



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

**held on Wednesday 13 February 2019 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Misha Coleman
Councillor Danae Bosler
Councillor Daniel Nguyen

Nish Goonetilleke (Senior Statutory Planner)
Amy Hodgen (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 Bosler **Seconded:** Councillor Nguyen

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 30 January 2019 be confirmed.

CARRIED

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

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

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

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

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

**Governance Branch
2008**

Councillor Coleman nominated Councillor Nguyen as Chair.

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

Councillor Nguyen assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item	Page	Res. Page
1.1 PLN18/0495 - 372-374 Brunswick Street, Fitzroy Sale and consumption of liquor (on-premises licence) from the first floor deck (Deck hours: Sunday: 10am - 11pm, Monday to Thursday: 9am - 11pm, Friday to Saturday: 9am - 1am the following day, Deck patrons: Maximum 78), part demolition and buildings and works including acoustic barriers and roof over the deck	6	10

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- 1.1 PLN18/0495 - 372-374 Brunswick Street, Fitzroy**
Sale and consumption of liquor (on-premises licence) from the first floor deck
(Deck hours: Sunday: 10am - 11pm, Monday to Thursday: 9am - 11pm, Friday to
Saturday: 9am - 1am the following day, Deck patrons: Maximum 78), part
demolition and buildings and works including acoustic barriers and roof over
the deck
-

Trim Record Number: D19/5823

Responsible Officer: Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for the sale and consumption of liquor (on-premises licence) from the first floor deck, part demolition and buildings and works including acoustic barriers and roof over the deck at 372-374 Brunswick Street, Fitzroy generally in accordance with the plans noted previously as the "decision plans" and subject to the following conditions:

1. Before the sale and consumption of liquor 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 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 plans prepared by Directitude Management dated 10.07.2018, but modified to show:
 - (a) Layout of the adjoining property at No. 98 Rose Street in accordance with the plans dated 25.01.2019;
 - (b) Above the proposed 2.2 metre high northern and eastern acoustic walls, a 800mm cantilevered extension sloping inwards from the top of the walls at an angle of 45 degrees;
 - (c) The southern wall of the deck to be constructed of 9 mm thick fibre cement sheeting that features a gate with an open section above.
 - (d) A maximum of 78 patrons to the deck area annotated on the red line plan;
 - (e) The planter boxes on the existing and proposed northern elevation plans, including either:
 - (i) Details of proposed new plantings within the planter boxes including details of maintenance and a notation confirming that all dead or dying vegetation will be replaced; or
 - (ii) Demolition of the planter boxes and the corrugated iron feature reclad along the northern elevation and painted shale grey.
 - (f) Any requirement of the endorsed acoustic report required prior to commencement (condition 7) where relevant to show on plans and specific requirements annotated.
2. The sale and consumption of liquor 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. The area to the south of the fence/gate on the first floor deck is to be used for access/egress between the ground and first level only with no congregation of patrons within this area without the prior written consent of the Responsible Authority.

Liquor Licence

4. No more than 78 patrons are permitted on the first floor deck at any time liquor is being sold or consumed.
5. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor on the first floor deck may only occur between the following hours:
 - (a) Sunday 10am to 11pm
 - (b) Monday to Thursday 9am to 11pm
 - (c) Friday and Saturday 9am to 1am (the following day)
6. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Priority Planning and dated 12 July 2018, but modified to include:
 - (a) The patron numbers and hours for the sale and consumption of liquor from the deck in accordance with Conditions 3 and 4.
 - (b) The requirements of Liquor Licence 31909029;
 - (c) Details of waste management and bottle crushers (including storage and hours of collection for general rubbish and bottles);
 - (d) Delivery and collection of goods to and from the land must not occur after 10pm on any day, before 8am Monday to Saturday, or before 9am on a Sunday or public holiday;
 - (e) Clarification on whether food will be served on the deck;
 - (f) Management of smokers on the premises;
 - (g) Removal of the words “lightly amplified” in regards to background music. The NAAP is to reference background music only;
 - (h) Details on how the venue will manage patrons who do not respect the peace and quiet of the neighbourhood.
7. The provisions recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Before the sale and consumption of liquor from the first floor deck commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Reports prepared by Marshall Day Acoustics and dated 25 February 2015, 8 March 2018 and 28 March 2018, but modified to include (or show, or address):
 - (a) The assessment, recommendations and content of the report and letters prepared by Marshall Day Acoustics dated 29 February 2015, 8 March 2018 and 28 March 2018 consolidated into one document.
 - (b) Details of a noise limiter to be included in the audio chain for the first floor deck and details of calibration to ensure that noise levels are not exceeded.
 - (c) The patron numbers and hours for the sale and consumption of liquor from the deck in accordance with Conditions 3 and 4.
9. The provisions, recommendations and requirements of the endorsed Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.

