *Land Act 1958* for the elements of the approved development that project more than 300mm beyond the land's Nicholson Street boundary (i.e. canopies, fixed shading devices, awnings, etc.), to indemnify the Crown in relation to any claim or liability arising from the projections with the Nicholson Street reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

**Permit Expiry**

53. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; or
  - (c) the use is not commenced within five years of the date of this permit.

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

**Notes:**

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

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.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's parking management unit and construction management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's parking management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the permit holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the permit holder.

All future employees and occupiers working within the development approved under this permit will not be permitted to obtain employee or visitor car parking permits.

The applicant must liaise with Council's open space unit for the protection of the street trees in the vicinity of the site.

Overhead power lines run along the east side of Nicholson Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

#### **VicRoads Notes:**

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

#### **Submissions**

Ms Alice Maloney addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Patricia Fitzsimmons;

Mr Marino Ciuffetelli;

Mr Ben Perelberg;

Ms Robyn Bowles;

Mr Glen McCallum;

Ms Anne Mullins;

Mr Colin Waldron;

Mr Peter Lazzaro.



## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor McEvoy

**Seconded:** Councillor Jolly

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Refusal to Grant a Planning Permit PLN18/0172 for the construction of a ten storey building plus three basement levels and a roof top terrace, the use of the land as an office, medical centre, supermarket and a bottle shop, the sale of liquor for consumption off the premises, a reduction in the car parking requirement and alterations to the access to a road in a Road Zone, Category 1 by removing and altering crossovers to Nicholson Street at 622-642 Nicholson Street, Fitzroy North, on the following grounds:

1. The proposed development does not provide sufficient upper level setbacks, achieve architectural design excellence, demonstrate best practice environmentally sustainable design standards or result in the positive enhancement of the public domain to justify the proposed height, contrary to Clause 21.05-2 of the Yarra Planning Scheme.

**CARRIED UNANIMOUSLY**

---

**1.2      115 Easey Street, Collingwood - PLN17/0655 - Full demolition of the existing dwelling and construction of three dwellings on a lot.**

---

Trim Record Number: D18/184864

Responsible Officer:

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN17/0655 for full demolition of the existing dwelling and construction of three dwellings on a lot at No.115 Easey Street, Collingwood, 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 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 provided to Council on the 8 June 2018 (by Neil Fletcher Design Pty Ltd sheet 4, 5, 6, 7 of 9 and 1 of 1, all issue E and dated 07/08/2017) but amended to include the following:
  - (a) Demolition plan to include removal of the front fence and side return;
  - (b) The balcony to Dwelling 1 to be reduced to 8sqm and to have a solid appearance with a wooden cladding finish;
  - (c) The 0.9m front fence to extend across the driveway;
  - (d) The garage door to be a solid and matt finish (eg timber or similar);
  - (e) The position and capacity of the rainwater gardens and 1000ltr water tanks (for each dwelling) to be notated on the plans;
  - (f) A minimum of 6 cubic metres of externally accessible storage units;
  - (g) Location and extent of permeable surfaces in compliance with Standard B9 (*Permeability*) of clause 55 of the Yarra Planning Scheme;
  - (h) The proposed first floor east-facing living room windows of Dwelling 1 and the western boundary fence to demonstrate compliance with Standard B22 (*Overlooking*) of clause 55 of the Yarra Planning Scheme;
  - (i) Amended basement to show the following:
    - (i) its position to comply with AS4970-2009 (*Protection of Trees on Development Sites*) in relation to the Tasmanian Blue Gum at No.116 Sackville Street and in compliance with condition 13;
    - (ii) 3 car spaces with no increase in height or size of the garage entry permitted,
    - (iii) swept paths provided to show a B99 design vehicle can enter and exit the garage from Easey Street with existing on-street car parking depicted;
    - (iv) the grade of the driveway be a maximum of 1:10 within 5m of the front boundary;
    - (v) a 1:20 scale cross section of the vehicle crossing, access ramp and vehicle parking entry area to demonstrate that a B99 design vehicle will not bottom out and in accordance with the requirements of conditions 7 a) and c);
    - (vi) if car stacker system is used, details of the manufacturer's specifications and model type;
    - (vii) demonstrate that a B85 design vehicle can enter and exit the spaces;
    - (viii) the entry platform to the car lift to have a minimum width of 2.4m and provide the model specification/data sheet for relevant vehicle lifting/vehicle storage equipment.
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.

