



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

**held on Wednesday 20 November 2019 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**I. ATTENDANCE**

Councillor Bridgid O'Brien  
Councillor Stephen Jolly  
Councillor Mi-Lin Chen Yi Mei

Amy Hodgen (Co-ordinator Statutory Planning)  
Chris Stathis (Senior Statutory Planner)  
Cindi Johnston (Governance Officer)

**II. APOLOGIES AND LEAVE OF ABSENCE**

Councillor James Searle

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

**IV. CONFIRMATION OF MINUTES**

**Internal Development Approvals Committee Resolution:**

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

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

**CARRIED**

**Printed on 100% recycled paper**

***"Welcome to the City of Yarra.  
Yarra City Council acknowledges the  
Wurundjeri Woi-wurrung 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."***

### **Internal Development Approvals Committee Submissions**

“Prior to the consideration of any Committee Business Report at a meeting of the Internal Development Approvals Committee, members of the public shall be invited by the Chairperson to make a verbal submission. In determining the order of submissions, the Chairperson shall first invite the applicant or their representatives to submit, followed by formal objectors and finally any other interested persons.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Chairperson at their sole discretion).

- Speak for a maximum of five minutes;
- Direct their submission to the Chairperson;
- Confine their submission to the planning permit under consideration;
- If possible, explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions.
- Avoid repetition and restating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.”

*Extract from the Council Meeting Operations Policy, September 2019*

Councillor Jolly nominated Councillor O'Brien as Chair.

There being no other nominations, Councillor O'Brien was appointed Chair.

Councillor O'Brien assumed the Chair.

# 1 INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN18/0579 - 152 - 154 Keele Street, Collingwood - Demolition of the existing dwelling to allow for the construction of two dwellings, one on each allotment, and a reduction in the car parking requirement of the Yarra Planning Scheme.	6	8
1.2	PLN19/0100 - 104 Gore Street Fitzroy - Partial demolition, alterations and additions to the existing dwelling associated with the construction of a roof terrace and construction of a second, double-storey (plus roof terrace) dwelling on the lot and a reduction in the car parking requirements.	12	14

---

**1.1 PLN18/0579 - 152 - 154 Keele Street, Collingwood - Demolition of the existing dwelling to allow for the construction of two dwellings, one on each allotment, and a reduction in the car parking requirement of the Yarra Planning Scheme.**

---

Reference: D19/199170

**RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0579 for the demolition of the existing dwelling and the construction of two dwellings (one on each allotment), and a reduction in the car parking requirement of the Yarra Planning Scheme at 152 and 154 Keele Street, Collingwood 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 01 August 2019 prepared by Emfaton Design but modified to show the following:
  - (a) The rear ground level decks and first floor bedroom windows to the north screened to comply with standard A15 at Clause 54.04-6 (Overlooking) of the Yarra Planning Scheme.
  - (b) The east-facing family room window of Dwelling 02 with an annotated sill height of 1.7m above the floor level.
  - (c) The roof eave of Dwelling 02 at the first floor (for the length of the ensuite, bathroom, family room and northern-most bedroom) setback 797mm from the eastern boundary.
  - (d) All front fencing to be a minimum 50% transparent.
  - (e) Measures required to achieve compliance with a STORM Rating report demonstrating best practice in stormwater management (with a minimum score of 100%).
  - (f) Any plan changes as a result of Melbourne Water's Condition's at 7 to 12 of this planning 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.

*Melbourne Water Conditions (conditions 7 – 12)*

7. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
  - (a) The dwellings must be set with finished floor levels set no lower than 20.21 metres to Australian Height Datum, which is 300mm above the applicable flood level of 19.91 metres to Australian Height Datum.
8. The dwellings must be constructed with finished floor levels set no lower than 20.21 metres to Australian Height Datum, which is 300mm above the applicable flood level of 19.91 metres to Australian Height Datum.
9. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
10. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings.
11. Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of floodwaters/ overland flows.
12. Any doors, windows, vents and openings to the basement must be a minimum of 20.21 metres to AHD which is 300mm above the applicable flood level of 19.91 metres to AHD.

*Council Infrastructure*

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

*General*

15. 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).
16. 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.
17. 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.

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.

Melbourne Water note:

For general advice relating to Melbourne Water's conditions please contact the Customer Service Centre on 131722.

Submissions

The Applicant, George, addressed the Committee.

