



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

**held on Wednesday 24 July 2019 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**I. ATTENDANCE**

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

Nish Goonetilleke (Senior Planner)  
Sarah Griffiths (Acting Manager 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 Stone **Seconded:** Councillor Fristacky

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 10 July 2019 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 Stone nominated Councillor Chen Yi Mei as Chair.

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

Councillor Chen Yi Mei assumed the Chair.

## 1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN18/0829 - 26 Grant Street, Fitzroy North - Full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements.	6	9
1.2	PLN16/0471.01 - 344 Johnston Street, Abbotsford - Section 72 amended to the permit preamble to delete reference to dwellings, a reduction in car parking, external alterations including increasing the overall height, alterations to the front and rear setbacks, changes in materials and internal reconfigurations	12	18
1.3	48 - 50 Lithgow Street Abbotsford - PLN19/0011 - (Use of the land for office and food and drinks premises (cafe), buildings and works and a reduction in the car parking and bicycle parking requirements.)	25	28
1.4	Heritage Victoria Referral - Permit amendment application for Richmond Maltings, 2 and 15 Gough Street, Cremorne (H2050).	32	32

---

**1.1 PLN18/0829 - 26 Grant Street, Fitzroy North - Full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements.**

---

Trim Record Number: D19/75888

**RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0829 for full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements at 26 Grant Street, Fitzroy North VIC 3068, in accordance with the plans and reports received by Council (on 18 December 2018) 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 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 but modified to show:
  - (a) Ground floor study deleted, or setback in line with the principle façade, including removal of associated roofing;
  - (b) Hit-and-miss brick fence along Alfred Crescent reduced in height to no greater than the ground floor wall height;
  - (c) Front fence extended to entire frontage of Grant Street;
  - (d) Pool and decking levels on relevant elevations and demonstrate compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme;
  - (e) First floor Bed 3 to be screened in compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme;
  - (f) Proposed ground level on-boundary wall shown on south-east elevation, separate to the internal south-east elevation; and
  - (g) The B85 vehicle turning template.
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. Within 2 months of the works being completed, 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.
4. Within 2 months of the works being completed, 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. Within 2 months of the works being completed, 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. 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.
7. 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.

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

Submissions

Mr Matt Gibson addressed the Committee, on behalf the Applicant.  
The Applicant, Mr Caine Loxley addressed the Committee.  
Mr Roger Bearsden also addressed the Committee.

The following people also addressed the Committee:

Mr Lorenzo Rigoni;  
Mr Terry Nott;  
Ms Diana Carroll;  
Mr Glen McCallum;  
Mr Michael Georgeff;  
Mr Kenneth Gomez; and  
Mr Bruce Field.



## PROPOSED INTERNAL DEVELOPMENT APPROVALS COMMITTEE RECOMMENDATION

**Moved:** Councillor Fristacky

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0829 for full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements at 26 Grant Street, Fitzroy North VIC 3068, in accordance with the plans and reports received by Council (on 18 December 2018) 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 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 but modified to show:
  - (a) Hit-and-miss brick fence/wall along Alfred Crescent reduced in height to no greater than the ground floor wall height, being 3.5m;
  - (b) Front fence extended to entire frontage of Grant Street;
  - (c) Pool and decking levels on relevant elevations and demonstrate compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme;
  - (d) First floor Bed 3 to be screened in compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme;
  - (e) Proposed ground level on-boundary wall shown on south-east elevation, separate to the internal south-east elevation;
  - (f) The B85 vehicle turning template;
  - (g) All windows facing into the proposed courtyard of the new dwelling to be screened in accordance with Standard A15 (Overlooking) of Rescode of the Yarra Planning Scheme with the details submitted (including a 1:50 cross section and sightlines) to demonstrate compliance;
  - (h) Graffiti proof finishes applied to boundary fences and walls facing public property; and
  - (i) Deletion of the chimney and fireplace.
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. Within 2 months of the works being completed, 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.
4. Within 2 months of the works being completed, 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. Within 2 months of the works being completed, 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. 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.
7. 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.

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.

