



YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE
MINUTES

held on Wednesday 10 April 2019 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall

I. ATTENDANCE

Councillor Amanda Stone
Councillor Jackie Fristacky
Councillor James Searle

Sarah Griffiths (Senior Coordinator Statutory Planning)
Ally Huynh (Senior Coordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

Councillor Mi-Lin Chen Yi Mei

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

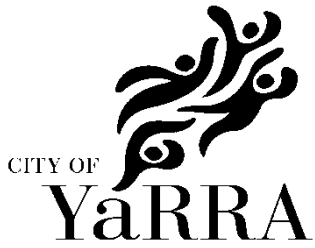
Moved: Councillor Stone **Seconded:** Councillor Fristacky

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 27 February 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 Searle nominated Councillor Fristacky as Chair.

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

Councillor Fristacky assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	104 Mary Street Richmond - PLN18/0224 - Construction of three double-storey dwellings with basement car park.	6	10

1.1 104 Mary Street Richmond - PLN18/0224 - Construction of three double-storey dwellings with basement car park.

Trim Record Number: D19/49215

Responsible Officer:

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0224 for the development of the land with three dwellings with a basement car park at 104 Mary Street, Richmond subject to the following conditions:

1. Before the development starts, 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 received by Council on 04 and 18 February 2019 but modified to show the following:
 - (a) The first floor balcony to Townhouse 1 and its associated wing walls and planter box setback to match the front setback of the adjoining southern dwelling (i.e. to match its front-most wall to the street that contains a bay window) with the resulting balcony area to comply with the minimum dimensions required for a balcony at Clause 55.05-4 (Private Open Space) of the Yarra Planning Scheme.
 - (b) The provision of lighting along the pathways leading up to the primary pedestrian entrances of each townhouse, and the basement entrance, appropriately shielded and of limited intensity so as to avoid any light spillage into existing adjoining properties.
 - (c) Details to demonstrate that overlooking from the western side of the first floor deck / balcony of Townhouse 3 is limited in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme (i.e. the louvered screens to be no more than 25% transparent).
 - (d) An updated schedule of external materials and finishes and confirmation that actual timber will be used in lieu of a composite material.
 - (e) Plan notations confirming that the storm water collected on site will be used for irrigation and the flushing of toilets within the development.
 - (f) All site services including external meter boxes to be designed and integrated into the development, where possible.
 - (g) Provision of a convex mirror to the southern side of the development's vehicle entrance to improve the visibility and safety for pedestrians along the footpath.
 - (h) A swept path diagram to demonstrate that a B85 design vehicle can adequately enter and exit the site from Mary Street.
 - (i) Design changes required by any other conditions of this permit (including Condition 13 – Waste Management Plan and 15 – Tree Management Plan) of this permit.
 - (j) Design changes to implement recommendations of the Sustainable Development Assessment at Condition 7 of this permit.

Endorsed Plans

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

4. Before the development 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.
5. 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.
6. 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.

Environmentally Sustainable Design Principles (SDA)

7. Before the plans are endorsed, a Sustainable Development Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Development Assessment will be endorsed and will form part of this permit. The Sustainable Development Assessment must include and reference the details in the BESS and STORM rating reports received by Council 22 June 2018 and include, but not limited to:
 - (a) reference to the modified development as required by Condition 1;
 - (b) confirmation that the development will achieve a minimum average NaTHERS rating of 7 Stars; and
 - (c) solar photovoltaic arrays to contribute to onsite energy consumption and onsite energy storage systems (i.e solar panels).
8. The provisions, recommendation and requirements of the plans and endorsed Sustainable Development Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all external lighting capable of illuminating access to the pedestrian entries and basement level car parking area must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity.

to the satisfaction of the Responsible Authority.

General Parking Areas

10. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
 - (a) be designed, provided and completed to the satisfaction of the Responsible Authority;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all-weather seal coat.

all to the satisfaction of the Responsible Authority.

Council Infrastructure

11. 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 (including the full re-sheeting of the footpath at the front of the property if required by Council):
 - (a) at the permit holder's cost; and
 - (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.

Waste Management

13. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Tree Management Plan

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 (any surrounding trees within 3m of the fence line) trees:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,to 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. Noise emissions from plant and equipment must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (including but not limited to SEPP N-1).
18. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
19. 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.

20. 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:

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

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

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

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.

Public lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements*.

All future property owners, residents, employees and occupiers residing within the dwellings of the development approved under this permit will not be permitted to obtain resident, employee 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.

Submissions

The Applicant, Mr Simon Martin addressed the Committee. Architect, Ms Meghan Harrison also addressed the Committee.