### Engineering

3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Easey Street footpath for the width of the property frontage if required by the Responsible Authority):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
4. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street signs/line-markings, service structures or service/telecommunication 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.

### Melbourne Water (5-9)

5. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
  - (a) The entrance to the car lift must incorporate a flood proof apex and associated bunding set no lower than 20.17 metres to AHD.
6. The dwellings (including the entrance to the basement stairs) must be constructed with finished floor levels set no lower than 20.17 metres to AHD, which is 300mm above the applicable flood level of 19.87 metres to AHD.
7. The entrance to the car lift must incorporate a flood proof apex and associated bunding set no lower than 20.17 metres to AHD, which is 300mm above the applicable flood level of 19.87 metres to AHD.
8. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
9. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings and driveway ramp.

### General

10. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment (SDA) generally in accordance with the SDA prepared by Eco Results dated 25<sup>th</sup> October 2017 must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The provisions, recommendations and requirements of the endorsed Landscape Plan generally in accordance with the Landscape Plan prepared by Neil Fletcher Design (Sheet 1 of 1 : Amendment No. E) dated 7<sup>th</sup> June 2017 must be implemented and complied with 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, 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,
  - (d) to the satisfaction of the Responsible Authority.
13. An arborist report must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. The arborist report must make recommendations for the protection of the Tasmanian Blue Gum to the rear of No. 116 Sackville Street, Collingwood as follows:
- (a) pre-construction; during construction; and post construction;
  - (b) demonstrate the position of the basement required by condition 1g) will comply with AS4970-2009 (Protection of Trees on Development Sites),
  - (c) demonstrate appropriate construction methods for the ground floor footings,
  - (d) the provision of any barriers;
  - (e) any pruning necessary; and
  - (f) watering and maintenance regimes.
14. The provisions, recommendations and requirements of the endorsed Arborist Report must be implemented and complied with 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 lift and any car stacker systems (if applicable) must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car lift and any car stacker systems must be maintained thereafter to the satisfaction of the Responsible Authority.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian entry areas must be provided within the property boundary. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
17. 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.
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. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
20. 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.

21. 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.

All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

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.

Submissions

The Applicant, Mr Neil Fletcher.

The following people also addressed the Committee:

Mr Hugo Cran;

Mr Mil Urban;

Mr Andrew Muir.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Jolly

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Refusal to Grant Planning Permit PLN17/0655 for full demolition of the existing dwelling and construction of three dwellings on a lot at No.115 Easey Street, Collingwood, on the following grounds:

1. The proposed full demolition of the “contributory” building is not compliant with policy at Clause 22.02-5.1 of the Yarra Planning Scheme.
2. The proposed development does not respect the heritage precinct, failing to comply with the objections and guidelines at Clauses 43.01 – Heritage Overlay and 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay.

**CARRIED UNANIMOUSLY**

---

**1.3      PLN17/0789 - 377 St Georges Road, Fitzroy North - Demolition of the existing building for the construction of a mixed-use multi-storey building, and use of the land for dwellings, with a reduction in the car parking requirement.**

---

Trim Record Number: D18/176676

Responsible Officer: 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 (PLN17/0789) for demolition of the existing building for the construction of a mixed-use multi-storey building, and use of the land for dwellings, with a reduction in the car parking requirement at 377 St Georges Road, Fitzroy North subject to the following conditions:

1. Before the use and 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 Point Architects, dated 30/05/2018 (TP006, TP102-TP107, TP200-202, TP400) but amended to include:
  - (a) The details as shown in the sketch plans (received by Council 24 October 2018) as follows;
    - (i) The colour of the third and fourth-floor east-facing balcony details and roofing amended to off-white, to match the colour of the proposed side boundary walls;
    - (ii) The fourth-floor balcony roof of Unit 402 reduced in depth, to a maximum depth of 1.5m from the building façade;
    - (iii) The black vertical architectural battens on the northern and southern side of the third and fourth-floor east-facing balconies removed.
  - (b) The 'commercial' use for the ground floor space amended to 'shop';
  - (c) One bicycle space to be designated as 'residential visitor parking';
  - (d) An amended demolition plan and proposed ground floor plan to show the correct use (i.e. commercial) of the subject site and the adjacent sites along St Georges Road;
  - (e) The addition of vertical/horizontal lines or a different texture/treatment to the northern and southern boundary walls at third and fourth-floors to provide greater visual interest;
  - (f) A separate recessed entrance to the shop;
  - (g) The removal of the section of brick wall along the front boundary in front of the residential entrance;
  - (h) The residential entry door relocated 1m closer to the front boundary;
  - (i) The finished floor levels along the edge of the concrete slab to be set 40mm higher above the edge of the right-of-way (ROW);
  - (j) The dimensions of the width and headroom clearance of the garage door and floor to ceiling height of the garage;
  - (k) A convex mirror at the entrance to the garage for motorists exiting the site;

- (l) Notations confirming that all privacy screening within 9m of SPOS to the west, and screening between balconies within the development, be a minimum height of 1.7m and a maximum transparency of 25%;
  - (m) Measures to prevent overlooking of more than 50% of adjacent habitable bedroom windows (with regards to all bedrooms addressing the lightcourts);
  - (n) The internal designs of the ensuite bathrooms to Units 102, 202, 301, 302, 401 & 402 altered to be the adaptable bathroom for these dwellings, as per Standard D17 of Clause 58;
  - (o) Storage requirements outlined in Standard D20 of Clause 58 to be demonstrated for Units 101, 102, 103, 202, 301, 302 & 401;
  - (p) A notation on the ground floor plan confirming that the rainwater tank will be connected to all residential toilets;
  - (q) The location of any site services if required (i.e. fire booster cabinet) within the St Georges Road frontage;
  - (r) Amended floor plans and elevations to clearly demonstrate the operability of all habitable room windows;
  - (s) The proposed canopy along the St Georges Road frontage setback a minimum of 750mm from the face of the kerb;
  - (t) Any alterations to the development required by the updated Sustainable Management Plan at Condition 3;
  - (u) Any alterations to the development required by the Acoustic Report at Condition 5;
  - (v) Any alterations to the development required by the updated Waste Management Plan at Condition 9;
  - (w) Any alterations to the development required by the Landscape Plan at Condition 7.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the use and development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit.

The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Built Environments and dated 11 September 2017, but modified to include or show:

- (a) Electric bicycle charging facilities;
- (b) A thermal energy efficiency standard of 7.1 Stars (to match the BESS report);
- (c) That all dwellings will not exceed the maximum NatHERS annual cooling load specified (30MJ/m<sup>2</sup> per annum) for Climate Zone 21 (Melbourne), through the provision of exterior adjustable shading blinds, fins or louvers if required.



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 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) Tram and traffic noise impacts on the internal amenity of dwellings within the development;
  - (b) Potential noise impacts from the car stacking systems to the proposed first-floor dwellings above;
  - (c) Potential noise impacts from mechanical equipment/air conditioning units to all dwellings within the development.
6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the use and 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 and botanical names of all proposed plants within the green wall; and
  - (b) provide details on how the green wall will be maintained, to the satisfaction of the Responsible Authority.
8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
9. Before the use and 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 Ratio Consultants and dated 12 September 2017, but modified to include:
  - (a) The proposed 'office' use altered to 'shop' use, with any associated changes to the waste levels generated by these different uses;
  - (b) Dimensions of the bins and total area of bin storage room in order to confirm that all bins will fit and able to be manoeuvred;
  - (c) Details of responsibility for bin cleaning;
  - (d) Details confirming that all bin collections will be undertaken via private collection from the rear ROW. Bins must be collected and returned immediately to the bin storage room by the private contractor;
  - (e) Swept path diagrams demonstrating movements of the bin collection vehicle within the rear ROW.