10. Before the sale and consumption of liquor from the first floor deck commences, all acoustic attenuation measures and recommendations contained within the report required pursuant to Condition 7 are to be constructed and implemented to the satisfaction of the Responsible Authority.
11. Within 3 months of the commencement of the sale and consumption of liquor from the first floor deck, 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 updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 7 have been implemented;
 - (b) To assess their effectiveness in meeting the predicted patron noise level and SEPP N-1 and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 7; and
 - (c) If non-compliance with Condition 9b is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report.
12. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the first floor deck must be at a background noise level only.
13. Speakers external to the building must not be erected or used.
14. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent uses and to leave in a quiet and orderly manner.
15. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
16. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
17. Except with the prior written consent of the Responsible Authority, the collection of waste by a private contractor must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
18. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land must not occur after 10pm on any day, before 8am Monday to Saturday, or before 9am on a Sunday or public holiday.
19. Except with the prior written consent of the Responsible Authority, emptying bottles into bins in outdoor areas must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
20. This permit will expire if the sale and consumption of liquor from the first floor deck is not commenced within two 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 afterwards.

Buildings and works

21. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 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.
23. 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.
24. This permit will expire if:
 - (a) the development (excluding the acoustic attenuation works required by Condition 11) is not commenced within two years of the date of this permit; or
 - (b) the development (excluding the acoustic attenuation works required by Condition 11) 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.

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.

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

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 owner, Mr Laurence Dowd addressed the Committee. The Applicant, Mr Louis Petrentsis also addressed the Committee.

The following people also addressed the Committee:

Ms Margaret Portelli;
Dr Don Edgar;
Mr Neil Grun;
Ms Jane Cameron;
Mr Mitch Bayliss; and
Mr Patrick Brady.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Bosler

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for the sale and consumption of liquor (on-premises licence) from the first floor deck, part demolition and buildings and works including acoustic barriers and roof over the deck at 372-374 Brunswick Street, Fitzroy generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the sale and consumption of liquor 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 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 plans prepared by Directitude Management dated 10.07.2018, but modified to show:
 - (a) Layout of the adjoining property at No. 98 Rose Street in accordance with the plans dated 25.01.2019;
 - (b) Above the proposed 2.2 metre high northern and eastern acoustic walls, a 800mm cantilevered extension sloping inwards from the top of the walls at an angle of 45 degrees;
 - (c) The southern wall of the deck to be constructed of 9 mm thick fibre cement sheeting that features a gate with an open section above.
 - (d) A maximum of 78 patrons to the deck area annotated on the red line plan;
 - (e) The planter boxes on the existing and proposed northern elevation plans, including either:
 - (i) Details of proposed new plantings within the planter boxes including details of maintenance and a notation confirming that all dead or dying vegetation will be replaced; or
 - (ii) Demolition of the planter boxes and the corrugated iron feature reclad along the northern elevation and painted shale grey.
 - (f) Any requirement of the endorsed acoustic report required prior to commencement (Condition 9) where relevant to show on plans and specific requirements annotated.