The following people also addressed the Committee:

Mr Peter Thompson; and
Mr Sam Mason.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Stone

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0224 for the development of the land with three dwellings with a basement car park at 104 Mary Street, Richmond subject to the following conditions:

1. Before the development starts, 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 received by Council on 04 and 18 February 2019 but modified to show the following:
 - (a) Deletion of the portion of the basement directly below the 'garden' of Townhouse 3 and associated internal reconfiguration of the basement car parking while still achieving the minimum on-site car parking requirement at clause 52.06 of the Yarra Planning Scheme, and paving in the 'garden' for Townhouse 3 to be permeable and laid on a permeable surface.
 - (b) A 1.5 metre (minimum) setback of the entire building (basement, ground floor and driveway) from the northern site boundary and all paving within the setback to be permeable and laid on a permeable surface.
 - (c) Charging points for e-bicycles in the three (3) areas shown for 'bicycle parking' in the common basement.
 - (d) The first floor balcony to Townhouse 1 and its associated wing walls and planter box setback to match the front setback of the adjoining southern dwelling (i.e. to match its front-most wall to the street that contains a bay window) with the resulting balcony area to comply with the minimum dimensions required for a balcony at Clause 55.05-4 (Private Open Space) of the Yarra Planning Scheme.
 - (e) The provision of lighting along the pathways leading up to the primary pedestrian entrances of each townhouse, and the basement entrance, appropriately shielded and of limited intensity so as to avoid any light spillage into existing adjoining properties.
 - (f) Details to demonstrate that overlooking from the western side of the first floor deck / balcony of Townhouse 3 is limited in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme (i.e. the louvered screens to be no more than 25% transparent).
 - (g) An updated schedule of external materials and finishes and confirmation that actual timber will be used in lieu of a composite material.
 - (h) Plan notations confirming that the storm water collected on site will be used for irrigation and the flushing of toilets within the development.
 - (i) All site services including external meter boxes to be designed and integrated into the development, where possible.
 - (j) Provision of a convex mirror to the southern side of the development's vehicle entrance to improve the visibility and safety for pedestrians along the footpath.
 - (k) A swept path diagram to demonstrate that a B85 design vehicle can adequately enter and exit the site from Mary Street.
 - (l) Design changes required by any other conditions of this permit (including Condition 14 – Waste Management Plan and 18 – Tree Management Plan) of this permit.
 - (m) Design changes to implement recommendations of the Sustainable Development Assessment at Condition 8 of this permit.

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. All development must be constructed within the title boundaries.
4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
5. Before the development 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.
6. 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.
7. 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.

Environmentally Sustainable Design Principles (SDA)

8. Before the plans are endorsed, a Sustainable Development Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Development Assessment will be endorsed and will form part of this permit. The Sustainable Development Assessment must include and reference the details in the BESS and STORM rating reports received by Council 22 June 2018 and include, but not limited to:
 - (a) reference to the modified development as required by Condition 1;
 - (b) confirmation that the development will achieve a minimum average NaTHERS rating of 7 Stars; and
 - (c) solar photovoltaic arrays to contribute to onsite energy consumption and onsite energy storage systems (i.e solar panels).
9. The provisions, recommendation and requirements of the plans and endorsed Sustainable Development Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all external lighting capable of illuminating access to the pedestrian entries and basement level car parking area must be provided. Lighting must be:
 - (a) located;
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to the satisfaction of the Responsible Authority.

General Parking Areas

11. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
- (a) be designed, provided and completed to the satisfaction of the Responsible Authority;
 - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
 - (c) be made available for such use at all times and not used for any other purpose;
 - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - (e) be drained and sealed with an all-weather seal coat.

all to the satisfaction of the Responsible Authority.

Council Infrastructure

12. 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 (including the full re-sheeting of the footpath at the front of the property if required by Council):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

13. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Waste Management

14. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

Landscaping Plan

16. 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 be generally in accordance with the Landscape Plan prepared by Peachy Green (T2.04 Revision B print date 30/1/19 but modified to show:
- (a) screen planting (Syzygium Australe Pinnacle Lilly Pilly species) planted along the northern site boundary where it abuts the rear of 20 and 24 Malleson Street, Richmond, at a 1.5m in height minimum) at the time of planting;
 - (b) the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (c) the location of all areas to be covered by lawn or other surface materials; and
 - (d) a specification / schedule of works to be undertaken prior to planting;
- to the satisfaction of the Responsible Authority.

17. Before the dwellings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants;

to the satisfaction of the Responsible Authority.

Tree Management Plan

18. 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 (any surrounding trees within 3m of the fence line) trees:
 - (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; and
- (e) non-destructive root investigation within the tree protection zones (TPZ's) of the three (3) large trees at the rear of 22 Malleson Street, Richmond;

to the satisfaction of the Responsible Authority.

19. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

20. Noise emissions from plant and equipment must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (including but not limited to SEPP N-1).

21. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.

22. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

23. 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:

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

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

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

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.

Public lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements*.

All future property owners, residents, employees and occupiers residing within the dwellings of the development approved under this permit will not be permitted to obtain resident, employee 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.

CARRIED UNANIMOUSLY

The meeting closed at 8.07pm.

Confirmed at the meeting held on Wednesday 1 May 2019

Chair