10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the reconstruction of the footpath immediately outside the property's St Georges Road frontage if required by the Responsible Authority):
  - (a) at the permit holder's cost,
  - (b) to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
13. 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.
14. Before the development commences, the permit holder must provide a security bond to the Responsible Authority to secure the street tree adjacent to the site along St Georges Road ("bonded works"). The security bond would cover the amenity value of the tree and:
  - (a) is to be \$5,000;
  - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority; and
  - (c) may be held by the Responsible Authority until the construction works are completed to the satisfaction of the Responsible Authority.

Once the construction works are completed to the satisfaction of the Responsible Authority, the Responsible Authority will inspect the tree and provided it is found to be in good condition, the security bond will be refunded to the permit holder.

15. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
  - (a) the protection of the street tree adjacent to the site along St Georges Road
    - (i) pre-construction; and
    - (ii) during construction.
  - (b) the provision of any barriersto the satisfaction of the Responsible Authority.
16. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
17. 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 car park, shop and 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.
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, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
22. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
23. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
24. 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).

VicRoads condition 25

25. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the *Land Act* 1958 for the elements of the approved development that project more than 300mm beyond the land's St Georges Road street boundary (i.e. the canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the St Georges Road, road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
26. 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;
27. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
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;
  - (b) the development is not completed within four years of the date of this permit;
  - (c) the use is not commenced within five years of the date of this permit.

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

Notes:

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

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

The Applicant, Mr Luke Mooney addressed the Committee.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor McEvoy

**Seconded:** Councillor Chen Yi Mei

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Permit (PLN17/0789) for demolition of the existing building for the construction of a mixed-use multi-storey building, and use of the land for dwellings, with a reduction in the car parking requirement at 377 St Georges Road, Fitzroy North subject to the following conditions:

1. Before the use and 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 Point Architects, dated 30/05/2018 (TP006, TP102-TP107, TP200-202, TP400) but amended to include:
  - (a) The details as shown in the sketch plans (received by Council 24 October 2018) as follows;
    - (i) The colour of the third and fourth-floor east-facing balcony details and roofing amended to off-white, to match the colour of the proposed side boundary walls;
    - (ii) The fourth-floor balcony roof of Unit 402 reduced in depth, to a maximum depth of 1.5m from the building façade;
    - (iii) The black vertical architectural battens on the northern and southern side of the third and fourth-floor east-facing balconies removed.
  - (b) The 'commercial' use for the ground floor space amended to 'shop';
  - (c) One bicycle space to be designated as 'residential visitor parking';
  - (d) An amended demolition plan and proposed ground floor plan to show the correct use (i.e. commercial) of the subject site and the adjacent sites along St Georges Road;
  - (e) The addition of vertical/horizontal lines or a different texture/treatment to the northern and southern boundary walls at third and fourth-floors to provide greater visual interest;
  - (f) A separate recessed entrance to the shop;