*The Motion lapsed for want of a seconder.*

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Stone

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0829 for full demolition of the existing dwelling and the construction of a double-storey dwelling and reduction in car parking requirements at 26 Grant Street, Fitzroy North VIC 3068, in accordance with the plans and reports received by Council (on 18 December 2018) 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 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 but modified to show:

- (a) Hit-and-miss brick fence/wall along Alfred Crescent reduced in height to no greater than the ground floor wall height, being 3.5m;
  - (b) Front fence extended to entire frontage of Grant Street;
  - (c) Pool and decking levels on relevant elevations and demonstrate compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme;
  - (d) First floor Bed 3 to be screened in compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme;
  - (e) Proposed ground level on-boundary wall shown on south-east elevation, separate to the internal south-east elevation;
  - (f) The B85 vehicle turning template;
  - (g) All windows facing into the proposed courtyard of the new dwelling to be screened in accordance with Standard A15 (Overlooking) of Rescode of the Yarra Planning Scheme with the details submitted (including a 1:50 cross section and sightlines) to demonstrate compliance; and
  - (h) Graffiti proof finishes applied to boundary fences and walls facing public property;
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. Within 2 months of the works being completed, 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.
4. Within 2 months of the works being completed, 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. Within 2 months of the works being completed, 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. 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.
7. 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.

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**

---

**1.2 PLN16/0471.01 - 344 Johnston Street, Abbotsford - Section 72 amended to the permit preamble to delete reference to dwellings, a reduction in car parking, external alterations including increasing the overall height, alterations to the front and rear setbacks, changes in materials and internal reconfigurations**

---

Trim Record Number: D19/111340

**RECOMMENDATION**

That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN16/0471 for land at 344 Johnston Street, Abbotsford and 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 advertised plans prepared by CHT Architects and received by Council on ~~4 November 2016~~ **20 February 2019**, but modified to show the following:
  - (a) Changes shown in the revised plans prepared by CHT Architects, received by Council on 3 February 2017.
  - (b) Increased setbacks to the interface with the laneway/northern boundary.
  - (c) Different surface finishes to the exposed walls to the side boundaries to provide visual interest.
  - (d) An increase in the number of bicycle parking spaces to 16.
  - (e) The deletion of one storey and the overall height reduced to seven storeys (plus the roof top plant).
  - (f) The third, fourth and fifth floors set back from the Johnston Street kerb line the same distance as each floors' setback from the northern boundary.
  - (g) A minimum of 15 employee bicycle parking spaces for the office space with showers and change rooms provided to meet the requirements of Clause 52.34-3 for 15 employee bicycle spaces.
  - (h) The provision of a clear glazed security door to the residential entrance within 1 metre of the front property boundary.
  - (i) Operable windows in all habitable rooms clearly shown.
  - (j) A minimum of 20 per cent of bicycle parking spaces must be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops.
  - (k) Overlooking measures to ensure no unreasonable overlooking between habitable rooms within the light courts on the side boundaries in accordance with Clause 55.04-6 of the Yarra Planning Scheme.
  - (l) All glazing installed in accordance with the acoustic report prepared by Marshall Day Acoustics and date 27 October 2016.
  - (m) Any changes recommended in the amended acoustic report required by condition 5 of this planning permit.
  - (n) **The provision of south-facing terraces to levels 5 and 6, with a minimum depth of 1.7 metres (7.2 metres from the kerb line).**
  - (o) **The south-facing terrace along level 4 to have a minimum depth of 3.2 metres (7.2 metres from the kerb line).**
  - (p) **The awning above Johnston Street to extend further along the street, with a setback of 760mm to the kerb.**
  - (q) **The north-facing, glazed balustrade along levels 4, 5 and 6 to be replaced with balustrade BAL 02 (terrace privacy screen colour brass).**
  - (r) **The north-facing terrace along level 4 to have a minimum depth of 3.2m (7.2 metres from the rear boundary).**

- (s) **A revised entry for the bike store from the commercial lobby to allow for more easy access.**
  - (t) **The spacing between bicycle racks to increase to a minimum of 800mm.**
  - (u) **Accessway and bicycle storage space designed to comply with AS2890.3.**
  - (v) **The provision of two bicycle hoops along Johnston Street.**
  - (w) **All on-site bicycle spaces to be allocated to the office use.**
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.

### **Sustainable Management Plan**

3. Prior to the endorsement of plans, 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 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 GIW Environmental Solutions dated 28 October 2016, but modified to include or show:
- (a) the provision of 2 bicycle parking spaces along Johnston Street.
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.

