



YARRA CITY COUNCIL
INTERNAL DEVELOPMENT APPROVALS
COMMITTEE
MINUTES

**held on Wednesday 4 September 2019 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Stephen Jolly
Councillor James Searle
Councillor Misha Coleman (substitute for Cr Bridgid O'Brien)

Ally Huynh (Senior Co-ordinator Statutory Planning)
Lara Fiscalini (Principal Planner)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

Councillor Bridgid O'Brien

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

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

Moved: Councillor Searle **Seconded:** Councillor Coleman

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 21 August 2019 be confirmed.

CARRIED

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



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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

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

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

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

**Governance Branch
2008**

Councillor Coleman nominated Councillor Jolly as Chair.

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

Councillor Jolly assumed the Chair.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	000410.02 - Section 72 Amendment to Planning Permit 000410, including the following: - Change of Use to a Place of Assembly (Function Centre) - Increase the area for the sale and consumption of liquor - Buildings and works to construct a storage shed	6	10
1.2	36-38 Kerr Street, Fitzroy - Planning Application No. PLN18/0404 - Part demolition to allow for the construction of three dwellings.	16	21

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- 1.1 **000410.02 - Section 72 Amendment to Planning Permit 000410, including the following:**
- **Change of Use to a Place of Assembly (Function Centre)**
 - **Increase the area for the sale and consumption of liquor**
 - **Buildings and works to construct a storage shed**
-

Trim Record Number: D19/113006

Responsible Officer: Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit for the change of use to a Place of Assembly (Function Centre) and buildings and works to construct a storage shed at 680 – 682 Victoria Street, Richmond, generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions (amended/new conditions shown in **bold**):

Preamble (amended)

Use of the land as a place of assembly (function centre) including sale and consumption of liquor (on-premises liquor licence)

Conditions (amended or new conditions in bold)

1. **Before the use or the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans ‘A1 1.01’ (Rev 2, 14.09.2018), ‘A2 G.01’ (Rev 2, 04.11.2018), ‘A2 G.02’ (Rev 2, 04.11.2018), ‘A2 1.01’ (Rev 2, 04.11.2018), ‘A2 1.02’ (Rev 1, 15.08.2018) and ‘A4 0.01’ (Rev 0, 30.04.2018) but modified to show:**
 - (a) **Basement plans clearly identifying all 73 car parking spaces to be used in association with the Function Centre.**
 - (b) **Deletion of the external storage shed.**
 - (c) **Deletion of external bin storage areas.**
 - (d) **Any requirement of the endorsed acoustic report required prior to commencement (condition 12) where relevant to show on plans and specific requirements annotated.**
 - (e) **Any requirement of the endorsed waste management plan required prior to commencement (condition 22) where relevant to show on plans and specific requirements annotated.**
2. All development and use **(including the sale and consumption of liquor)** must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. The layout of the uses **(including the sale and consumption of liquor)** on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. **Prior to the commencement of the use, the Car Parking Management Plan (dated 7 December 2016) endorsed under PLN16/0382 and Amendment L8 must be amended to allocate the four at-grade spaces to the Function Centre Use.**

Liquor Licence

5. The **sale and consumption of liquor** hereby permitted must only operate between the hours of 10.00am to 12 midnight (Sunday), 9 am to 12 midnight Monday to Saturday and 12 noon to 12 midnight (Public Holidays) unless further consent is granted by the Responsible Authority.
6. No more than 350 patrons are permitted on the land at any one time.

Use

7. Except with the prior written consent of the Responsible Authority, the use may only occur between the following hours:
 - (a) Sunday 10am to 11pm
 - (b) Monday to Wednesday 9am to 11pm
 - (c) Thursday and Saturday 9am to 12 midnight
8. No more than 350 patrons are permitted on the land at any one time.
9. Except with the prior written consent of the Responsible Authority, the use within all outdoor areas may only occur until 10pm and no more than 45 patrons are permitted within the outdoor forecourt outdoor area and 50 patrons are permitted within the eastern outdoor terrace/balcony areas.