- (g) The removal of the section of brick wall along the front boundary in front of the residential entrance;
- (h) The residential entry door relocated 1m closer to the front boundary;
- (i) The finished floor levels along the edge of the concrete slab to be set 40mm higher above the edge of the right-of-way (ROW);
- (j) The dimensions of the width and headroom clearance of the garage door and floor to ceiling height of the garage;
- (k) A convex mirror at the entrance to the garage for motorists exiting the site;
- (l) Notations confirming that all privacy screening within 9m of SPOS to the west, and screening between balconies within the development, be a minimum height of 1.7m and a maximum transparency of 25%;
- (m) Measures to prevent overlooking of more than 50% of adjacent habitable bedroom windows (with regards to all bedrooms addressing the lightcourts);
- (n) The internal designs of the ensuite bathrooms to Units 102, 202, 301, 302, 401 & 402 altered to be the adaptable bathroom for these dwellings, as per Standard D17 of Clause 58;
- (o) Storage requirements outlined in Standard D20 of Clause 58 to be demonstrated for Units 101, 102, 103, 202, 301, 302 & 401;
- (p) A notation on the ground floor plan confirming that the rainwater tank will be connected to all residential toilets;
- (q) The location of any site services if required (i.e. fire booster cabinet) within the St Georges Road frontage;
- (r) Amended floor plans and elevations to clearly demonstrate the operability of all habitable room windows;
- (s) The proposed canopy along the St Georges Road frontage setback a minimum of 750mm from the face of the kerb;
- (t) Any alterations to the development required by the updated Sustainable Management Plan at Condition 3;
- (u) Any alterations to the development required by the Acoustic Report at Condition 5;
- (v) Any alterations to the development required by the updated Waste Management Plan at Condition 9;
- (w) Any alterations to the development required by the Landscape Plan at Condition 7.

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the use and development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Built Environments and dated 11 September 2017, but modified to include or show:
  - (a) Electric bicycle charging facilities;
  - (b) Electric car charging facilities;
  - (c) Solar PV array;
  - (d) A thermal energy efficiency standard of 7.1 Stars (to match the BESS report);
  - (e) That all dwellings will not exceed the maximum NatHERS annual cooling load specified (30MJ/m2 per annum) for Climate Zone 21 (Melbourne), through the provision of exterior adjustable shading blinds, fins or louvers if required.
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 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) Tram and traffic noise impacts on the internal amenity of dwellings within the development;
  - (b) Potential noise impacts from the car stacking systems to the proposed first-floor dwellings above;
  - (c) Potential noise impacts from mechanical equipment/air conditioning units to all dwellings within the development.
6. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the use and 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 and botanical names of all proposed plants within the green wall; and
  - (b) provide details on how the green wall will be maintained,to the satisfaction of the Responsible Authority.
8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,to the satisfaction of the Responsible Authority.

9. Before the use and 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 Ratio Consultants and dated 12 September 2017, but modified to include:
  - (a) The proposed 'office' use altered to 'shop' use, with any associated changes to the waste levels generated by these different uses;
  - (b) Dimensions of the bins and total area of bin storage room in order to confirm that all bins will fit and able to be manoeuvred;
  - (c) Details of responsibility for bin cleaning;
  - (d) Details confirming that all bin collections will be undertaken via private collection from the rear ROW. Bins must be collected and returned immediately to the bin storage room by the private contractor;
  - (e) Swept path diagrams demonstrating movements of the bin collection vehicle within the rear ROW.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the reconstruction of the footpath immediately outside the property's St Georges Road frontage if required by the Responsible Authority):
  - (a) at the permit holder's cost,
  - (b) to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
13. 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.
14. Before the development commences, the permit holder must provide a security bond to the Responsible Authority to secure the street tree adjacent to the site along St Georges Road ("bonded works"). The security bond would cover the amenity value of the tree and:
  - (a) is to be \$5,000;
  - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority; and
  - (c) may be held by the Responsible Authority until the construction works are completed to the satisfaction of the Responsible Authority.

Once the construction works are completed to the satisfaction of the Responsible Authority, the Responsible Authority will inspect the tree and provided it is found to be in good condition, the security bond will be refunded to the permit holder.

15. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
  - (a) the protection of the street tree adjacent to the site along St Georges Road
    - (i) pre-construction; and
    - (ii) during construction.
  - (b) the provision of any barriersto the satisfaction of the Responsible Authority.



16. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
17. 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 car park, shop and 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.
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, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
22. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
23. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
24. 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).