### **Acoustic Report**

5. Prior to the endorsement of plans, 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 report prepared by Marshall Day Acoustics and dated 27 October 2016, but modified to include (or show, or address) the following:
- (a) Car stacker noise assessed to the first floor window of 1 Rich Street. A SEPP N-1 and Lmax assessment should be undertaken.
  - (b) The detail of any shielding between the car stacker and the dwelling included in the acoustic report (for example, if the car park entrance door is to be a solid type without gaps, this should be clearly noted).
  - (c) A maximum allowable noise level for the car stacker (both Leq and Lmax) included in the report as a clear specification. Car stackers that produce higher levels of noise should not be installed on the project, given the proximity of noise sensitive receivers.
  - (d) A maximum noise level at 1 metre be specified for the carpark entrance door, such that SEPP N-1 and sleep disturbance targets will be met at 1 Rich Street.
6. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

7. The provisions, recommendations and requirements of the endorsed waste management plan prepared by Leigh Design and dated 19 December 2018 must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Car Parking**

8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved 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.

### **General**

9. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the use, 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.
10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to limit 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 retained and maintained 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, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
12. 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.
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 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.
15. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
16. 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.

### **Construction Management Plan**

17. Before the use and/or 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.

18. 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.
19. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Green Travel Plan**

20. **Before the building is occupied a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:**
- (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) A designated 'manager' or 'champion' responsible for coordination and implementation.**
  - (e) Details of bicycle parking and bicycle routes.**
  - (f) Details of GTP funding and management responsibilities.**
  - (g) The types of bicycle storage devices proposed to be used for employee, and visitor spaces (i.e. hanging of floor mounted spaces).**
  - (h) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space.**
  - (i) Security arrangements to access the employee bicycle storage spaces; and**
  - (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.**
  - (k) Reference to EV charging facilities (if proposed).**
- (l) Provisions for the Green Travel Plan to be updated not less than every 5 years.**

### **Permit Expiry**

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; or
  - (c) the use has 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.

A vehicle crossing permit is required for the construction of any vehicle crossing(s). Please contact Council's construction management branch on 9205 5585 for further information.

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 residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor car 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.

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.

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

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

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: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>.

For the replacement of the public light in Johnston Street, all public lighting works must be undertaken by CitiPower and comply with CitiPower standard requirements and regulations.

**Date of amendment**  
24 July 2019

**Brief description of amendment**

Pursuant to section 74 of the *Planning and Environment Act (1987)* the planning permit (permit and plans) has been amended as follows:

- Deletion of apartments along levels 4, 5 and 6 and replacement with office space.
- Increased overall building height.
- Alterations to front façade and reduction in retail/commercial premises area.
- Alterations to both side boundary wall finishes.
- Internal alterations to ground floor commercial lobby. Retail premises, bicycle store and bin store.
- Internal alterations to centrally located circulation areas, bathrooms and kitchenettes.
- New condition 1(n) to 1(u) requiring:
  - retention of north-facing terraces along levels 5 and 6;
  - increased widths to the north and south-facing terraces along level 4;
  - alterations to south-facing balustrade, levels 4, 5 and 6.
- New condition 20 for the submission of a Green Travel Plan.

## Submissions

Mr Ben Cook addressed the Committee on behalf of the Applicant.  
The Applicant, Mr Paul McIntyre also addressed the Committee.

The following people also addressed the Committee:

Mr Ross Mckinlay;  
Adrienne; and  
Mr Alejandro Chatkiewicz.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

That having considered all relevant matters, the Committee resolves to issue a Notice of Decision to Amend Planning Permit PLN16/0471 for land at 344 Johnston Street, Abbotsford and 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 advertised plans prepared by CHT Architects and received by Council on ~~4 November 2016~~ **20 February 2019**, but modified to show the following:
  - (a) Changes shown in the revised plans prepared by CHT Architects, received by Council on 3 February 2017.
  - (b) Increased setbacks to the interface with the laneway/northern boundary.
  - (c) Different surface finishes to the exposed walls to the side boundaries to provide visual interest.
  - (d) An increase in the number of bicycle parking spaces to 16.
  - (e) The deletion of one storey and the overall height reduced to seven storeys (plus the roof top plant).
  - (f) The third, fourth and fifth floors set back from the Johnston Street kerb line the same distance as each floors' setback from the northern boundary.
  - (g) A minimum of 15 employee bicycle parking spaces for the office space with showers and change rooms provided to meet the requirements of Clause 52.34-3 for 15 employee bicycle spaces.
  - (h) The provision of a clear glazed security door to the residential entrance within 1 metre of the front property boundary.
  - (i) Operable windows in all habitable rooms clearly shown.
  - (j) A minimum of 20 per cent of bicycle parking spaces must be ground level bicycle hoops, with a maximum of 80 per cent Ned Kelly style hanging hoops.
  - (k) Overlooking measures to ensure no unreasonable overlooking between habitable rooms within the light courts on the side boundaries in accordance with Clause 55.04-6 of the Yarra Planning Scheme.
  - (l) All glazing installed in accordance with the acoustic report prepared by Marshall Day Acoustics and date 27 October 2016.
  - (m) Any changes recommended in the amended acoustic report required by condition 5 of this planning permit.
  - (n) The provision of south-facing terraces to levels 5 and 6, with a minimum depth of 1.7 metres (7.2 metres from the kerb line).**
  - (o) The south-facing terrace along level 4 to have a minimum depth of 3.2 metres (7.2 metres from the kerb line).**