Amenity

10. Before the use commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Hollerich Town Planning, but modified to include:
 - (a) The following in accordance with the recommendations of the Acoustic Report prepared by WatsonMossGrowcott, dated 9th May 2019:
 - (i) Management plans for non-typical events (eg. Patrons shouting) within outdoor areas to ensure that the events are resolved promptly in accordance with the recommendations of the Acoustic Report prepared by WatsonMossGrowcott, dated 9th May 2019.
 - (ii) Details of how communication with patrons relating to expectations during arrival and departure from the subject site will be undertaken. This will include minimising loud communication, and operating vehicles in 'reasonable' manner.
 - (b) The specific role and function of a venue/function manager(s) who is responsible for taking bookings, providing details of permit and NAAP restrictions and obligations to those making bookings and management of events when they occur. This must also specify that a venue/function manager must be on-site during all functions/events
 - (c) Details of how patrons who exit via private vehicles will be managed in regards of exiting in an orderly and quiet fashion.
 - (d) Details of the means by which occupation of the outdoor patron areas is to be limited to the numbers specified within Condition 9.

- (e) Indication of all external lighting along the eastern façade, ensuring that the lighting is baffled.
 - (f) Management of smokers, with regard to the requirements of Condition 9.
 - (g) Management of outdoor areas to limit litter, including hourly patrons of external areas and at the conclusion of operating hours.
- 11. The provisions recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 12. Before the use 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 WatsonMossGrowcott and dated 9th May 2019, but modified to include (or show, or address):
 - (a) The details of the attended measurements (times and results for each location).
 - (b) Residential receivers to be provided at the upper levels of 3 – 6 Christine Crescent.
 - (c) Identification of the rectification method to be applied to the mechanical plant (not options).
 - (d) Deletion of Section 9.2.3 Consideration of patrons located externally during ceremony events on Page 23 and the Outdoor Ceremonies section on Page 27.
 - (e) Installation of a noise limiter.
- 13. The provisions, recommendations and requirements of the endorsed Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.
- 14. Before the use commences, all acoustic attenuation measures and recommendations contained within the report required pursuant to Condition 12 are to be constructed and implemented to the satisfaction of the Responsible Authority.
- 15. Within 3 months of the commencement of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 13 have been implemented;
 - (b) Assess their effectiveness in meeting the predicted patron noise level and SEPP N-1 and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 12;
 - (c) Include an assessment from a location exposed to noise from the venue roof, as well as the glazed walls, undertaken for a period of time that would allow for an indication of noise leakage vis external doors onto the deck; and
 - (d) If non-compliance with Condition 16(b) is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report.

16. The provisions, recommendations and requirements of the endorsed post-occupational Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.
17. Prior to the commencement of the use authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
 - (a) be set at a level specified by a qualified acoustic engineer in accordance with the requirements of the Acoustic Report prepared by WatsonMossGrowcott, dated 9 May 2019;
 - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and
 - (c) be maintained and operated at all times.to the satisfaction of the Responsible Authority.
18. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment external to the building is not permitted.
19. Before the commencement of the use, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent uses and to leave in a quiet and orderly manner.
20. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
21. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Waste

22. Before the use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must provide for waste storage inside of the building. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
23. Except with the prior written consent of the Responsible Authority, the collection of waste by a private contractor must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
24. Except with the prior written consent of the Responsible Authority, emptying bottles into bins in outdoor areas must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
25. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
26. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land must not occur after 10pm on any day, before 8am Monday to Saturday, or before 9am on a Sunday or public holiday.

Expiry

27. **This permit will expire if the use is not commenced within one year from the date of this amended permit.**
28. **Within one month from the date of the amended planning permit, the unlawful structures identified at Condition 1 (b) and 1 (c) must be removed by the owner of the land.**

NOTES:

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

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

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Submissions

Mr Jay Hollerich addressed the Committee on behalf of the Applicant.
The Operations Manager also addressed the Committee.

