



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

**held on Wednesday 12 February 2020 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**I. ATTENDANCE**

Councillor Misha Coleman  
Councillor Danae Bosler  
Councillor Daniel Nguyen

Sarah Griffiths (Senior Co-ordinator Statutory Planning)  
Michelle King (Acting Principal Planner)  
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 Coleman **Seconded:** Councillor Bosler

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 29 January 2020 be confirmed.

**CARRIED**

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***"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 Coleman nominated Councillor Nguyen as Chair.

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

Councillor Nguyen assumed the Chair.

# 1 INTERNAL DEVELOPMENT APPROVALS COMMITTEE

| Item |  | Page | Res.<br>Page |
|------|--|------|--------------|
| 1.1  | PLN16/0829.01 - 363 George Street, Fitzroy - Amendment to Planning Permit PLN16/0829 to include the allotment known as Lot1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements | 6    | 11           |

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- 1.1 PLN16/0829.01 - 363 George Street, Fitzroy - Amendment to Planning Permit PLN16/0829 to include the allotment known as Lot1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements**
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Reference: D20/13696

Authoriser: Senior Coordinator Statutory Planning

## RECOMMENDATION

That a Notice of Decision to Grant an Amended Planning Permit for amendment to Planning Permit PLN16/0829 be issued to include the allotment known as Lot 1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements at 363 George Street, Fitzroy generally in accordance with the plans and reports noted previously as the “decision plans”, subject to the following change to the address of the land referenced in the permit and permit conditions (amended/new conditions shown in **bold**).

Address of the land (amended) to:

**363 George Street, Fitzroy and Lot 1 TP428690**

Conditions (amended or new conditions in bold)

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 planning 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 numbered A001 – A003, A4504 (No revision), A004, A104 – A106, A109, A500, A602, A603, A605, A606 (Revision A) and A101 – A103, A107, A108, A110, A201 – A204, A301, A302, A501 – A503 and A600 – A601 (Revision B) but modified to show:
  - (a) The number of car parks (16) accommodated within the car stacker annotated on the ground floor plan;
  - (b) MT-01: Metal Cladding and MT-02 Metal Louvre be of a colour finish that is integrated with the overall building
  - (c) Reinstatement of the George Street canopy.
  - (d) PC01 Rose coloured precast concrete to specify a texture/finish that is fine grain, tactile and of high quality.
  - (e) Measures to minimise unreasonable overlooking to the building to the north-west (160 Argyle Street) in accordance with Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
  - (f) Detailed diagrams demonstrating compliance with the Objective of Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme from the upper level apartments into the balcony of Residence 1.1. Any additional screening measures used to achieve compliance are to be shown.
  - (g) The Level 05 and Level 06 plans updated to clearly show the extent of glazing in accordance with the western elevation.
  - (h) The living room of ‘Residence 2.1’ to be setback a minimum 4.5 metres from the centre of the laneway.

- (i) The bicycle hoop on George Street designed as per Technical Notes: City of Yarra Public Domain Manual. Bicycle hoops are to be located parallel with the George Street kerb as per required offsets.
  - (j) The doorway width of the development entrance to be dimensioned on the drawings.
  - (k) The headroom clearance at the entrance to be dimensioned on the drawings.
  - (l) The floor-to-ceiling height of each stacker level to be dimensioned on the drawings.
  - (m) The finished floor level of the concrete slab of the setback area is to be 40 mm higher than the edge of the Right of Way.
  - (n) The recommendations of the endorsed Acoustic Report (Condition 5) annotated on the development plans.
  - (o) Any requirement of the endorsed Sustainable Management Plan (condition 3) where relevant to show on plans.
  - (p) Any requirement of the endorsed Waste Management Plan (condition 7) where relevant to show on plans.
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 amended 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 Norman Disney and Young and dated 28 June 2019, but modified to include or show:
- (a) Increased rainwater capacity and connected roof area.
  - (b) Updated daylight modelling report matching the current design or provision of a statement clarifying that the amended design does not reduce daylight amenity to the amended apartment layouts.
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. The provisions, recommendations and requirements of the endorsed acoustic report, generally in accordance with the Acoustic Services report prepared by Norman Disney and Young dated 26 November 2019 must be implemented and complied with to the satisfaction of the Responsible Authority.
6. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the car stacker operation with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings and dwellings within the development in accordance with the recommendations of the Acoustic Services report prepared by Norman Disney and Young dated 26 November 2019. When approved, the Acoustic Report will be endorsed and will then form part of this permit.

## **Waste Management Plan**

- 7. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Waste Space Solutions and dated 24 June 2019, but modified to include:**
  - (a) Updated to accord with the development plans prepared by Bayley Ward, Revision B.**
  - (b) Commercial waste allocation in accordance with the requirements of Yarra City Council.**
  - (c) The net space taken up by the bins on site (sqm).**
  - (d) Details of food waste diversion.**
  - (e) Details of how e-waste will be managed in accordance with legislation**
  - (f) Details of how risk will be managed**
- 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.**

## **Car Parking**

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

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.



15. 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.
16. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
17. 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.
18. **Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one bike rack on the George Street footpath must be installed:**
  - (a) at the permit holder's cost; and**
  - (b) in a location and manner,**

**to the satisfaction of the Responsible Authority.**

#### **Construction Management Plan**

19. 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.

20. 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.

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

### **Permit Expiry**

22. 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.

Submission

The Applicant, Mr Ben White addressed the Committee.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION**

**Moved:** Councillor Coleman

**Seconded:** Councillor Bosler

That a Notice of Refusal to Grant an Amended Planning Permit for amendment to Planning Permit PLN16/0829 be issued to include the allotment known as Lot 1 TP428690, and for alterations to the design, setbacks and massing of the approved built form including two additional levels of dwellings (eight storeys in total), modifications to the mix and internal layout of the shop and dwellings (permit required use) and a reduction in the car parking requirements at 363 George Street, Fitzroy generally in accordance with the plans and reports noted previously as the “decision plans”, on the following grounds:

1. The additional two storeys above the street façade height is contrary to the design principles of the Design and Development Overlay (Schedule 10) of the Yarra Planning Scheme.

**CARRIED**

The meeting closed at 6.47pm.

**Confirmed at the meeting held on Wednesday 26 February 2020**

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**Chair**