- (p) The awning above Johnston Street to extend further along the street, with a setback of 760mm to the kerb.
  - (q) The north-facing, glazed balustrade along levels 4, 5 and 6 to be replaced with balustrade BAL 02 (terrace privacy screen colour brass).
  - (r) The north-facing terrace along level 4 to have a minimum depth of 3.2m (7.2 metres from the rear boundary).
  - (s) A revised entry for the bike store from the commercial lobby to allow for more easy access.
  - (t) The spacing between bicycle racks to increase to a minimum of 800mm.
  - (u) Accessway and bicycle storage space designed to comply with AS2890.3.
  - (v) The provision of three bicycle hoops along Johnston Street.
  - (w) All on-site bicycle spaces to be allocated to the office use.
  - (x) The provision of additional at-ground bicycle spaces.
  - (y) The provision of additional bicycle spaces.
  - (z) The provision of skylights into the bathroom, toilet and kitchenette facilities to Level 6.
  - (aa) Additional operable windows to provide additional ventilation opportunities to the building.
  - (bb) Shadow diagrams submitted to demonstrate that overshadowing of the southern Johnston Street footpath complies with relevant decision guideline at Clause 5 of the Design and Development Overlay (Schedule 15) of the Yarra Planning Scheme, with details to demonstrate compliance.
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.

#### **Sustainable Management Plan**

3. Prior to the endorsement of plans, 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 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 GIW Environmental Solutions dated 28 October 2016, but modified to include or show:
- (a) the provision of 2 bicycle parking spaces along Johnston Street.
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.

#### **Acoustic Report**

5. Prior to the endorsement of plans, 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 report prepared by Marshall Day Acoustics and dated 27 October 2016, but modified to include (or show, or address) the following:
- (a) Car stacker noise assessed to the first floor window of 1 Rich Street. A SEPP N-1 and Lmax assessment should be undertaken.
  - (b) The detail of any shielding between the car stacker and the dwelling included in the acoustic report (for example, if the car park entrance door is to be a solid type without gaps, this should be clearly noted).
  - (c) A maximum allowable noise level for the car stacker (both Leq and Lmax) included in the report as a clear specification. Car stackers that produce higher levels of noise should not be installed on the project, given the proximity of noise sensitive receivers.

- (d) A maximum noise level at 1 metre be specified for the carpark entrance door, such that SEPP N-1 and sleep disturbance targets will be met at 1 Rich Street.

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

### **Waste Management Plan**

- 7. The provisions, recommendations and requirements of the endorsed waste management plan prepared by Leigh Design and dated 19 December 2018 must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Car Parking**

- 8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved 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.

### **General**

- 9. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the use, 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.
- 10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to limit 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 retained and maintained 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, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 12. 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.
- 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 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.
- 15. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 16. 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.

### **Construction Management Plan**

17. Before the use and/or 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.

18. 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.
19. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Green Travel Plan**

20. **Before the building is occupied a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:**
  - (a) **A description of the location in the context of alternative modes of transport, including location of nearest car and bike share facilities.**
  - (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) **A designated 'manager' or 'champion' responsible for coordination and implementation.**
  - (e) **Details of bicycle parking and bicycle routes.**
  - (f) **Details of GTP funding and management responsibilities.**
  - (g) **The types of bicycle storage devices proposed to be used for employee, and visitor spaces (i.e. hanging of floor mounted spaces).**
  - (h) **The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space.**
  - (i) **Security arrangements to access the employee bicycle storage spaces; and**
  - (j) **Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.**
  - (k) **Location of recharge points/facilities for E-bicycles and E-vehicles where feasible.**
  - (l) **Provisions for the Green Travel Plan to be updated not less than every 5 years.**

## Permit Expiry

21. This permit will expire if:
- the development is not commenced within two years of the date of this permit; or
  - the development is not completed within four years of the date of this permit; or
  - the use has 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.