The following people also addressed the Committee:

Ms Kate Lethbridge;
Ms Jill Maddock;
Mr Bill Ginn;
Ms Annabel Dundas; and
Mr John Maddock.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Jolly

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit for the change of use to a Place of Assembly (Function Centre) and buildings and works to construct a storage shed at 680 – 682 Victoria Street, Richmond, generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions (amended/new conditions shown in **bold**):

Preamble (amended)

Use of the land as a place of assembly (function centre) including sale and consumption of liquor (on-premises liquor licence)

Conditions (amended or new conditions in bold)

1. Before the use or the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans 'A1 1.01' (Rev 2, 14.09.2018), 'A2 G.01' (Rev 2, 04.11.2018), 'A2 G.02' (Rev 2, 04.11.2018), 'A2 1.01' (Rev 2, 04.11.2018), 'A2 1.02' (Rev 1, 15.08.2018) and 'A4 0.01' (Rev 0, 30.04.2018) but modified to show:
 - (a) Basement plans clearly identifying all 73 car parking spaces to be used in association with the Function Centre.
 - (b) Deletion of the external storage shed.
 - (c) Deletion of external bin storage areas.
 - (d) Any requirement of the endorsed acoustic report required prior to commencement (condition 13) where relevant to show on plans and specific requirements annotated.
 - (e) Any requirement of the endorsed waste management plan required prior to commencement (condition 23) where relevant to show on plans and specific requirements annotated.
2. All development and use (**including the sale and consumption of liquor**) must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. The layout of the uses (**including the sale and consumption of liquor**) on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Prior to the commencement of the use, the Car Parking Management Plan (dated 7 December 2016) endorsed under PLN16/0382 and Amendment L8 must be amended to allocate the four at-grade spaces to the Function Centre Use.

Liquor Licence

5. The **sale and consumption of liquor** hereby permitted must only operate between the hours of 10.00am to 12 midnight (Sunday), 9 am to 12 midnight Monday to Saturday and 12 noon to 12 midnight (Public Holidays) unless further consent is granted by the Responsible Authority.
6. No more than 350 patrons are permitted on the land at any one time.

Use

7. Except with the prior written consent of the Responsible Authority, the use may only occur between the following hours:

<u>(a) Sunday</u>	<u>10am to 10pm</u>
<u>(b) Monday to Thursday</u>	<u>9am to 10pm</u>
<u>(c) Friday and Saturday</u>	<u>9am to 11pm</u>
8. No more than 350 patrons are permitted on the land at any one time.
9. Except with the prior written consent of the Responsible Authority, the use within the eastern outdoor terrace/balcony areas may only occur until 10pm and no more than 50 patrons permitted across both of these areas.

- 10. Except with the prior written consent of the Responsible Authority, the use must not occur within the northern outdoor forecourt area, with the exception of access/egress to the function centre.**

Amenity

- 11. Before the use commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Hollerich Town Planning, but modified to include:**

- (a) The following in accordance with the recommendations of the Acoustic Report prepared by WatsonMossGrowcott, dated 9th May 2019:**
 - (i) Management plans for non-typical events (eg. Patrons shouting) within outdoor areas to ensure that the events are resolved promptly in accordance with the recommendations of the Acoustic Report prepared by WatsonMossGrowcott, dated 9th May 2019.**
 - (ii) Details of how communication with patrons relating to expectations during arrival and departure from the subject site will be undertaken. This will include minimising loud communication, and operating vehicles in 'reasonable' manner.**
- (b) The specific role and function of a venue/function manager(s) who is responsible for taking bookings, providing details of permit and NAAP restrictions and obligations to those making bookings and management of events when they occur. This must also specify that a venue/function manager must be on-site during all functions/events, for the duration of all functions and events and until the last patron leaves. The venue/function manager must have a mobile phone accessible and operational for residents to communicate directly with the venue if concerns arise during an event.**
- (c) Details of how patrons who exit via private vehicles will be managed in regards of exiting in an orderly and quiet fashion, including the provision of adequate security and surveillance staff employed to control the behaviour of patrons within the premises and upon leaving the premises including staff positioned during events at fire doors and at each accessible public doorway to the premises whenever music is playing, whose function it shall be to ensure doors are kept shut, to prevent patrons congregating in the vicinity of the premises and to encourage them to leave in a quiet and orderly manner.**
- (d) Details of the means by which occupation of the outdoor patron areas is to be limited to the numbers specified within Condition 9.**
- (e) Indication of all external lighting along the eastern façade, ensuring that the lighting is baffled. Blinds (all internal and external blinds) to be down fully to the ground when light spill from flashing lights / disco lights or other special lighting is on during events.**
- (f) Management of smokers, with regard to the requirements of Condition 9, including a requirement for smokers to not use the forecourt area and adjoining stairs to the main Yarra trail. Congregation of patrons is to be discouraged in any other identified smoking zone.**
- (g) Management of outdoor areas to limit litter, including hourly patrols of external areas and at the conclusion of operating hours.**