VicRoads condition 25

25. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138(A) of the *Land Act* 1958 for the elements of the approved development that project more than 300mm beyond the land's St Georges Road street boundary (i.e. the canopies, fixed shading devices, awnings etc), to indemnify the Crown in relation to any claim or liability arising from the projections within the St Georges Road, road reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.

26. 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;
27. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
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;
  - (b) the development is not completed within four years of the date of this permit;
  - (c) the use is not commenced within five years of the date of this permit.

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

Notes:

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

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.

**CARRIED UNANIMOUSLY**

## 1.4 5 Park Drive, Clifton Hill - PLN17/0648 - Amendment to a Section 173 Agreement

Trim Record Number: D18/156874

Responsible Officer: Senior Co-ordinator Statutory Planning

### RECOMMENDATION

1. That having considered all the matters set out in Section 178B(1) of the *Planning and Environment Act 1987* and all objections received, the Committee resolves to issue a Notice of Decision to Amend Section 173 Agreement under Section 178E(3)(b) of the Act associated with 5 Park Drive, Clifton Hill, in a manner that is not substantively different from the proposal, as detailed below:
  - (a) Section 173 Agreement W900947G is to remain unchanged.
  - (b) The amendment to the agreement will take effect through a supplemental agreement. In substance, the covenants of the existing s173 agreement will be varied for No. 5 Park Drive, Clifton Hill to give effect to condition 1 of Planning Permit PLN14/1055 (the Permit), issued by Council at the direction of the Victorian Civil and Administrative Tribunal, by allowing the development of the land at No. 5 Park Drive, Clifton Hill to contravene clauses 3.2.3 and 3.2.7 of the existing s173 agreement only to the extent authorised by Planning Permit PLN14/1055.
  - (c) Within three (3) months of the registration of the supplemental agreement on title, the landowners of No. 5 Park Drive, Clifton Hill must provide a copy of title to Council.

### Submissions

Mr Peter Markey addressed the Committee on behalf of the Applicant.

Ms Jan Reiher also addressed the Committee.

### INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor Chen Yi Mei

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**

---

**1.5      37 - 39 Stewart Street - PLN16/0365.02 - Section 72 Amendment to extend the existing platform (with associated air conditioning units) on the western side of the existing building to a height of 8.3 metres.**

---

Trim Record Number: D18/183880

Responsible Officer: Senior Co-ordinator Statutory Planning

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN16/0365 which approved *the change of use to an office, buildings and works including partial demolition and a reduction in car parking and bicycle parking requirements* at 37 – 39 Stewart Street, Richmond VIC 3121, generally in accordance with the advertised plans which show an extended platform by virtue of it being an overall height of 8.3 metres and two additional air conditioning units and 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 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 advertised plans but modified to show:
  - (a) A north arrow and the correct address of the subject land on all relevant plans;
  - (b) The east-facing window panes to either be retained as existing or replaced with opaque glazing;
  - (c) The provision of a minimum of 35 bicycle spaces for employees and visitors within the site boundaries;
  - (d) The provision of a change room with three showers.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. No more than 140 staff are permitted on the land at any one time.
4. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 8.30am to 7.30pm, Monday to Friday.
5. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.
 to the satisfaction of the Responsible Authority.
6. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
7. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated;
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

8. 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.
9. The permit will expire if any of the following occurs:
  - (a) The development is not commenced within two (2) years from the date of this permit;
  - (b) The development is not completed within four (4) years from the date of this permit;
  - (c) The use is not commenced within two (2) years from the date of this permit.

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

#### NOTES;

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

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

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

The following table will be included on any amended permit issued:

Date of amendment	Brief description of amendment
	Amendment to Planning Permit PLN16/0365 by amending plans to show an extension to the air-conditioner platform to a height of 8.3 metres with 2 additional air conditioning units on it.

#### Submissions

Mr Henry Wallace addressed the Committee on behalf of the Applicant.

#### **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Jolly

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**

The meeting closed at 8.12pm.

**Confirmed at the meeting held on Wednesday 12 December 2018**

---

**Chair**