2. The sale and consumption of liquor 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. The area to the south of the fence/gate on the first floor deck is to be used for access/egress between the ground and first level only with no congregation of patrons within this area without the prior written consent of the Responsible Authority.
4. (a) All first floor doors of the building allowing access onto the deck must be closed (fixed shut) to patrons, in accordance with the times highlighted in Condition 6, and until operating hours commence the following day;
(b) All first floor doors must be self-closing and fully sealed; and
(c) The southern door in the rear wall of the first floor to be closed after the service of food is completed each night until the following day.

Liquor Licence

5. No more than 78 patrons are permitted on the first floor deck at any time liquor is being sold or consumed.
6. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor on the first floor deck may only occur between the following hours:
 - (a) Sunday 10am to 11pm
 - (b) Monday to Thursday 9am to 11pm
 - (c) Friday and Saturday 9am to 1am (the following day)
7. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Priority Planning and dated 12 July 2018, but modified to include:
 - (a) The patron numbers and hours for the sale and consumption of liquor from the deck in accordance with Conditions 5 and 6.
 - (b) The requirements of Liquor Licence 31909029;
 - (c) Details of waste management and bottle crushers (including storage and hours of collection for general rubbish and bottles);
 - (d) Delivery and collection of goods to and from the land must not occur after 10pm on any day, before 8am Monday to Saturday, or before 9am on a Sunday or public holiday;
 - (e) Clarification on whether food will be served on the deck;
 - (f) Management of smokers on the premises;
 - (g) Removal of the words "lightly amplified" in regards to background music. The NAAP is to reference background music only;
 - (h) Details on how the venue will manage patrons who do not respect the peace and quiet of the neighbourhood.

8. The provisions recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Before the sale and consumption of liquor from the first floor deck commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Reports prepared by Marshall Day Acoustics and dated 25 February 2015, 8 March 2018 and 28 March 2018, but modified to include (or show, or address):

 - (a) The assessment, recommendations and content of the report and letters prepared by Marshall Day Acoustics dated 29 February 2015, 8 March 2018 and 28 March 2018 consolidated into one document.
 - (b) The addition of noise attenuation measures to the southern side of the first floor deck to mitigate noise impacts to residential properties to the south (including Kerr Street).
 - (c) Details of a noise limiter to be included in the audio chain for the first floor deck and details of calibration to ensure that noise levels are not exceeded.
 - (d) The patron numbers and hours for the sale and consumption of liquor from the deck in accordance with Conditions 5 and 6.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.
11. Before the sale and consumption of liquor from the first floor deck commences, all acoustic attenuation measures and recommendations contained within the report required pursuant to Condition 9 are to be constructed and implemented to the satisfaction of the Responsible Authority.
12. Within 3 months of the commencement of the sale and consumption of liquor from the first floor deck, 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 updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:

 - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 9 have been implemented;
 - (b) To assess their effectiveness in meeting the predicted patron noise level and SEPP N-1 and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 9; and
 - (c) If non-compliance with Condition 12b is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report.
13. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the first floor deck must be at a background noise level only.
14. Speakers external to the building must not be erected or used.

15. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent uses and to leave in a quiet and orderly manner.
16. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
17. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
18. Except with the prior written consent of the Responsible Authority, the collection of waste by a private contractor must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
19. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land must not occur after 10pm on any day, before 8am Monday to Saturday, or before 9am on a Sunday or public holiday.
20. Except with the prior written consent of the Responsible Authority, emptying bottles into bins in outdoor areas must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
21. This permit will expire if the sale and consumption of liquor from the first floor deck is not commenced within two 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 afterwards.

Buildings and works

22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
24. 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.
25. This permit will expire if:
 - (a) the development (excluding the acoustic attenuation works required by Condition 9) is not commenced within two years of the date of this permit; or
 - (b) the development (excluding the acoustic attenuation works required by Condition 9) 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.

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

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

The meeting closed at 7.49pm.

Confirmed at the meeting held on Wednesday 27 February 2019

Chair