- 12.** The provisions recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 13.** Before the use 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 WatsonMossGrowcott and dated 9th May 2019, but modified to include (or show, or address):
 - (a) The details of the attended measurements (times and results for each location), as per SEPP N-1 and SEPP N-2 measurement guidelines.
 - (b) Residential receivers to be provided at the upper levels of 3 – 6 Christine Crescent and river side of No. 4 and 8A Harrison Crescent, Hawthorn, 3122.
 - (c) Identification of the rectification method to be applied to the mechanical plant (not options).
 - (d) Deletion of Section 9.2.3 Consideration of patrons located externally during ceremony events on Page 23 and the Outdoor Ceremonies section on Page 27.
 - (e) Installation of a noise limiter and requirement for noise limiter to be checked annually and calibrated by a qualified acoustic engineer.
- 14.** The provisions, recommendations and requirements of the endorsed Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.
- 15.** Before the use commences, all acoustic attenuation measures and recommendations contained within the report required pursuant to Condition 12 are to be constructed and implemented to the satisfaction of the Responsible Authority.
- 16.** Within 3 months of the commencement of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 13 have been implemented;
 - (b) Assess their effectiveness in meeting the predicted patron noise level and SEPP N-1 and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 12;
 - (c) Include an assessment from a location exposed to noise from the venue roof, as well as the glazed walls, undertaken for a period of time that would allow for an indication of noise leakage vis external doors onto the deck up until, and 45 minutes following the completion of an event;
 - (d) Include measurements taken on nights where events with amplified music and maximum patron occupancy (indoors and outdoors) occurs; and
 - (e) If non-compliance with Condition 16(b) is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report. During the time the additional acoustic measures are being implemented (within one month from the date of the amended acoustic report) no events are to take place.

- 17.** The provisions, recommendations and requirements of the endorsed post-occupational Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.
- 18.** Prior to the commencement of the use authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
 - (a) be set at a level specified by a qualified acoustic engineer in accordance with the requirements of the Acoustic Report prepared by WatsonMossGrowcott, dated 9 May 2019;
 - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and
 - (c) be maintained and operated at all times.to the satisfaction of the Responsible Authority.
- 19.** Except with the prior written consent of the Responsible Authority, the provision of music and entertainment and a speech enforcement system (microphones) external to the building is not permitted.
- 20.** Before the commencement of the use, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent uses and to leave in a quiet and orderly manner.
- 21.** The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 22.** The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Waste

- 23.** Before the use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must provide for waste storage inside of the building. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
- 24.** Except with the prior written consent of the Responsible Authority, the collection of waste by a private contractor must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
- 25.** Except with the prior written consent of the Responsible Authority, emptying bottles into bins in outdoor areas must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
- 26.** The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 27.** Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land must not occur after 10pm on any day, before 8am Monday to Saturday, or before 9am on a Sunday or public holiday.

Expiry

- 28. This permit will expire if the use is not commenced within one year from the date of this amended permit.**
- 29. Within one month from the date of the amended planning permit, the unlawful structures identified at Condition 1 (b) and 1 (c) must be removed by the owner of the land.**

NOTES:

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

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

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

Adjournment

The meeting adjourned at 7.31pm.

The meeting resumed at 7.35pm.

1.2 36-38 Kerr Street, Fitzroy - Planning Application No. PLN18/0404 - Part demolition to allow for the construction of three dwellings.