A vehicle crossing permit is required for the construction of any vehicle crossing(s). Please contact Council's construction management branch on 9205 5585 for further information.

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 owners, occupiers or employees within the development approved under this permit will not be permitted to obtain employee or visitor car 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.

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.

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

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

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: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>.

For the replacement of the public light in Johnston Street, all public lighting works must be undertaken by CitiPower and comply with CitiPower standard requirements and regulations.

**Date of amendment**  
24 July 2019

**Brief description of amendment**  
Pursuant to section 74 of the *Planning and Environment Act (1987)* the planning permit (permit and plans) has been amended as follows:

- Deletion of apartments along levels 4, 5 and 6 and replacement with office space.
- Increased overall building height.



- Alterations to front façade and reduction in retail/commercial premises area.
- Alterations to both side boundary wall finishes.
- Internal alterations to ground floor commercial lobby. Retail premises, bicycle store and bin store.
- Internal alterations to centrally located circulation areas, bathrooms and kitchenettes.
- New conditions 1(n) to **1(w)** requiring:
  - retention of north-facing terraces along levels 5 and 6;
  - increased widths to the north and south-facing terraces along level 4;
  - alterations to south-facing balustrade, levels 4, 5 and 6.
- New conditions 1(x) to 1 (bb) requiring plans to show additional bicycle spaces at ground and in office areas, three bicycle hoops along Johnston Street, additional operable windows and skylight at level 6, and the submission of shadow diagrams.
- New condition 20 for the submission of a Green Travel Plan.

**CARRIED UNANIMOUSLY**

---

**1.3      48 - 50 Lithgow Street Abbotsford - PLN19/0011 - (Use of the land for office and food and drinks premises (café), buildings and works and a reduction in the car parking and bicycle parking requirements.)**

---

Trim Record Number: D19/111355

**RECOMMENDATION**

That a Notice of Decision to Grant a Permit be issued for Planning Application PLN19/0011 for use of the land for office and food and drinks premises (café), buildings and works and a reduction in the car parking and bicycle requirements at 48-50 Lithgow Street, Abbotsford, generally in accordance with the plans noted previously as the 'decision plans' and 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 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, but modified to show:
  - (a) Any changes required by the satisfactory Waste Management Plan required at condition 7;
  - (b) Any changes required by the satisfactory Sustainable Development Assessment required at condition 5;
  - (c) All works required by the amended acoustic report at condition 3;
  - (d) Location and capacity of the proposed rainwater tank in accordance with the submitted STORM Report with a notation confirming the rainwater tank will be connected to toilets for flushing;
  - (e) Deletion of the southern-most car space fronting Albert Street;
  - (f) Provision of two horizontal hoops for bicycle storage on the Lithgow Street footpath to the satisfaction of the Responsible Authority;
  - (g) Deletion of the proposed gate to the entrance of the southern carriageway easement;
  - (h) Proposed 'South' elevation shown on drawing A3.02 correctly labelled as the north elevation; and
  - (i) Colour and materials schedule provided on the proposed elevations.
2. The uses 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 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 Report prepared by Watson Moss Growcott and dated 14 February 2019 but modified to state that all recommendations will be implemented.
4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the uses and development commence, a Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Design Assessment will be endorsed and will form part of this permit.

6. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the uses and development commence, 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.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
10. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
11. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, two (2) bicycle racks must be installed on Lithgow Street:
  - (a) at the permit holder's cost; and
  - (b) in a location and manner,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, any redundant vehicular crossing 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.

#### Uses

11. No more than 100 patrons are permitted on the land at any one time for the Food and Drinks Premises (Café) use.
12. Except with the prior written consent of the Responsible Authority, the Food and Drinks Premises (Café) use authorised by this permit may only operate between the hours of 7am – 5pm, 7 days a week.
13. Except with the prior written consent of the Responsible Authority, the Office use authorised by this permit may only operate Monday to Friday between 8.00am – 6.00pm.
14. The amenity of the area must not be detrimentally affected by the use, 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.

- 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. The provision of music and entertainment on the land must be at a background noise level.
- 18. Speakers external to the building must not be erected or used.
- 19. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
- 20. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
- 21. This permit will expire if:
  - (a) the use or development is not commenced within two years from the date of this permit;  
or
  - (b) the development is not completed within four years from the date of this permit; or
  - (c) The use is discontinued for a period of two years.