The following people also addressed the Committee:

Mr Luke James; and  
Mr Harry Mousikidis.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor Chen Yi Mei

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0579 for the demolition of the existing dwelling and the construction of two dwellings (one on each allotment), and a reduction in the car parking requirement of the Yarra Planning Scheme at 152 and 154 Keele Street, Collingwood 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 01 August 2019 prepared by Emfaton Design but modified to show the following:
  - (a) The rear ground level decks and first floor bedroom windows to the north screened to comply with standard A15 at Clause 54.04-6 (Overlooking) of the Yarra Planning Scheme.
  - (b) The east-facing family room window of Dwelling 02 with an annotated sill height of 1.7m above the floor level.
  - (c) The roof eave of Dwelling 02 at the first floor (for the length of the ensuite, bathroom, family room and northern-most bedroom) setback 797mm from the eastern boundary.
  - (d) All front fencing to be a minimum 50% transparent.
  - (e) Measures required to achieve compliance with a STORM Rating report demonstrating best practice in stormwater management (with a minimum score of 100%).
  - (f) Any plan changes as a result of Melbourne Water's Condition's at 7 to 12 of this planning permit.
  - (g) Ground floor south-facing fenestration of Dwelling 01 to match Dwelling 02.

*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.

*Melbourne Water Conditions (conditions 7 – 12)*

7. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
  - (a) The dwellings must be set with finished floor levels set no lower than 20.21 metres to Australian Height Datum, which is 300mm above the applicable flood level of 19.91 metres to Australian Height Datum.
8. The dwellings must be constructed with finished floor levels set no lower than 20.21 metres to Australian Height Datum, which is 300mm above the applicable flood level of 19.91 metres to Australian Height Datum.

9. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
10. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings.
11. Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of floodwaters/ overland flows.
12. Any doors, windows, vents and openings to the basement must be a minimum of 20.21 metres to AHD which is 300mm above the applicable flood level of 19.91 metres to AHD.

*Council Infrastructure*

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

*General*

15. 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).
16. 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.
17. 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.

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.

Melbourne Water note:

For general advice relating to Melbourne Water's conditions please contact the Customer Service Centre on 131722.

**CARRIED**

---

**1.2      PLN19/0100 - 104 Gore Street Fitzroy - Partial demolition, alterations and additions to the existing dwelling associated with the construction of a roof terrace and construction of a second, double-storey (plus roof terrace) dwelling on the lot and a reduction in the car parking requirements.**

---

Reference:     D19/198442

Authoriser:    Senior Coordinator Statutory Planning

## **RECOMMENDATION**

That a Notice of Decision (NOD) to Grant Planning Permit PLN19/0100 be issued for partial demolition, alterations and additions to the existing dwelling associated with the construction of a roof terrace and construction of a second, double-storey (plus roof terrace) dwelling on the lot and a reduction in the car parking requirements at 104 Gore Street, Fitzroy, generally in accordance with 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the plans received by application plans, but modified to show:
  - (a) Screening to the roof terrace for the existing dwelling composed of corrugated metal sheet cladding to reflect the colour of the existing roof;
  - (b) Front fence (and gate) to the new dwelling provided with red-toned brickwork, timber and / or corrugated metal;
  - (c) Permeable surfaces notated on the plans demonstrating a minimum of 20% permeability across the site;
  - (d) External shading devices provided to the eastern, first-floor façade of the new dwelling;
  - (e) Deletion of the screening fin attached to the existing dwelling and the east-facing, first-floor bedroom window of the new dwelling screened to comply with the objective of Clause 55.04-6 (Overlooking objective) of the Yarra Planning Scheme;
  - (f) A strip of land provided to the existing dwelling along its southern wall. The strip of land must have a minimum width of 1m and must extend continuously along all existing and proposed south-facing windows of the existing dwelling which abut the western secluded private open space of the new dwelling;
  - (g) Provision of boundary fencing (minimum height of 1.8m) along all edges of the strip of land outlined at condition 1(f);
  - (h) Provision of a glazed door to the ground floor, southern wall of the existing dwelling to connect to the strip of land outlined at condition 1(f);
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. The strip of land provided along the southern wall of the existing dwelling must remain unencumbered so as to continue to provide daylight and ventilation to the south-facing windows of the existing dwelling at both ground and first floor to the satisfaction of the Responsible Authority.
4. Before the new 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.

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. 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.
7. 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 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.
8. 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 5095 to confirm.

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

#### **Submissions**

Mr Michael Roper addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Ms Sivvy Orr;  
Mr Michael Neal; and  
Ms Elida De Felice.

## **INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor O'Brien

That a Notice of Refusal to Grant Planning Permit PLN19/0100 be issued for partial demolition, alterations and additions to the existing dwelling associated with the construction of a roof terrace and construction of a second, double-storey (plus roof terrace) dwelling on the lot and a reduction in the car parking requirements at 104 Gore Street, Fitzroy, generally in accordance with the decision plans on the following grounds:

1. The proposal fails to respond to the off-site amenity of abutting properties and results in unreasonable visual bulk and overshadowing.
2. The proposed site layout of the new dwelling will result in on-boundary, south-facing windows for the existing dwelling and will result in unacceptable amenity for the existing dwelling with respect to daylight access, ventilation, and internal overlooking.
3. The proposed front fence does not appropriately respond to the heritage area.

**CARRIED**

The meeting closed at 7.45pm.

**Confirmed at the meeting held on Wednesday 11 December 2019**

---

**Chair**