Reference: D19/144129

Authoriser: Senior Co-ordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0404 for the part demolition of the existing building and development of the land with three dwellings at 36 and 38 Kerr Street, Fitzroy 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 10 May 2019 but modified to show the following:
 - (a) The townhouses labelled correctly on the floor plans.
 - (b) The provision of lighting along the pathways leading up to the primary pedestrian entrances of each townhouse, and appropriately shielded and of limited intensity so as to avoid any light spillage into existing adjoining properties.
 - (c) Plan notation confirming that ground surface treatments within the pedestrian walkway along the east side of the building will be pervious.
 - (d) Plan notations confirming that the storm water collected on site will be used for the flushing of toilets within the development.
 - (e) Plan notations confirming that the storm water collected on site will be used for the flushing of toilets within the development.
 - (f) Details to demonstrate that windows and terraces will be screened in accordance with the standard at Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
 - (g) Details to demonstrate that windows and terraces will be screened in accordance with Clause 55.04-7 (Internal views) of the Yarra Planning Scheme.
 - (h) The vehicle access gate shown to open into the site to ensure no obstruction to the laneway.
 - (i) An updated schedule of all external materials and finishes showing the materials colour, finish and application methods of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences and labelled correctly to correlate with the elevations.
 - (j) The garage door width and internal floor-to-ceiling heights of the garage dimensioned with further plan notations (including separate manufacturer details) of the car stacker model.
 - (k) Provision of a convex mirror to the southern side of the development's vehicle entrance to improve the visibility of the laneway.
 - (l) Design changes to implement recommendations of the Sustainable Development Assessment condition of this permit.
 - (m) Design changes to implement any recommendations of the endorsed Waste Management Plan condition 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 a STORM rating report and include the following commitments:
 - (a) Provision of standard fluorescent and LED lighting throughout;
 - (b) Minimum average 6 NatHERS rating;
 - (c) 5 star heating and 4 star cooling systems;
 - (d) 4 star WELS rated toilets;
 - (e) 3 star WELS rated shower heads;
 - (f) Low VOC paints; and
 - (g) Water tanks to each townhouse with a 2000lt water capacity.
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.
13. Before the building is 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.

Waste Management

14. Before the plans are endorsed, 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.

Noise

16. 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).

Construction

17. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;

- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) 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;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
18. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 19. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.

20. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
21. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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 Architect addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Charles Kovacs;
Mr Mike Bogan; and
Ms Anne Meehan.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Coleman

Seconded: Councillor Searle

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0404 for the part demolition of the existing building and development of the land with three dwellings at 36 and 38 Kerr Street, Fitzroy 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 10 May 2019 but modified to show the following:
 - (a) The townhouses labelled correctly on the floor plans.
 - (b) The provision of lighting along the pathways leading up to the primary pedestrian entrances of each townhouse, and appropriately shielded and of limited intensity so as to avoid any light spillage into existing adjoining properties.
 - (c) Plan notation confirming that ground surface treatments within the pedestrian walkway along the east side of the building will be pervious.
 - (d) Plan notations confirming that the storm water collected on site will be used for the flushing of toilets within the development.
 - (e) Plan notations confirming that the storm water collected on site will be used for the flushing of toilets within the development.
 - (f) Details to demonstrate that windows and terraces will be screened in accordance with the standard at Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
 - (g) Details to demonstrate that windows and terraces will be screened in accordance with Clause 55.04-7 (Internal views) of the Yarra Planning Scheme.
 - (h) The vehicle access gate shown to open into the site to ensure no obstruction to the laneway.
 - (i) An updated schedule of all external materials and finishes showing the materials colour, finish and application methods of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences and labelled correctly to correlate with the elevations.
 - (j) The garage door width and internal floor-to-ceiling heights of the garage dimensioned with further plan notations (including separate manufacturer details) of the car stacker model.
 - (k) Provision of a convex mirror to the southern side of the development's vehicle entrance to improve the visibility of the laneway.
 - (l) Design changes to implement recommendations of the Sustainable Development Assessment condition of this permit.
 - (m) Design changes to implement any recommendations of the endorsed Waste Management Plan condition 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 a STORM rating report and include the following commitments:
 - (a) Provision of standard fluorescent and LED lighting throughout;
 - (b) Minimum average 6 NatHERS rating;
 - (c) 5 star heating and 4 star cooling systems;
 - (d) 4 star WELS rated toilets;
 - (e) 3 star WELS rated shower heads;
 - (f) Low VOC paints; and
 - (g) Water tanks to each townhouse with a 2000lt water capacity.
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.
13. Before the building is 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.

Waste Management

14. Before the plans are endorsed, a Waste Management Plan (that also includes details in relation to the management of organic waste) 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.

Noise

16. 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).

Construction

17. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
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 - (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;

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CARRIED UNANIMOUSLY

The meeting closed at 8.00pm.

Confirmed at the meeting held on Wednesday 18 September 2019

Chair