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

## NOTES

The food and drinks premises (café) will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5428 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 5428 for further information.

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

Ms Claire Whelan addressed the Committee on behalf of the Applicant. The Applicant, Mr Peter Lin also addressed the Committee.

The following people also addressed the Committee:

Mr Michael Reed;  
Ms Elizabeth Miller;  
Mr John Hunt;  
Ms Audrey Lau; and  
Ms Amanda Marshall.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

That a Notice of Decision to Grant a Permit be issued for Planning Application PLN19/0011 for use of the land for office and food and drinks premises (café), buildings and works and a reduction in the car parking and bicycle requirements at 48-50 Lithgow Street, Abbotsford, generally in accordance with the plans noted previously as the 'decision plans' and 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 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, but modified to show:
  - (a) Any changes required by the satisfactory Waste Management Plan required at condition 7;
  - (b) Any changes required by the satisfactory Sustainable Development Assessment required at condition 5;
  - (c) All works required by the amended acoustic report at condition 3;
  - (d) Location and capacity of the proposed rainwater tank in accordance with the submitted STORM Report with a notation confirming the rainwater tank will be connected to toilets for flushing;
  - (e) Deletion of the southern-most car space fronting Albert Street;
  - (f) Provision of two horizontal hoops for bicycle storage on the Lithgow Street footpath to the satisfaction of the Responsible Authority;
  - (g) Deletion of the proposed gate to the entrance of the southern carriageway easement;
  - (h) Proposed 'South' elevation shown on drawing A3.02 correctly labelled as the north elevation;
  - (i) Graffiti proof finishes applied to the Lithgow Street front façade; and
  - (j) Colour and materials schedule provided on the proposed elevations.
2. The uses 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 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 Report prepared by Watson Moss Growcott and dated 14 February 2019 but modified to state that all recommendations will be implemented.

4. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
5. Before the uses and development commence, a Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Design Assessment will be endorsed and will form part of this permit.
6. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the uses and development commence, 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.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
10. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
11. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, two (2) bicycle racks must be installed on Lithgow Street:
  - (a) at the permit holder's cost; and
  - (b) in a location and manner,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, any redundant vehicular crossing 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.

#### Uses

11. No more than 80 patrons are permitted on the land at any one time for the Food and Drinks Premises (Café) use.

12. Except with the prior written consent of the Responsible Authority, the Food and Drinks Premises (Café) use authorised by this permit may only operate between the following hours:
  - (a) Monday to Friday 7am-5pm
  - (b) Saturday and Sunday 8am-5pm
13. Except with the prior written consent of the Responsible Authority, the Office use authorised by this permit may only operate Monday to Friday between 8.00am – 6.00pm.
14. The amenity of the area must not be detrimentally affected by the use, 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.
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. The provision of music and entertainment on the land must be at a background noise level.
18. Speakers external to the building must not be erected or used.
19. Emptying of bottles and cans into bins may only occur between 7am and 10pm Monday-Friday, and between 9am and 10pm on Saturday and Sunday.
20. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
21. This permit will expire if:
  - (a) the use or development is not commenced within two years from the date of this permit;  
or
  - (b) the development is not completed within four years from the date of this permit; or
  - (c) The use is discontinued for a period of two years.

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

## NOTES

The food and drinks premises (café) will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5428 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 5428 for further information.

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.



---

**1.4 Heritage Victoria Referral - Permit amendment application for Richmond Maltings, 2 and 15 Gough Street, Cremorne (H2050).**

---

Reference: D19/125819

**RECOMMENDATION**

1. That Council:
    - (a) Authorise officers to write to Heritage Victoria advising the subject to the following conditions:
      - (i) deletion of the proposed blue glass and replacement with a more neutral grey or transparent material;
      - (ii) deletion of the concrete strips proposed to articulate the building
- that Council does not object to the proposed amendment:

There were no submissions for this matter

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Fristacky

1. That Council:
    - (a) Authorise officers to write to Heritage Victoria advising the subject to the following conditions:
      - (i) deletion of the proposed blue glass and replacement with a more neutral grey or transparent material;
- that Council does not object to the proposed amendment.

**CARRIED**

The meeting closed at 10.02pm.

**Confirmed at the meeting held on Wednesday 7 August 2019**

---

**Chair**